

No. 21-5351  
Supreme Court of the United States

Chauntel Jackson  
Plaintiff-Appellant

v

Transportation Security Administration  
Defendant-Appellee

**Appellants Petition For Rehearing and Rehearing En Banc**

Chauntel Jackson  
Plaintiff-Appellant, Pro Se  
137 Shields Rd. Apt 3  
Youngstown, OH 44512

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### **Issues Meriting En Banc Consideration**

1. Was there a reversible error that occurred when the finder of fact disregarded uncontested factual evidence that is not contrary to law, improbable, untrustworthy, unreasonable, or contradictory?
2. Was the plausibility requirement in *Ashcroft v Iqbal* 566 US 622, 677-78(2009) "a claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendants is liable for the misconduct alleged" a factor in the determination?
3. Can equitable tolling apply to the defendant where there is no prejudice to the defendant in the diligent pursuit of ones legal rights under Title VII Civil Rights Act of 1964?

### **Introduction**

On July 23, 2019 I, Chaunel Jackson, filed my case for discrimination, retaliation, and further economic damages by being prevented from receiving unemployment compensation in the U.S District Court Northern District of Ohio Eastern Division.

On December 23, 2019 In Forma Pauperis was Granted to me and the case was dismissed pursuant to 28 U S C 1915(e)

On January 21, 2020 I filed for appeal. Judge Benita Person's decision was upheld.

On May 12, 2021 I filed for a Rehearing En Banc in and the decision was upheld.

### **Statement Of Fact**

In Judge Person's statement during determination "she alleges the Appellate Board reversed her termination and reinstated her to her employment." The evidence clearly shows that my job was reinstated to me in April of 2016 and the lack of candor, failure to exercise courtesy in performance of duties, and failure to follow procedures specific to October 22, 2015 (the third TDC infraction) was NOT SUSTAINED and I received back pay. This evidence was submitted in the ECF.

Peg Allen Luttrell v Florida Department of Highway Safety and Motor Vehicles No. 08-1396, uncontested factual evidence (testimony) cannot simply be rejected unless it is contrary to law, improbable, untrustworthy, unreasonable, or contradictory.

On January 07, 2016 I was removed from service. The exit paperwork is in the ECF. I filed for unemployment compensation on 01/07/2016 and I was denied on 02/17/2016 because I was employed at the time. TSA sent the Office of Unemployment Compensation paperwork stating that I was still active with TSA. My SF 50 stated at that time that it was a General Adjustment. Never at any time has my SF 50 stated that I was removed from service. This was intentional and this evidence is in the ECF.

*Ashcroft v Iqbal* 566 US 662, 677-78 (2009) plausibility requirement, "a claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendants is liable for the misconduct alleged."

Equitable tolling, a defendant whose affirmative acts of fraud or concealment have mislead a person from either recognizing a legal wrong or seeking timely legal redress may not be entitled to assert the protection of a statute of limitation. In 2016 after my removal from service the EEOC case worker added retaliation to the case. The case just sat there and at the end of 2017 or the beginning of 2018 I filed for congressional inquiry to get the case moving again. I had no idea I could just ask for a right-to suit letter. In August of 2018 I filed an appeal with the EEOC case and I was giving the wrong appeal address. The envelope came back with a stamp: PO Box closed no forwarding address. When I called the EEOC to file a complaint about how my case was continuously being handled I was giving the wrong phone number to the wrong person. These are not coincident and I was prevented in every way from receiving remedy from my case. This evidence is in the ECF. On May 13, 2019 I finally reached someone at the EEOC that made me aware that I was given the wrong phone number and that I could send my appeal into the EEOC again. I opted to just file in Federal court instead. This evidence is in the ECF.

After trying to seek an attorney to take on my case with no positive result I filed my case Pro Se on July 23, 2019 with the US District Court Northern District of Ohio Eastern Division.

Rule 60(b)(6) recognizes that the need for justice might outweigh the need for finality in unanticipated circumstances

*Alvorado v Mine Service, LTD* No. 14-50668 (5<sup>th</sup> Cir 07/30/2015), holds that equitable tolling will extend a deadline and noted the court extending the deadline 20 days will not cause any prejudice to the employer.

*Solomon v United States* No 04-3650 (6<sup>th</sup> Cir 2006) Equitable tolling

- 1) The petitioner's lack of notice of the filing requirement
- 2) The petitioner's lack of constructive knowledge of the filing requirement
- 3) Diligence in pursuing one's rights
- 4) Absence of prejudice to the defendant
- 5) The petitioner's reasonableness in remaining ignorant of the legal requirement for filing a claim

*Seattle Audubon Society v Robertson*, 931 F2d 590 (9<sup>th</sup> Cir 1991), equitable tolling may be applied when plaintiffs are prevented from asserting their claims by some kind of wrongful conduct on the part of the defendant.

The evidence I submitted clearly shows that I, Chauntel Jackson, a black, women over 40 years of age was disciplined differently then Officer Alin Deak, a white male under the age of 40 for similar situated offences but was never considered to be factual.

### **Conclusion**

There is nothing presented in Judge Pearson's ruling that the evidence I presented in this case is not uncontested factual evidence, that is contrary to law, improbable, untrustworthy, unreasonable, or contradictory. A reversible error, probably caused the rendition of an improper judgement; or probably prevented the appellant from properly presenting the case to the court of appeals.

Dated: November 17, 2021

Respectfully Submitted,  
Chauntel Jackson  
Plaintiff-Appellant, Pro Se

**No.21-5351**

IN THE

**Supreme Court of the United States**

Chauntel Jackson

Plaintiff-Appellant

V

Transportation Security Administration

Defendant-Appellee

**On Petition for a Writ of Certiorari to the Supreme Court of the United States**

**Rule 44 Certificate**

As required by the supreme court Rule 44.2, I certify that the Petition for Rehearing is limited to “intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented,” and that the Petition is presented in good faith and not for delay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2021

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