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OFFICE OF THE CLERK

No.

21-7627

IN THE

SUPREME COURT OF THE UNITED STATES

GWENDOLYN HEARN, PLAINTIFF — PETITIONER

vs.

LOUIS DEJOY, POSTMASTER GENERAL — RESPONDENT

ORDER

UNITED STATES COURT OF APPEALSFOR THE SEVENTH CIRCUIT

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALSFOR THE SEVENTH CIRCUITCHICAGO, ILLINOIS 60604

PETITION FOR WRIT OF CERTIORARI

GWENDOLYN HEARNP. O. Box 21401CHICAGO, IL 60621-0401(312) 420-7656**ORIGINAL**

RECEIVED

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SUPREME COURT U.S.

### QUESTION(S) PRESENTED

1. Why didn't VMF Manager Suzanne Peters investigate the complaint letter subjected, "Hostile Environment" for September 23, 2016, dated September 25, 2016 that I gave her on September 26, 2016?
2. Why did VMF management allow Ms. Hendricks, Mr. Doolan, and Mr, Kozicki to continue bullying me?

No. \_\_\_\_\_

\_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from state courts:

The opinion of the highest state court to review the merits appears at  
Appendix B to the petition and is

reported at the United States Court Of Appeals For The Seventh Circuit court.

The opinion of the United States Court Of Appeals For The Seventh Circuit court  
appears at Appendix G to the petition and is

reported at the United States Court Of Appeals For The Seventh Circuit court.

## **JURISDICTION**

**[v] For cases from state courts:**

The date on which the highest state court decided my case was January 6, 2022.  
A copy of that decision appears at Appendix B .

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(All are recorded in Statement of the Case)

- 1) Appendix N - Joint Statement on Violence and Behavior in the Workplace in Postal Bulletin numbered 21811, dated 3-19-92, Page 3, fourth paragraph states:

*We openly acknowledge that in some places or units there is an unacceptable level of stress in the workplace; that there is no excuse for and will be no tolerance of violence or any threats of violence by anyone at any level of the Postal Service; and that there is no excuse for and will be no tolerance of harassment, intimidation, threats, or bullying by anyone.*

- 2) Same as Number 1, using last paragraph states:

*Our intention is to make the workroom floor a safer, more harmonious, as well as a more productive workplace. We pledge our efforts to these objectives.*

- 3) Appendix O - Workplace Harassment Fact-Finding Policy and Procedures Memo dated 1-3-08, second paragraph states:

*The Postal Service policy on Workplace Harassment, issued by the Postmaster General on September 28, 2006, states that any manager or supervisor who receives a complaint of harassment must take action to see that a prompt and thorough investigation is conducted. As such, the U.S. Postal Service will standardize the process of investigation and response to allegations of workplace harassment beyond the initial management inquiry process. The process will include reporting, training, fact finding, and monitoring compliance with procedures. It is essential that all levels of the organization are focused on this policy, which will assist us in complying with the NoFEAR Act and EEOC's MD-715.*

- 4) Appendix P - Employee's Guide to Understanding, Preventing and Reporting Harassment, Letter sent to all employees, December 2008:

**Dear Postal Service Employee:**

**The United States Postal Service® wants you to know that harassment based on race, color, religion, sex, national origin, age (40+), mental or physical disability, or in retaliation for prior Equal Employment Opportunity (EEO) activity and other inappropriate conduct will not be tolerated in the workplace. In addition, Postal**

- 5) Appendix Q - Manager's Guide to Understanding, Investigating, and Preventing Harassment, Publication 552, dated March 2010:

## Steps for Managers to Address Workplace Harassment

1	2	3	4	5	6
Respond Promptly	Obtain Information	Begin IMIP	Evaluate Information	Plan of Action	Follow Up

6) Appendix R – Postal Service Policy on Workplace Harassment, Postal Bulletin 22302, (1-13-11)

**The Postal Service's workplace must be one in which all employees are treated with dignity and respect by supervisors, subordinates, and coworkers. Supervisors and managers will take prompt action to prevent, address, and remedy workplace conduct that is contrary to this policy.**

7) Appendix S – Workplace Harassment, Poster 150, February 2015

## KNOW YOUR RIGHTS! TAKE RESPONSIBILITY!

### **ELIMINATING WORKPLACE HARASSMENT**

**The United States Postal Service® is committed to providing a work environment free of harassment**

**Employees will be subject to disciplinary action, up to and including removal, for engaging in harassing behavior such as, but not limited to:**

8) Appendix T – Zero Tolerance Policy, Memo dated 3-31-16

**All postal employees have a right to perform his or her assigned duties in an atmosphere free of threats, assaults, and other acts of workplace violence. We are committed to ensure a safe working environment for all employees.**

**Acts and threats of violence as well as inappropriate behavior in the workplace are some of the most serious and frustrating problems facing the Postal Service today. The incidents of workplace violence in the past have seriously affected the reputation, morale, and credibility of the Postal Service and our employees.**

9) Appendix V – Questions for VMF Manager Suzanne Peters, page 1

1. Did you receive a letter from Gwendolyn A. Hearn regarding the September 23, 2016 incident involving her and Merry Hendricks?

Response: YES ON MONDAY 9/26/16

2. Did you interview Gwendolyn A. Hearn regarding her September 26, 2016 letter regarding the misconduct of Merry Hendricks?

Response: NO MR BEGEVICI, SUPERVISOR  
INTERVIEWED HER

3. What was your finding of that interview for Gwendolyn A. Hearn on September 23, 2016?

Response: SHE STATED IT WAS IN THE LETTER

## 10) Appendix W – EEO Investigative Affidavit (Witness), page 3

6. What action(s) did management take on the Complainant's report and/or notification of alleged harassment? Be specific.

Management continued their investigation, which started on Friday, September 23, 2017 when management became aware of an incident between Gwendolyn Hearn and Mery Hendricks before completing the stockroom inventory. When Ms. Hearn presented her letter to me, management was just beginning to investigate the incident. It was not 2 separate incidents. It was 1 incident with 2 different sides to the story. Employees were not interviewed before Ms. Hearn submitted her statement.

## 11) Appendix X – Processed Clock Rings (for bargaining unit craft position)

Pay Loc/Fin Unit	080/0000	Variable EAS	Annual LV Bal	583.00	FMLA Hr	753.00	7664.42
Employee ID		Borrowed	SICK LV BAL	2487.28	FMLA Used	21.00	
Employee Name	HENDRICKS	Auto Hr	LWOP LV BAL	00.00	SICK Used	21.00	
Job #	DA-LOC-OpenLu-RSV-LV1-ETE	Loaned	Executive Effective	Begin	End	Lunch	
Base	\$100.763000	Pd	08/23	000000	06/540	2016-10-120/5201	06.00

Processed Clock Rings

Friday									
	Base		05200:010.00	05300:002.00	05400:000.89				
EBR #									
501-13	BT	09/23	05.01	COT	16-1549	7610-00	000000	/	00.00 (W)Ring Deleted From PC
000-0000	BT	09/23	05.01	COT	16-1549	7630-00	000000	/	09/23 13.87
000-0000	OT	09/23	06.00	COT	16-1549	7630-00	000000	/	13.87 (W)NonScheduled Begin Tour .
000-0000	OL	09/23	10.00	COT	16-1549	7630-00	000000	02.00 0	00.00
000-0000	IL	09/23	10.50	COT	16-1549	7630-00	000000	/	11.53
000-0000	ET	09/23	15.51	COT	16-1549	7630-00	000000	/	18.50
000-0000	ET	09/23	15.51	COT	16-1549	7630-00	000000	/	00.00
000-0000	ET	09/23	15.51	COT	16-1549	7630-00	000000	/	18.50 (W)NonScheduled End Tour
000-0000	ET	09/23	15.51	COT	16-1549	7630-00	000000	/	00.00

## STATEMENT OF THE CASE

I gave White VMF Manager Suzanne Peters a complaint letter subjected "Hostile Environment" for September 23, 2016, dated September 25, 2016 on September 26, 2016, that was never addressed was reason for my EEO. VMF Manager Peters failed to follow United States Postal Services' policies as listed below. See Constitutional and Statutory Provisions Involved for usage :

Appendix N - Joint Statement on Violence and Behavior in the Workplace  
Appendix O - Workplace Harassment Fact-Finding Policy and Procedures  
Appendix Q - Manager's Guide to Understanding, Investigating, and Preventing Harassment  
Appendix R - Appendix R – Postal Service Policy on Workplace Harassment  
Appendix S - Workplace Harassment, Poster 150, February 2015  
Appendix T – Zero Policy

My story begins with me, a Black General Clerk, working at the Vehicle Maintenance Facility (VMF), South Suburban Facility (SSF), Bulk Mail Center (BMC) located in Forest Park, IL in July of 1988.

Ms. Merry Hendricks, White Storekeeper, came to me about a month later and said "I know you think I don't like you, but I do." That is all she said to me. I looked at her trying to understand why she said that to me after she walked away. I did not know what to think.

I soon learned Ms. Hendricks was an obnoxious person. She was loud and cussed a lot. I had to interact with her when I worked in the stock room. Her work area was in the stock room, and mine was in the administrative office at the VMF/SSF/BMC. During that time, I worked in the stock room during mandatory physical inventory, which was an annual event.

Years later, Ms. Hendricks began talking crazy to me more. I never understood her actions. Whenever I expressed my concerns, people would say that's Merry. During my work experience, I never worked with anyone like her. I ignored her for many years. I don't like squealing on people. But eventually, I told VMF management when she became intolerable. Throughout the years, her cussing at and to me became disrespectful. I never cussed back to her. I was taught to respect my elders. But, it became too much as I got older. VMF management always responded saying they will talk with her when I reported how she talked to me. Of course, they would say that is Merry. Ms. Hendricks got worse throughout the years as she got older. And as I got older, it became more intolerable. I reported per advisement of the:

Appendix P - Employee's Guide to Understanding, Preventing and Reporting Harassment, Letter to all employees, December 2008

Friday, September 23, 2016 was the worse day for me working at the VMF/SSF located in Bedford Park, IL. (The VMF/SSF moved to Bedford Park, IL.) As a matter of fact, that day was the worse day for me during the years of all my employment. Ms. Hendricks not only disrespected me, she physically abused me. She became very brave that day. She yelled at me. She got close into my face. She looked into my eyes and began yelling more at me. I backed up to keep her from spitting into my face. She bumped into me with her shoulder and pushed me with her hand. She then told me not to touch her. Yes, I wanted to defend myself and was ready to fight. However, the Lord unctioned my spirit reminding me to remember I was at work. She was trying to make me hit her. It almost worked. But thanks to God our Holy Father, it did not work. The United States Postal Service (USPS) had enforced the Zero Policy.

Note: the doctored video/doctored stills provided for Deposition Case 1:19-cv-03346 Document #: 55-6 Filed: 09/16/20; Pages 3 of 50 PageID#:308 (time 6:07:34 on 09/23/2016) through Page 49 of 50 PageID#:354 (time 6:08:06 on 09/23/2016) were doctored:

#### Appendix U - Stills

Proof that provided video/stills were doctored is employees began clocking in about 0600. Times shown on provided video/stills started with 6:07:22 on 9/23/2016. All employees went to their assigned work areas to get prepared for the physical inventory. I went into the administrative office to my desk; got my smock, out of the administrative office, down the hallway, in and out of the women's locker room, back down the hallway, into the supervisor's office, through Ms. Hendricks' office and into the stockroom. I did not see my partner. So, I waited for him. I told Ms. Hendricks I was waiting for my partner to do the physical inventory. That is when she started mistreating me as explained in above paragraph. Stills numbered PageID#:308 through PageID#:354 show something happened because Ms. Hendricks followed when I left the stock room while yelling at me. I turned around because of what she had done to me. I told her to leave me alone waving my hands because I was angry. I expressed my anger by waving my hands. I tolerated Ms. Hendricks' abusive remarks throughout the years. Ms. Hendricks was brave enough to assault me because she knew VMF management would not do anything. I worked for 42 years and have never been treated like that. I have never been physically assaulted.

Ms. Hendricks worked as a Storekeeper, which is a bargaining unit craft position. She provided employees with information and whatever was needed for counting the mandatory physical inventory. She could not work in management and bargaining unit craft positions at the same time. Bargaining craft employees did not work in craft and management levels at the same time. White VMF Supervisor Begeske came late, after the mandatory physical inventory had started. No management employees were present.

During the physical inventory, White mechanic, Mr. Bill Doolan jumped over in front of where I was working. He bumped me during counting of tools for the mandatory physical inventory. I did not feel good when he did that. I reported the incident after Mr. Begeske came to the VMF. I told Mr. David Begeske about the incident. I told him that I needed to go to Concentra, the medical facility for Postal Service. I did not feel well. He told another employee

to drive me to Concentra. I received medical treatment, got picked up and returned to the VMF. Ms. Peters told me to go home because my 8 hours of work ended. I did not clock in and out for lunch that day. I was happy to go home, because I did not feel well.

I gave VMF Manager Suzanne Peters my complaint letter dated September 25, 2016, subjected Hostile Environment for the September 23, 2016 incident on Monday September 26, 2016. She never discussed my letter with me.

The VMF workplace became more hostile for me after September 23, 2016. Ms. Hendricks began bullying me more. The two other employees, Mr. Bill Doolan and Mr. Rob Kozicki, made it difficult when I walked the hallway. The hallway was narrow. Normally, employees walked side by side, respectfully, in the hallway. I was never treated like that before September 23, 2016. I went to VMF management for help and got no help. I did not know what to do.

I believed I would eventually have to defend myself. I was too old and fed up. Prior to September 23, 2016, Mr. Doolan and Mr. Kozicki were nice, polite and spoke to me. They stopped being nice, polite and speaking to me, and would not share the hallway. I had to move to the side and wait for them to pass because they bumped me. I feared for my safety. That hallway was used by all employees and visitors to enter and exit on that side of the building. It was used to enter other rooms, also.

I had to retire because; I knew eventually I would have to defend myself. I feared for my safety. I stood alone at the VMF. Ms. Peters knew the way Ms. Hendricks treated me for years because I told her. Ms. Peters said Ms. Hendricks was being herself. Many employees knew Ms. Peters and Ms. Hendricks were good friends. Ms. Peters said Mr. Doolan and Mr. Kozicki were just being boys. How were they boys? Both of them were over 30 years old.

I did not get the help I needed when I complained to VMF management, again. Conditions became so intolerable that a reasonable person would have retired like I did or fought on the job.

I had planned to retire on July 1, 2022, that would have been 41 years and 11 months. I wanted to get full retirement pay. I had heard about people working over 50 years. I might have worked that.

I believe investigation of my complaint letter, subjected "Hostile Environment", and would have made the workplace better for work. July 1, 2017 was not the date I wanted to retire, but I had to go for survival.

## REASONS FOR GRANTING THE PETITION

VMF Manager Peters did not follow Postal Regulations and Rules as listed in the Appendices:

Appendix N Joint Statement on Violence and Behavior in the Workplace, Statement of the Case

Appendix O Workplace Harassment Fact-Finding Policy and Procedures, Statement of the Case

Appendix P Employee's Guide to Understanding, Preventing and Reporting Harassment, Letter to all employees, Statement of the Case

Appendix Q Manager's Guide to Understanding, Investigating, and Preventing Harassment, Statement of the Case

Appendix R Postal Service Policy on Workplace Harassment, Statement of the Case

Appendix S Workplace Harassment, Statement of the Case

Appendix T Zero Tolerance Policy, Statement of the Case

Post Office employees have been mistreated throughout the years. It is a known fact that some employees have retaliated by hurting and killing other employees. See Appendix N, titled "Joint Statement on Violence and Behavior in the Workplace that can be found in Postal Bulletin 21811, 3-19-92, Page 3.

Some employees have suffered and died from bullying and harassment by other postal employees. The above Appendices address how all employees should be treated. I pray this granting will provide notice to management that employees mistreating employees must stop.

I am not the first to be mistreated by management allowing this type of behavior to go on. I retired before I had prepared for retirement. (I have learned that we should get ready for retirement during the last 5 years of working.) I pray all employees will be treated with respect because of the light this petition can shine.

All mistreatment of employees must stop.

I pray to God that you, the Supreme Court, enforce negative actions need to stop.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



*Gwendolyn Hearn*

Date: April 5, 2022