

OCT 27 2022

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No. 21-8113

In The  
Supreme Court of the United States

\*

Toya M. Gibson

Petitioner,

v.

Wayfair, Incorporated

Respondent.

\*

On Petition For Writ of Certiorari  
To The United States Court of Appeals  
For The Federal Circuit

\*

**PETITION FOR REHEARING**

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**ORIGINAL**

## TABLE OF CONTENTS

	Page
TABLE OF AUTHORITIES.....	ii
GROUNDS FOR REHEARING.....	1
THIS COURT SHOULD GRANT REHEARING TO ENSURE THAT THE AMERICAN WORKFORCE CAN UTILIZE LEAVE AND CONTINUE EMPLOYMENT IN CASES OF UNFORSEEN MEDICAL AND DENTAL EMERGENCIES THAT PREVENT THEM FROM PERFORMING THEIR NORMAL DUTIES AND TO ENSURE THAT EMPLOYERS ARE HELD TO HONOR THE AGREED EMPLOYMENT CONTRACTS WITH THEIR EMPLOYEES.....	
A. The Investigator with Texas Workforce Commission, in determining eligibility for benefits, concluded that there was no work misconduct found..	2
B. As Christians in the workforce, we are commanded to do unto others as we would have them do unto us. I was told that I would be disciplined for waiving fees that were justified.....	3
C. Presently, a rule has been created in this case where the American workforce, after 6 months of employment, can be subjected to termination if they have an unforeseeable medical emergency.....	4
CONCLUSION.....	5
CERTIFICATE OF COUNSEL.....	7

TABLE OF AUTHORITIES

Cases

Cause no. 16-0346

Harris County Appraisal District, Petitioner

Vs

Texas Workforce Commission, Respondent.....

Cause no. 99-09851

Anita Y. Hart

Vs.

Texas Workforce Comm. And Texas Workers' Compensation Insurance Fund.....

Statutes \_\_\_\_\_

28 U.S.C. § 1257.....

Constitutional Provisions

United States Constitution, Amendment IX.....

Pursuant to Rule 44.2, I Toya M. Gibson in prayer and in faith with respect to the Supreme Court of the United States, petitions for rehearing of the Court's order denying certiorari in this case.

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### **GROUNDS FOR REHEARING**

Exodus 20:16

16 Thou shalt not bear false witness against thy neighbour.

To agree, sign off on and record that I was absent 36 days in six months was no typo, it was intentional. Aside from the days that I was out during my unforeseen dental emergency, the other days that I was absent would not have been enough to terminate me. The original certiorari petition presented an imperative request for this court to clarify the difference between excessive absences and those protected in this case.

Initially this case started out as case# 4:17-02059 and there was and is a plethora of evidence also to support that with reckless disregard for my professional reputation, false and an exaggerated amount of days absence were recorded suggesting that I was insubordinate was made a part of legal record and for public consumption

which has continued to harm me both professionally and personally. God knew the harm bearing a false witness would cause people and he made it the ninth commandment for all to obey. With the United States Supreme Court being the last resort here on the ground for plaintiffs seeking justice, the power to investigate if the complaints raised affects others in the workplace warrants attention.

**A.**

**Matthew 6:9-13 ESV**

Pray then like this: “Our Father in heaven, hallowed be your name. Your kingdom come, your will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our debts, as we also have forgiven our debtors. And lead us not into temptation, but deliver us from evil.

I both followed policy and contested my termination. I was terminated although no work misconduct was found by the Texas Workforce Commission Investigator in combination with my former Manager Justin Brown noting within the investigation on record that “yes”, she did follow policy. I subsequently turned to the EEOC for assistance that in which granted me the right to file a lawsuit. As a result of the lawsuit, I was subsequently retaliated against in the form of libel that was signed off on by both the defendant and Judge Nancy Atlas which has continued to assault my professional reputation. In return, poverty has come upon me. The United

States Supreme Court, due to its power of judicial review, plays an essential role in ensuring that each branch of government recognizes the limits of its own power.

This plaintiff prays that this court exercises its right to correct profoundly immoral and wicked actions of all those entrusted with power to affect the American workforce's livelihood.

**B.**

Colossians 3:23

And whatsoever ye do, do it heartily, as to the Lord, and not unto men; I am Christian, not ashamed of the gospel and I never forget where my blessing come from. Surely to gain employment to serve, work , survive and enjoy life by earning goes thorough God's hand. To embody this stance, my respect for the Lord's word came and comes first in regards to how I treated everyone, including the customers, the very entity that keeps the company afloat. Although a handwritten letter which is a part of record was given to me noting that I was the "light on team", I was warned that I would be disciplined for waiving fees, in which I typically contacted more tenured employees for their opinion beforehand, when the company did not honor their word to deliver on time, deliver undamaged merchandise or some other unfair business practice. As a Christian, in honoring Matthew 7:12 KJV: "Therefore all things whatsoever ye would that men should do

to you, do ye even so to them: for this is the law and the prophets.", which I processed complaints, I believe that I was subjected to a wrongful termination.

C.

The United States Supreme Court protects civil rights and liberties by striking down laws that violate the Constitution. At present, #18-20511 can be used to harm other employees where it supports the lower court's decision. A decision where my request that is on record to have a trial by jury was not granted undermining the fundamental value of due process, and subsequently where Magistrate Judge Dena Hanovice Palermo, whom was hand-picked as noted in the Initial Conference, whom committed verbal defamation by uttering that I missed 36 days in 6 months, after the defendant left the hearing, as a reason for the outcome.

## CONCLUSION

On October 24, 2022 the NY Supreme Court ordered back pay and reinstated employees who were fired for being unvaccinated. Judge Ralph J. Porzio opinioned that it was time for the City of New York to do what is right and what is just after learning that “being vaccinated does not prevent an individual from contracting or transmitting Covid-19.”

After submitting 5 years worth of evidence to support my wrongful termination , it was and still is my prayer in faith that the Supreme Court for the United States rehear case 21-8113 and review the days that the defendant Wayfair, that was daily kept abreast of my unforeseen medical/dental absences, however used as grounds for my termination where on record they terminated me on October 7, 2016, the same day Texas Avenue Dental rescheduled my appointment to extract and repair my cracked tooth, moving the appointment to October 11, 2016 due to their power generator failing. Although they refused to review my medical documentation that was offered before the documented termination, a full weekend collapsed, yet no one contacted me of the decision. On October 10, 2016 after I came in, as suggested on record, to discuss the additional time needed, I was instead made aware of the termination and escorted off of the property.

The Court’s full attention will confirm the aforementioned. A rehearing should be granted to ensure that future employees will not be harmed granting me the

opportunity to plead this case while the defendant answer their grounds used to terminate me, to determine if it was legal.

Respectfully submitted,

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October 26, 2022

**CERTIFICATE OF COUNSEL**

I hereby certify that this petition for rehearing is presented in unwavering faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2



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Toya M. Gibson