

No. **22-6236**

Supreme Court, U.S.  
FILED

OCT 19 2022

OFFICE OF THE CLERK

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

MICHELE GRAY — PETITIONER  
(Your Name)

vs.

GC SERVICE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT**

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHELE GRAY  
(Your Name)

279 TROY RD SUITE 9-174

(Address)

RENSEELAER NY 12144  
(City, State, Zip Code)

518-233-4282  
(Phone Number)

**ORIGINAL**

### QUESTION(S) PRESENTED

1. Is [ADEA] - a claim of Age Discrimination in Employment Act of the Civil Rights Act of 1991 that prohibits employment discrimination against persons 40 years of age or older frivolous? or dismissing the claims without the right of being heard?

2. Is [ADAAA ] a claim of The Americans with Disabilities Act (ADAAA) is a civil rights law that was originally passed by Congress in 1990 (as the Americans with Disabilities Act-ADA) and protects individuals with disabilities from discrimination in the workplace, as well as school and other settings frivolous? or dismissing the claims without the right of being heard?

3. Is [ADA ] a claim of The Americans with Disabilities Act (ADA) a civil rights law that prohibits discrimination against individuals with disabilities in several areas, including employment frivolous? or dismissing the claims without the right of being heard?

4. Is [ SSD Social Security Act Title II] ] a claim of the Disability under the Social Security Act that defines disability as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death frivolous? or dismissing the claims without the right of being heard?

5. Is [EEOC Right To Sue Letter] a claim under the Equal Employment Opportunity Commission that gives permission to file suit in federal court frivolous? or dismissing the claims without the right of being heard?

6. Is [Constructive Termination and Termination] claim of wrongful termination occurred when the employer wrongfully makes working conditions so intolerable that the employee is forced to resign the employee set a future date to resign and the employer means it effective immediately frivolous? or dismissing the claims without the right of being heard?

7. Is [Harassment] a claim of Harassment, a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990 (ADA) frivolous? or dismissing the claims without the right of being heard?

8. Is [Mental Illness] a cause action claim of Mental Health disorders, mental health conditions disorders that affect mood, thinking, and behavior, such as depression, anxiety disorders, personality disorders depression, and panic disorder frivolous? or dismissing the claims without the right of being heard?

### LIST OF PARTIES

- ☒ ] All parties appear in the caption of the case on the cover page.
- [ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

MICHELE R. GRAY- PLAINTIFF

GC SERVICES - DEFENDANT

### RELATED CASES

1. Gray v. GC Servs., No. CV-21-01334-PHX-DGC (D. Ariz. Jan. 12, 2022
2. Gray v. GC Servs., 1:20-CV-714 (TJM/ATB) (N.D.N.Y. Feb. 1, 2021)
3. Gray v. GC Servs., No. 2021-74123 (N.Y. App. Div. Oct. 29, 2021)
4. Gray v. GC Servs., No. EF2021-267935 [ Rensselaer County Supreme Court Jan. 17, 2021 ]
5. Gray v. GC Serv., No. 533577 [ Appellate Division - 3rd Dept ] Dec. 14, 2021 ]

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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 **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,

☒ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,

☒ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.



## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 08/19/2022.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A   \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A   \_\_\_\_\_.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Age Discrimination in Employment Act of the Civil Rights Act of 1991 [ADEA]

The Americans with Disabilities Act (ADAAA)

The Americans with Disabilities Act (ADA) SSD Social Security Act Title II]

Equal Employment Opportunity Commission [Right To Sue Letter]

Constructive Termination and Termination

Harassment - a claim of Harassment

Title VII of the Civil Rights Act of 1964, the Age

Mental Illness] a cause action claim of Mental Health disorders,

Mental Health Act 2017

the Age Discrimination in Employment Act of 1967, (ADEA)

## STATEMENT OF THE CASE

1. On June 26, 2019, the Petitioner [ a 56 years old disable single women] became employed by GC Service [Respondent] as a Customer Service Agent after 25 years of being unemployed due to mental health issues, During the first meeting with [ Amber Hillert ] manager she says “How did you get this job?

2. On June 26, 2019, the Petitioner became employed by GC Service [Respondent] as a Customer Service Agent after 25 years of being unemployed due to mental health issues. In the first meeting with Amber Hillert ]she says, “How did you get this job?

3. Petitioner began to experience unfavorable treatment. The adverse treatment affected the Petitioner's disability by being overlooked for work assignments being left out of training and coaching, as well as being isolated and left out of team meetings and insulted. Petitioner was harassed regarding sudden performance reviews, sudden performance issues, unfair discipline and occurrences, favoritism among the younger employees, and feeling useless and invaluable as an employee. The Respondent perpetuates that older workers are not as knowledgeable and are less capable because of age and disability as well as a pattern of hiring only younger employees. Petitioner began to feel sad, and down, had excessive fears and worried about termination and suffered from anxiety and severe stress that developed into health threatening illness

4. On January 25, 2020, Petitioner wrote a resignation to resign on February 3, 2020, and On January 28, 2020, the Respondent made it effective immediately. The Petitioner's termination happened on January 28, 2020

5. The judges presiding over this case name herein ordered to dismiss this claim [ADEA] of Age Discrimination in Employment Act of the Civil Rights Act of 1991 that prohibits employment discrimination against persons 40 years of age or older stated because the claim is frivolous, dismissing the claims without the right of being heard and no remedies for damages.

6. The judges presiding over this case name herein ordered to dismiss this claim [ADAAA] a claim of The Americans with Disabilities Act (ADAAA) is a civil rights law that was originally passed by Congress in 1990 (as the Americans with Disabilities Act-ADA) and protects individuals with disabilities from discrimination in the workplace, as well as school and other settings stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages.

7. The judges presiding over this case name herein ordered to dismiss this claim [ADA] a claim of The Americans with Disabilities Act (ADA) a civil rights law that prohibits discrimination against individuals with disabilities in several areas, including employment stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages.

8. The judges presiding over this case name herein ordered to dismiss this claim [ SSD Social Security Act Title II] ] a claim of the Disability under the Social Security Act that defines disability as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages

9. The judges presiding over this case name herein ordered to dismiss this claim [EEOC Right To Sue Letter] a claim under the Equal Employment Opportunity Commission gives permission to file suit in federal court stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages.

10. The judges presiding over this case name herein ordered to dismiss this claim [Constructive Termination and Termination] claim of wrongful termination occurred when the employer wrongfully makes working conditions so intolerable that the employee is forced to resign the employee set a future date to resign and the employer means it effective immediately stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages.

11. The judges presiding over this case name herein ordered to dismiss this claim [Harassment] a claim of Harassment, a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990 (ADA) stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages. [ *Viera v. Olsten/Kimberly Quality Care*, 63 F. Supp. 2d 413 (S.D.N.Y. 1999) ]

12. The judges presiding over this case name herein ordered to dismiss this claim [Mental Illness ] a cause action claim of Mental Health disorders, mental health conditions disorders that affect mood, thinking, and behavior, such as depression, anxiety disorders, personality disorders depression and panic disorder stated because the claim is frivolous, dismissing the claims without the right of being heard, and no remedies for damages.

13. A frivolous claim, often called a bad faith claim, refers to a lawsuit, motion, or appeal that is intended to harass, delay or embarrass the opposition. A claim is frivolous when the claim lacks an arguable basis either in law or in fact [ *Neitze v. Williams*, 490 U.S. 319, 325 (1989)]

14. The Defendant in many Jurisdictions [ N.Y. S and Ariz. ] had motioned for an " Oral Argument' and performed one in NYS Supreme Court [ see related cases ] The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions, or privileges of employment.

15. SEC. 623. [Section 4] (a) Employer practices. It shall be unlawful for an employer- (1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

16. 2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or

17. The Civil Rights Act of 1991 now provides special procedures for such persons who feel they are victims of age and other types of discrimination prohibited by EEOC-enforced statutes. See section 321 of the Civil Rights Act of 1991.]

18. Under the Civil Rights Act of 1991 - Title I Federal Civil Rights Remedies Damages in cases of intentional discrimination in employment. [42 u.s.c. 1981a] the right of recovery

19. Under (1) civil rights- In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) against a respondent who engaged in unlawful intentional discrimination prohibited under section 703, 704, or 717 of the Act (42 U.S.C. 2000e-2 or 2000e-3), the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.

And under 2) disability - In an action brought by a complaining party under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a) an individual, the complaining party may recover compensatory and punitive damages as allowed in subsection (b), in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent.



20. Social Security Act: Title I: Grants to States for Old-Age Assistance for the Aged: Title II: Federal Old-Age, Survivors, and Disability Insurance Benefits: [ not to meet the needs of the individual ]

21. People work to earn a living, buy food as well as pay the bills, have fun with friends and family, more independence and more control over their own life.

22. Employers have fired in violation of federal and state anti-discrimination laws, fired in violation of oral and written employment agreements, or laid off an employee for illegal reasons, Constructive Termination and Termination is "wrongful termination".

23. Under Title VII of the Civil Rights Act of 1964, it is illegal for an employer to take any of the following actions against an employee based upon his or her race, national origin, gender, or religion, refuse to hire; discipline; fire; deny training; fail to promote; pay less or demote, or harass.

24. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

25. Harassment becomes unlawful where

a) enduring the offensive conduct becomes a condition of continued employment,

or b) the conduct is severe or pervasive,

or c) the conduct that was severe or pervasive, unlawful, and offensive conduct created the work environment that would be intimidating, threatening, intimidation, ridicule or mockery, insults or put-downs, and interference with work performance caused by a supervisor, a supervisor in another area, occur without economic injury to, or discharge of, the victim.

26. If the harasser does not reasonably try to prevent or promptly correct the harassing behavior and unreasonably failed to take preventive or corrective opportunities provided by the employer, the employer will be liable for harassment

27. Mental Illness is a cause action claim of Mental Health Rights for People With Mental Illness, to be treated with respect and dignity. protected, and to receive services appropriate for their age and culture understand treatment options and alternatives, and that doesn't discriminate on the basis of age, gender, race, or type of illness.

28. The rights are guaranteed under the Mental Health Act 2017 for persons with mental illness and also recognize the right to community living; the right to live with dignity; protection from cruel, inhuman, or degrading treatment; treatment equal to persons with physical illness;

29. It is illegal for an employer to discriminate against an employee simply because of their mental health condition which includes firing, rejecting for a job or promotion, or forcing them to leave

30. Ms. Gray has the right to due process of the law under The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe the legal obligation of all states.

31. The due process clause the principle that the government may not act in a manner that is arbitrary, capricious, or unreasonable when subjecting an individual to the laws of the state or being "against common right and reason."

32. The Petitioner { Ms. Gray } is entitled to damages for civil rights [1] and disability [2] claims in the action for intentional discrimination in employment. [42 u.s.c. 1981a] and has the right to recovery

a ] under section 706 or 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5)

b ] under the powers, remedies, and procedures set forth in section 706 or 717 of the Civil Rights Act of 1964 (as provided in section 107(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12117(a)

c ] under section 703, 704, or 717 of the Act (42 U.S.C. 2000e-2 or 2000e-3), against a respondent [ GC Services ] for compensatory allowed in subsection (b), relief authorized by section 706(g) of the Civil Rights Act of 1964

## REASONS FOR GRANTING THE PETITION

33. Overview In 1967, Congress enacted the federal Age Discrimination in Employment Act (ADEA) to prohibit age discrimination in the workplace and promote the employment of older workers.

34. The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs

35. The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) was legislation passed in September 2008 and effective January 1, 2009, that expanded the population and changed the definition of "disability," that is considered disabled under the Americans with Disabilities Act (ADA) as individuals with cancer, diabetes, epilepsy, attention deficit hyperactivity disorder (ADHD), learning disabilities, and other maladies being excluded from ADA coverage.

36. The Social Security Act was passed by Congress during the first term of President Franklin E. Roosevelt. The Social Security Disability as Title II referred to the Social Security Act of 1935 where Title II of the Act gives monthly benefits to disabled workers that are not need-based.

37. Equal Employment Opportunity Commission (EEOC), a government agency established on July 2, 1965, by Title VII of the Civil Rights Act of 1964 to “ensure equality of opportunity by vigorously enforcing federal legislation prohibiting discrimination in employment”— particularly discrimination on the basis of religion, race, sex, colour, national origin, age, or disability [ eg. The EEOC's first complainants were female flight attendants ].

38. Constructive dismissal, also known as constructive discharge or constructive termination, is a modified claim of wrongful termination. Wrongful constructive dismissal occurs when, instead of firing the employee, the employer wrongfully makes working conditions so intolerable that the employee is forced to resign. wrongful termination" means that an employer has fired or laid off an employee for illegal reasons, such as: Firing in violation of federal and state anti-discrimination laws [eg. , Title VII of the Civil Rights Act of 1964 and or Age Discrimination in Employment Act (ADEA)

39. Harassment is an act of regular and unwarranted actions of one individual or group on another individual or group. A claim of Harassment, a form of employment discrimination that violates title VII of the Civil Rights Act of 1964, codified in 17 U.S.C. section 2000, was enacted on July 2, 1964, and signed into law by President Lyndon Johnson.

40. Mental Illness is protected under Title I of the Americans with Disabilities Act (ADA) is a federal law that protects people with disabilities, including mental health disabilities, from discrimination at work.

41. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe the legal obligation of all states

42. What did Frederic Bastiat say about law? "each of us has a natural right – from God – to defend his person, his liberty, and his property." The State is a "substitution of a common force for individual forces" to defend this right

43. This case shall hold precedent since everyone will reach the age of 40, and many will develop mental illness and many can become disabled or become physically disable

44. This case shall hold precedent since everyone will reach the age of 40, many will develop mental illness and many can become disabled, and working to earn income is the basis for our wellbeing.

the right to be accepted according to the law and have the right to be treated equally under the law, and to have the same protection under the law as anyone else.

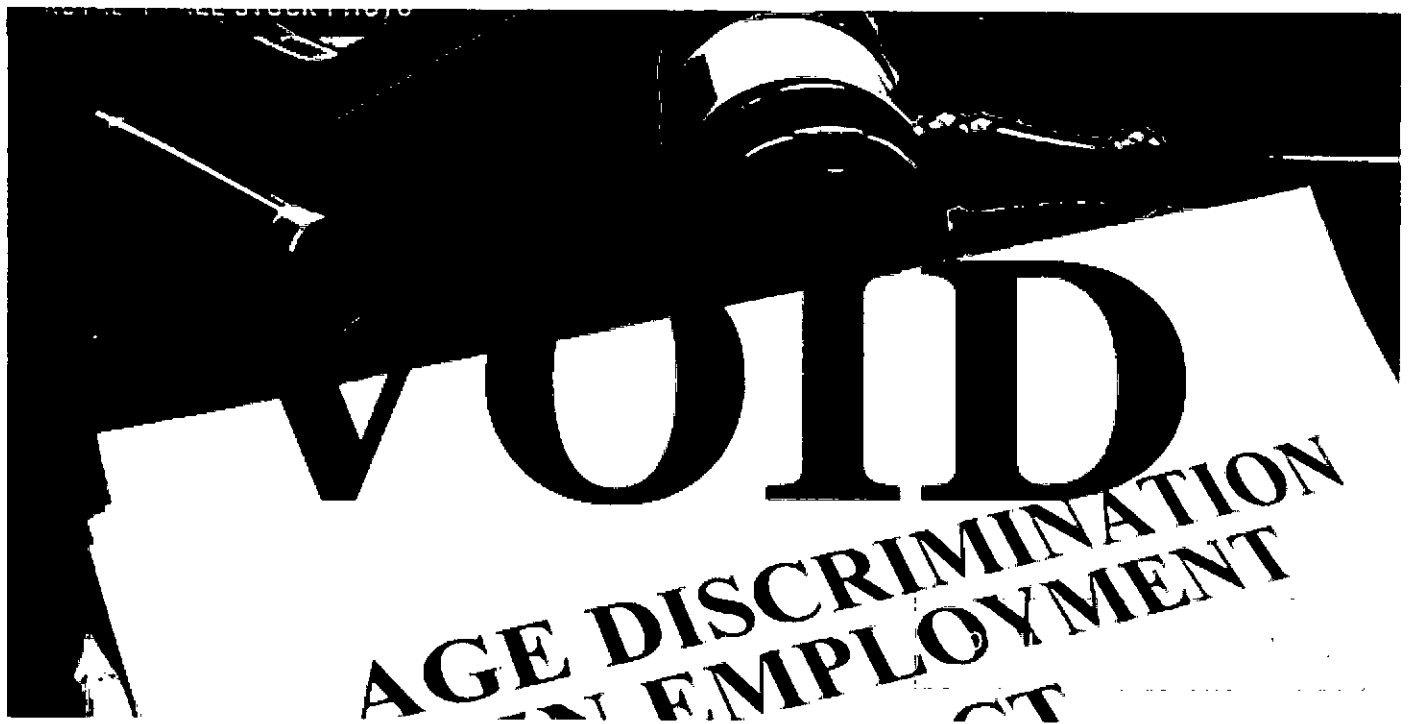
45. Americans with Disabilities, People living with Mental Health conditions, and Age Discrimination in the workplace, are in jeopardy. In defending against a violation against the disabled, mentally ill and aged plaintiffs, will be a setback or permanently abolish.

46. The laws and claims mentioned herein are to protect people who have physical and mental disabilities and aged persons from discrimination in employment will become void.

47. It is important to maintain fairness in dealing with everyone; treat everyone equally and don't take advantage of others by being careless and unjust in the workplace against Age Discrimination, Americans with Disabilities and People living with Mental Health conditions



48. Not hearing this case will send message that its reasonable to violate the law enacted by Congress, Not hearing this case will send message that its permissible to abuse, harm, harass, mentally injure, discard, ignore, disregard, to be oblivious and impervious Americans with Disabilities, People living with Mental Health conditions, Age Discrimination in the workplace



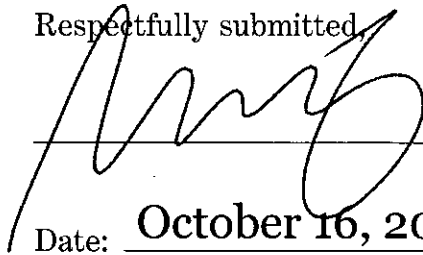
49. Not hearing this case will send a message that this court is not interested in Americans with Disabilities, not interested with People living with Mental Health conditions Age Discrimination laws that protect people in the workplace

## CONCLUSION

For the foregoing reasons, Petitioner Ms . Gray respectfully requests that this Court issue a writ of certiorari to hear this case based upon laws that maintain the protection for Americans with Disabilities, People living with Mental Health conditions, Age Discrimination in the workplace, and grant compensation relief that is entitled.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: October 16, 2022