

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 21-11516

Non-Argument Calendar

CRYSTAL G. JORDAN,

Plaintiff-Appellant,

versus

ATLANTA PUBLIC SCHOOLS,

Defendant-Appellee,

GEORGIA PROFESSIONAL STANDARDS COMMISSION,

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:18-cv-00994-JPB

Before ROSENBAUM, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

Crystal Jordan, proceeding *pro se*, appeals the district court's judgment in favor of her former employer, Atlanta Public Schools, on her Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.*, retaliation claims.

To succeed on an FMLA retaliation claim, an employee must show that: (1) she availed herself of a protected right under the FMLA; (2) she suffered an adverse employment decision; and (3) there was a causal connection between the protected activity and the adverse employment decision. *Hicks v. City of Tuscaloosa, Ala.*, 870 F.3d 1253, 1257 (11th Cir. 2017) (reviewing denial of a motion for judgment as a matter of law). If these elements are satisfied, the burden then shifts to the employer to articulate a legitimate, non-retaliatory reason for the adverse action. *Walker v. Elmore Cnty. Bd. of Educ.*, 379 F.3d 1249, 1252 (11th Cir. 2004). The employee then bears the burden of showing that the employer's proffered reason is pretext for unlawful retaliation. *Id.*

A *pro se* complaint must be liberally construed. *Alba v. Montford*, 517 F.3d 1249, 1252 (11th Cir. 2008). However, this

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leniency does not give a court license to serve as *de facto* counsel for a party or to rewrite an otherwise deficient pleading in order to sustain an action. *Campbell v. Air Jamaica Ltd.*, 760 F.3d 1165, 1168-69 (11th Cir. 2014). And issues not briefed on appeal, even by *pro se* appellants, are abandoned. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

The district court concluded that all of Jordan's FMLA claims failed because she "provided no evidence showing that the relevant decisionmakers responsible for each employment action raised knew [she] had taken FMLA leave at the time each decision was made." And even assuming such knowledge, the district court explained that Jordan presented "no evidence" that her FMLA leave was related to any of the employment actions raised. Thus, Jordan failed to establish a causal connection between the adverse actions and her FMLA leave. The district court explained that her claims also failed because APS had shown non-discriminatory reasons for each of the alleged adverse actions, and she failed to show that APS's proffered reasons were pretextual.

On appeal, Jordan does not meaningfully challenge, let alone address the district court's reasoning on the merits of her FMLA claims. Nor does she intelligibly explain her position as to any of the myriad ancillary issues she mentions in her brief. Instead, she provides a stream of incoherent arguments insisting that the district court erred. Thus, she has abandoned any challenge to the district court's order. *Timson*, 518 F.3d at 874; *see also Sepulveda v. U.S. Att'y Gen.*, 401 F.3d 1226, 1228 n.2 (11th Cir. 2005).

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Accordingly, the district court is **AFFIRMED**.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CRYSTAL JORDAN,

Plaintiff,

v.

ATLANTA PUBLIC SCHOOLS,

Defendant.

CIVIL ACTION NO.
1:18-CV-994-JPB

JUDGMENT

This action having come before the Court for a bench trial, the Honorable J. P. Boulee presiding, the FMLA retaliation claim having been tried, and the Court having issued its Findings of Fact and Conclusions of Law in favor of Defendant Atlanta Public Schools, it is

Ordered and Adjudged that Defendant Atlanta Public Schools is entitled to judgment on Plaintiff's remaining claim that was tried before this Court

SO ORDERED this 13th day of April, 2021.

JAMES N. HATTEN
CLERK OF COURT

By: s/B. Walker
Courtroom Deputy Clerk

Prepared & Filed in the Clerk's Office
April 13, 2021
James N. Hatten
Clerk of Court
By: s/B. Walker
Courtroom Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 21-11516-BB

CRYSTAL G. JORDAN,

Plaintiff - Appellant,

versus

ATLANTA PUBLIC SCHOOLS,

Defendant - Appellee,

GEORGIA PROFESSIONAL STANDARDS COMMISSION,

Defendant.

Appeal from the United States District Court
for the Northern District of Georgia

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: ROSENBAUM, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court be polled on rehearing en banc. (FRAP 35) The Petition for Rehearing En Banc is also treated as a Petition for Rehearing before the panel and is DENIED. (FRAP 35, IOP2)

The "Motion For Court's Reconsideration To Schedule Arguments" is DENIED.

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Appendix D¹

- D.1 Return to Work Form dated September 27, 2016
- D.2 October 7, 2016 Email to Terminate Contract
- D.3 October 18, 2016 Email Stating Attorney Marquette Bryan is Informed to File Charges
- D.4 February 20, 2017, Superintendent's Notice of Charges
- D.5 Atlanta Public Schools' Ethics Resolution Policy
- D.6 Reassignment Letter to Telework from Home
- D.7 Family and Medical Leave Act APPROVAL Notice
- D.8 Teacher Jordan's Professional Development Training Transcript
- D.9 Transcript of District Court Judge Boulee Reading the Trial Verdict²
- D.10 Appellant Jordan's Petition for Rehearing En Banc
- D.11 Appellant Jordan's Motion to Reconsider Scheduling Oral Arguments
- D.12 Teacher Jordan's Pay Stub Details
- D.13 Requested Kaiser Permanente Documents Showing "Termination" of Medical Benefits
- D.14 Original Petition for Writ of Certiorari (with deficiencies) ³

¹ Appendix D Items D.1, D.2, D.3, D.4(Pg.1), D.7, and D.8(Pg1) are included with the required 10 additional copies.

² Full copies and Other Appendix D Documents are Provided with Original Copy Only. Please make 10 copies at the Supreme Court's Leisure. An 800 Page Packet is "hefty" for Jordan, *pro se*, motioning to file in *Forma Pauperis*.

³ An Electronic, Scanned Copy of Appendix D Documents has been emailed to those listed on the Certificate of Service.


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ATLANTA PUBLIC SCHOOLS
SUPERVISOR'S VERIFICATION RETURN TO WORK FORM

4835

To be completed by Employee			
Last Name	First Name	Lawson Number	School or Department
JORDAN	CRYSTAL	123838	Harper - Archer Middle School

To be completed by Supervisor/Designee	
I hereby certify that the above named employee returned to duty from leave on <u>9/27/16</u> (date).	
 Supervisor/Designee Signature	<u>9/27/16</u> Date

IMPORTANT NOTE: This form confirms that you did return to work and the date of your return. Both forms must be returned to HR Absence Management in order for you to be re-activated in the payroll system.

It is the responsibility of the employee to return all forms.

Please return completed form to:

Kelsha Grier -- kgrier@atlanta.k12.ga.us

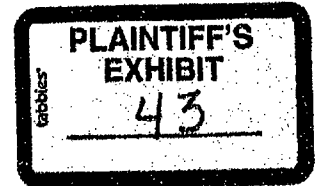
Elementary - Carver, Mays, South Atlanta, Grady, Jackson & Therrell Clusters;
Middle - Brown, Bunche, Harper-Archer, Inman, King, Sylvan;
CLL - Finance, Deputy Superintendent Office, Student Services, C&I,
Transportation, Board Office, Nutrition & Security

Comenthia Williams -- cwilliams@atlanta.k12.ga.us

Elementary - Douglass, N. Atlanta & Washington Clusters;
Middle - Coretta Scott King, Long, Price, Sutton, Young; High Schools;
CLL - Accountability & IT, Human Resources, Facilities,
Communications, Legal, Office of the Superintendent

OR Fax to:

404-802-1302



[Facebook](#) | [LinkedIn](#) | [Twitter](#)

From: Williams, George C

Sent: Friday, October 07, 2016 3:21 PM

To: Lawson, Nicole <nclawson@atlanta.k12.ga.us>

Cc: Shelton, Shavon T <stshelton@atlanta.k12.ga.us>

Subject: Crystal Jordan - 123828

why?
still does not
say.

Hi Nicole. We are moving forward with terminating the contract of Crystal Jordan, Interrelated Teacher, Harper-Archer. Principal Stewart inquired about hiring someone for the role and Pam has given the ok.

Please let me know if you need more info.

Thanks!

George C. Williams

Director

Employee Relations

Division of Human Resource Services

Atlanta Public Schools

130 Trinity Ave, SW | Atlanta | GA | 30303

W: 404.802.2374 | F: 404.802.1309

gcwilliams@atlantapublicschools.us



ATLANTA
PUBLIC
SCHOOLS

Making A Difference

www.atlanta.k12.ga.us

My GALLUP Strengths are: Deliberative | Consistency | Harmony | Belief | Relator

Do you have any
personal knowledge
about interview I m
did violated any APS
policies?
Pro Broxinger
Cookin



Nicole Lawson, PHR
Executive Director
HR Talent Management
130 Trinity Avenue | Atlanta | Georgia 30303
404.802.2361 | nclawson@atlantapublicschools.us

My GALLUP Strengths are: Achiever, Learner, Individualization, Responsibility, and Self-Assurance



[Facebook](#) | [LinkedIn](#) | [Twitter](#)

From: Williams, George C
Sent: Tuesday, October 18, 2016 11:43 AM
To: Lawson, Nicole <nclawson@atlanta.k12.ga.us>
Cc: Shelton, Shavon T <stshelton@atlanta.k12.ga.us>; Ferguson, Lataisha <Lataisha.Ferguson@atlanta.k12.ga.us>;
Hoover, Tennille <Tennille.Hoover@atlanta.k12.ga.us>
Subject: RE: Crystal Jordan - 123828

Goal? why not to retain the good teacher?

Hi Nicole. There has been some back and forth, but no resignation yet. We have asked Marquetta to move forward with the charge letter, so she would remain on her "telework" assignment.

We will update you if anything changes.

Thanks, George

From: Lawson, Nicole
Sent: Tuesday, October 18, 2016 11:35 AM
To: Williams, George C
Cc: Shelton, Shavon T; Ferguson, Lataisha
Subject: RE: Crystal Jordan - 123828

George,

Do you have an update on Ms. Jordan's status, she's still active in the system? I'm not sure if you negotiated a resignation or if she is pursuing a hearing.

-Nicole

why?

Nicole Lawson, PHR
Executive Director
HR Talent Management
130 Trinity Avenue | Atlanta | Georgia 30303
404.802.2361 | nclawson@atlantapublicschools.us

My GALLUP Strengths are: Achiever, Learner, Individualization, Responsibility, and Self-Assurance

Meria Joel Carstarphen, Ed.D.
Superintendent

Phone: 404-802-2820
Fax: 404-802-1803



February 20, 2017



VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED & FIRST CLASS U.S. MAIL

REVISED CHARGE LETTER

Ms. Crystal Jordan
17309 Kensington Park
Lithonia, Georgia 30038



Re: Notice made pursuant to O.C.G.A. § 20-2-940, et seq.

Dear Ms. Jordan:

This letter provides you with official notice, pursuant to the Georgia Fair Dismissal Act, O.C.G.A. § 20-2-940 et seq., that the Atlanta Public Schools (hereinafter "APS") intends to terminate your employment. This letter also serves as your statement of charges, notice of hearing, and notice of your right to subpoena and other compulsory processes as required by the Georgia Fair Dismissal Act. You are being charged with: (1) "Insubordination," (2) "Willful Neglect of Duties," and (3) "Any Other Good and Sufficient Cause," as defined in O.C.G.A. § 20-2-940. In addition, your actions constitute an Abandonment of Contract in Violation of Board Policy GARH-R(2) and The Code of Ethics for Educators Standard 8.

NOTICE OF CHARGES

The recommendation for the termination of your employment contract is based upon the District's conclusion that your actions and/or inaction amounted to insubordination, willful neglect of duties and any other good and sufficient cause, as defined in O.C.G.A. § 20-2-940 and applicable case law. Additionally, the District has determined that you abandoned your contract in violation of Board Policy GARH-R(2) and The Code of Ethics for Educators Standard 8. The facts giving rise to the District's recommendation include:

- "Job Abandonment"
definition and description
1. You failed to report to work over three (3) days without proper notification or authorization. On Friday, July 29, 2016, Monday, August 1, 2016, and Tuesday, August 2, 2016, you failed to show for work or call to notify your supervisor of your absence. On the morning of Friday, August 5, 2016, APS sent you correspondence advising you that you were in violation of Board Policy GARH-R (2) and The Code of Ethics for Educators Standard 8: Abandonment of Contract, when you failed to report to work for three days without proper notification or authorization. The correspondence further notified you that Superintendent, Meria J. Carstarphen, was recommending termination of your contract and that you would receive Notice of Charges detailing the specific charges being brought against you pursuant to O.C.G.A. § 20-2-940. In response to the notice of intent to terminate your employment, you requested the opportunity to go on Family Medical Leave from August 1,

? ["unforeseen" "serious medical condition"]

§ 825.303 unforeseeable
F.M.L.A.
leave



From: Williams, Comenthia
To: jslondon805@gmail.com
Cc: Stewart, Marques; Grier, Keisha; Lang, Jennifer; Lawson, Nicole
Subject: Approval of Request for FMLA: Jordan, C. (123838)
Date: Thursday, September 01, 2016 4:04:00 PM

Good Afternoon Ms. Crystal Jordan,

You are approved for Family Medical Leave (FML). This leave is effective from August 01, 2016 through September 26, 2016. Provided there is no deviation from your anticipated leave, the following number of days will be counted against your leave entitlement: 40. Your FML may be used for up to sixty (60) working days depending on your status and certification from your treating physician.

Your FMLA may be compensated or uncompensated in accordance with your sick leave accrual. See Board Regulation GARH-R (3). When available sick leave days have been exhausted, your leave will become uncompensated and salary will be recalculated.

If you have questions or concerns, please contact me at (404) 802-2330.

Kind Regards,

Comenthia Williams, CPDM, MHRM

Absence Management Specialist

Human Resource Services

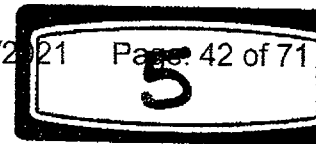
130 Trinity Avenue | Atlanta | Georgia 30303

Phone: (404) 802-2330

Fax: (404) 802-1302

Email: <<mailto:comwilliams@atlanta.k12.ga.us>> comwilliams@atlanta.k12.ga.us

My Gallup Strengths: Strategic, Responsibility, Discipline, Restorative, Belief



Atlanta Public Schools

Official Transcript



Name: CRYSTAL JORDAN
Employee ID: 123838
School/Dept.: MIDDLE SCHOOL LEVEL, Harper-Archer Middle School

Total:	
Number of Credits	Professional Learning Units
96.5	Clock Hours

Course #	End Date	Section #	Course Title	Office	Credit Hours	Date Completed
1. 158080	07/29/2016	78489	July 29, 2016: District-wide Professional Learning Day - Math (Grades 6 - 12 & IRR) @ North Atlanta HS	Mathematics	6.0 Number of Credits Clock Hours	08/24/2016
2. 157804	03/18/2016	77305	Douglass Cluster - March 18th PL Day (Middle School Teachers)	Professional Learning	3.0 Number of Credits Clock Hours	03/29/2016
3. 157804	03/18/2016	77481	Douglass Cluster - March 18th PL Day (Middle School Teachers)	Professional Learning	3.0 Number of Credits Clock Hours	03/18/2016
4. 157210	07/29/2015	65385	July 29, 2015 District-Wide Professional Development Day - Mathematics	Mathematics	3.5 Number of Credits Clock Hours	08/10/2015
5. 157210	07/29/2015	65524	July 29, 2015 District-Wide Professional Development Day - Mathematics	Mathematics	1.5 Number of Credits Clock Hours	07/30/2015
6. 155054	07/23/2015	64892	TKES, IAPS, and the TLE Platform for Teachers	Human Resources - Performance Management	1.5 Number of Credits Clock Hours	07/25/2015
7. 156754	07/22/2015	64248	IEP Compliance Summer Training (7/21 & 7/22)	Department of Special Education	14.0 Number of Credits Clock Hours	07/31/2015
8. 157176	12/18/2015	65206	Mandatory Ethics Training 2015-2016	Human Resources	2.0 Number of Credits Clock Hours	07/23/2015
9. 157179	06/30/2016	65213	Infinite Campus Grade Book Set-Up 2017 - 2018	Information Technology	2.0 Number of Credits Clock Hours	08/10/2015

**Additional material
from this filing is
available in the
Clerk's Office.**