No._____

In the

Supreme Court of the United States

AISHA TRIMBLE,

Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondents.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

AISHA TRIMBLE,
Pro Se

PO BOX 540261
DALLAS, TEXAS 75354
(214) 962-8398
aisha1776@yahoo.com

QUESTIONS PRESENTED FOR REVIEW

The questions presented are:

1. When federal agencies take adverse actions causing denial of initial appointment, and purposefully use software settings and hiring processes that undermine and violate veterans preference laws relative to initial employment, are their willful infringements of a qualified veteran's rights motivated by hatred of military service?
2. Does Congress require an initial appointment to be granted to a qualified preference eligible after a federal agency violates that veteran's preference rights, denies them initial appointment and illegally steals the job from that veteran to appoint, promote, transfer, reassign or reinstate a non-preference eligible or non-veteran under the vacancy due to hostility against military service that inspired legislation for veterans' preference?
3. When federal employees adjudicate veterans preference and initial employment discrimination matters, and ignore hiring misconduct to rule in favor of the law violators, do their decided actions prove hostility towards military service and an intent to work in the best interest of the violators?

PARTIES TO THE PROCEEDING

The Petitioner is Aisha Trimble, and she acts Pro Se under this matter. The Respondent is the Department of Veterans Affairs, a federal agency.

CORPORATE DISCLOSURE STATEMENT

The Petitioner is not a corporation under this matter; therefore, a corporate disclosure statement isn't required under Supreme Court Rule 29.6.

RELATED PROCEEDINGS

The following proceedings are directly related to this matter:

1) *Trimble v. DVA,* No. 23-192, U.S. Supreme Court. Petition for Writ of Certiorari docketed August 29, 2023.

2) *Trimble v. DVA,* No. 23-1306, U.S. Court of Appeals Federal Circuit. Opinion and Judgment entered June 30, 2023.

TABLE OF CONTENTS

TABLE OF CITED AUTHORITIES

Cases

Constitutional Provisions

Federal Regulations

Federal Statutes

OPINIONS AND ORDERS BELOW

U.S. Court of Appeals for the Federal Circuit ("Fed. Cir.") Judgment and Opinion recorded at 23-1307 and reproduced at Appendices A and B. Merit Systems Protection Board ("MSPB" or "Board") Decision recorded at DA-4324-22-0350-I-1 and reproduced at Appendix C.

JURISDICTION

Fed. Cir. jurisdiction granted under 5 USC 7703(b(1)(A) and 28 USC 1295(a)(9), after MSPB Final Decision dated Dec. 20, 2022. Fed. Cir. Opinion and Judgment issued Jun. 30, 2023. Petitioner never submitted a Petition for USERRA Rehearing to Fed. Cir.

Per 28 USC 1254(1), U.S. Const. ArtII.S3.3.1, Rules 10(a)-(c) and 13.3, Supreme Court holds jurisdiction.

CONSTITUTIONAL LAWS INVOLVED

U.S. Const. Amend. 1 and ArtII.S3.3.1

FEDERAL STATUTES INVOLVED

5 USC §§ 2108, 2302, 3304, 3309, 3311, 3313, 3317, 3318, and 7703

18 USC §§ 241, 242

28 USC 1254, 1295

38 USC §§ 4214, 4301 and 4311

FEDERAL REGULATIONS INVOLVED

5 CFR § 1201

STATEMENT OF THE CASE

Hiring misconduct is out of control and widespread at federal agencies. Animus and blatant disregard for veterans preference laws associated with military service dominate the federal hiring culture. This brazen, illegal and unchecked activity caused an adverse hiring decision against the Petitioner under this matter and its ("related proceeding"), *Trimble v. DVA, No. 23-192*, U.S. Supreme Court (2023).

This matter pertains to denial of initial employment and discrimination against military service under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), codified at 38 U.S.C. §§ 4301-4333. There is no USERRA without military service. Federal jobs are unique in that Congress has written specific legal instructions to hire and initially appoint qualified veterans. [*"...it is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter..."]* - 38 USC § 4301(b).

I am the Petitioner, Aisha Trimble. I'm a preference eligible per 5 USC § 2108(1)a(3)(a)(c). I earned statutory preference for initial appointment through performance of honorable military service. My performance of military service grants me statutory hiring preference as it pertains to right to compete[2], ranking and scoring[3], advance notice[4], objection to passover[5] and initial hiring[6] under federal jobs.

---

[2] 5 USC § 3304(f)(1)
[3] 5 USC § 3313(1),(2)(a)
[4] 5 USC § 3317(b)
[5] 5 USC 3318(a)(c)(1-2)
[6] "...if a veteran has the highest rating on the list, the agency **must appoint** that individual, unless the agency seeks and receives written authority to appoint someone ranking below.." – *Joseph v. FTC* 2007-3073, Fed. Cir. (2007)

DVA did not act as a model employer[7] of veterans under this matter. DVA willfully violated my rights under veterans preference laws due to hatred for the military service that grants such preference.

On Nov. 16, 2021, I sought initial appointment under Dept. of Veterans Affairs ("DVA") vacancy, CARX-11288119-22-KB[8]. [*"...veterans' pref. applies to initial employment..."] - Brown v. DVA,* No. 247, Fed. Cir. f.3d 1222 (2001).

The announcement solicited Executive Assistants who had experience supporting Senior Executives in quasi-judicial work environments. At the time of application, I disclosed my veteran status and exercised my rights under 38 USC § 4311.

As a preference eligible with over 15 years of Executive Assistant experience, including six years of experience in quasi-judicial work environments, the announcement was **open** to me to apply as a veteran who has **never** been appointed to a federal job. My resume reflects quasi-judicial experience at McGlinchey Stafford law firm and Ryan, LLC tax consulting firm.

Ryan heavily represents global business clients before taxing authorities, e.g., equalization Boards and enforcers at state, federal and local jurisdictional levels[9].

This was explained to the DVA under my reconsideration emails, as evidenced by Bonham's confirmation that I was a qualified candidate[10].

---

[7] 38 USC § 4214(a)(1)
[8] See usajobs.gov/Job/622150700 & *Trimble v. DVA 23-1306* Fed. Cir. 2023, Entry 5, Tab 11, p.102
[9] See https://ryan.com/about-ryan/
[10] See *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Entry 8, Tab 25, p 32

On December 10, 2021, Kenneth Bixler (disabled veteran) instructed the Hiring Managers to access the Certificates he had issued. Bixler has never been in a supervisory hiring position at DVA, and he doesn't write hiring policy.

Under this matter, Bixler failed to report non-compliance with veterans preference laws. As evidenced by his Hearing testimony, Bixler follows the illegal status quo that keeps quiet about theft of federal jobs from veterans seeking initial appointment.

The Certificates contained anti-military, non-statutory wording, "*Exclude Veterans Points*[11]" at the top of each page! Direct evidence proves the software used to create Certificates is programmed to violate veterans preference laws. The software is set to illegally[12] rank candidates *alphabetically* and omit additional statutory points for applicable veterans. I received evidence showing this same anti-military activity on Certificates after taking legal action against other federal agencies. Violating veterans' preference laws is the norm amongst federal agencies.

During the Hearing, Bixler confirmed that his "supervisor" approved his work. Bixler nor the Hiring Managers testified to programming the Certificate's ranking settings, and they never spoke up to ensure my rights were not being violated under USERRA or the laws detailed under the related proceeding that are relevant to this one.

---

[11] See *Trimble v. DVA* 23-1306 Fed. Cir. 2023, Entry 5, Tab 11, pp 57-100
[12] 5 USC § 3313(1),(2)(a)

The six Hiring Managers (Supervisors) were Christopher Santoro and Silas Darden (non-disabled veterans); Tamia Gordon and Thomas Rodrigues (disabled veterans); and Nina Tann and Robert Scharnberger (non-veterans). They were the only DVA employees authorized to **hire** anyone under the announcement.

On December 28, 2021, Santoro emailed the other Hiring Managers providing my name as "*Maybe*" for an interview, in violation of 5 USC § 3304(f)(1). The other Hiring Managers never mentioned my name and failed to consider and select me from the Certificate. Via email, Santoro provided the names of non-veterans, Carolyn Colley and Carly Wright and lesser-qualified candidate, Maria Braswell as his top choices, irrespective of any future interviews.

On December 30, 2021, Tann emailed the Hiring Managers providing the names of non-veterans, Carolyn Colley and Carly Wright and lesser-qualified candidate, Maria Braswell as her top choices, irrespective of any future interviews.

DVA hired the following federal employees to fill the opportunities under the announcement: Carolyn Colley (non-veteran); Maria Braswell (veteran); Deborah Moutinho (non-veteran); Carly Wright (non-veteran); and Voncell James (veteran)[13].

Under the announcement, statutory preference was **unauthorized** for all Selectees. [*"..veterans' preference only applies to initial employment... not to an employee moving from one job to another within an agency."] - Brown v. DVA,* No. 247, Fed. Cir. f. 3d 1222 (2001)

---

[13] See *Trimble v. DVA* 23-1306 Fed. Cir. 2023, Doc. 9-2, p 59 **and** *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Entry 8, Tab 25, pp 15, 18, 19 & 21

On February 9, 2022, I received a non-selection email from DVA. I immediately emailed their Human Resources Office to request reconsideration for initial employment. On March 17, 2022, Lesley Bonham (non-veteran) emailed Patrick Dallas (veteran) and confirmed that I qualified for the job[14].

On March 10, 2022, Bonham emailed George Waddington (non-veteran) regarding my reconsideration request, instead of contacting the six Hiring Managers. On March 11 and 15, 2022, Waddington sent emails to Bonham regarding my reconsideration request and the Agency's denial of initial employment to me. One of the six openings was unfilled at that time, and my reconsideration was still denied. I filed grievance with the MSPB.

DVA never interviewed me to allow me to elaborate on my experience, and the Hiring Managers definitely ignored the details of the creditable experience on my resume.

Six positions were available under the open competition announcement. Evidence proves that I can't currently apply to a merit promotion announcement. What would I be promoted from?

DVA failed to hire any veterans seeking initial appointment. DVA selected and hired five federal employees whose combined Executive Assistant experience was less than my total years of Executive Assistant experience[15].

---

[14] See *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Entry 8, Tab 25, p 32

[15] See Trimble v. DVA 23-1306, Fed. Cir. (2023), Entry 5, Tab 27, Pgs. 23-28, 40-43, 50-55, 59-63 and 66-70; and Tab 11, Pgs. 13-18

Three of them are not veterans as confirmed by DVA employee, Lesley Bonham when she provided selection information to the Department of Labor on March 24, 2022[16].

On July 1, 2022, a USERRA Appeal centered on denial of initial employment was docketed by the Board. The Board unethically ignored the fact that I sought initial appointment by denying a Hearing under the related proceeding.

On Oct. 19, 2022, a USERRA Hearing was held. During the Hearing, I asked Bixler why I was illegally ranked in alphabetical order and denied additional[17] statutory points on my rating. Bixler stated, *"..that's the way it's always been done..."*

On November 15, 2022, MSPB issued a Decision that denied corrective action, failing to hold DVA liable for USERRA violations. While the USERRA Appeal centered on denial of **initial appointment**, MSPB Admin. Judge Chung's Decision irrelevantly and erroneously states, *"..the announcement was a Title 5 merit promotion..."* Chung knows that I've never been a federal employee. *See* Appendix C

Instead of protecting the integrity of the merit systems formed against veterans preference laws, Chung chose to abuse her discretion by issuing a Decision in defense of DVA wrongdoing and ignoring DVA's illegal actions and liability under USERRA. After MSPB's Decision became final, I petitioned Fed. Cir. for review of the Board's Decision. In the face of evidence showing DVA's direct actions that illegally denied

---

[16] See *Trimble v. DVA* 23-1306 Fed. Cir. 2023, Doc. 9-2, p 59
[17] 5 USC 3309(1)

initial appointment to me, Fed. Cir. affirmed MSPB's Decision and wrote its Opinion as a defense for DVA's wrongdoing and Chung's errors. *See* Appendix B

Under the Fed. Cir. Opinion, a false statement is made regarding me not informing the Board that DVA employees accessed my medical records, stating [*"...this argument is forfeited because it was not raised before the Board..."*].

This is a false statement because Record evidence shows I informed the Board of my concerns. I provided this evidence[18] to Fed. Cir., and Fed. Cir. took notice of the evidence that listed the names of Board of Veterans Appeals employees and the dates and times they illegally accessed my medical records after I applied to the vacancy[19].

Those DVA employees had no justifiable reason to view my records, and evidence shows 14 employees accessing my records after I applied to the job, during a time when I did not have a pending/open VA claim, even after normal business hours late at night!! [*"...Circumstantial evidence will often be a factor in these cases, for discrimination is seldom open or notorious. Discriminatory motivation under USERRA may be reasonably inferred from a variety of factors..."*] - *Sheehan v. Department of Navy*, 240 F.3d 1009, 1014 (Fed. Cir. 2001)

Fed. Cir. makes another false statement under its Opinion stating, [*"..Ms. Trimble's resume did not reflect the preferred type of experience.."*] Really? The Lower Court fails to mention the quasi-judicial experience reflected on my resume, and it surely ignores Bonham's email that confirmed I was a qualified candidate. There is

---

[18] See *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Doc. 10-2, p 21
[19] See *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Doc. 10-2, p 23-26

zero language under the vacancy announcement stating DVA would *only* hire applicants who had supported Senior Executives *in* the federal sector.

ARGUMENT

I exercise my rights under the US Const., 1st Amend. to reveal this non-frivolous matter, with no intent for contumacious conduct. I pray the Supreme Court will exercise its judicial arm to put an end to hiring corruption within the federal government.

The amount of illegal foolishness and unethical deception under this matter and the related proceeding is unbelievable, and the Dept. of Labor, MSPB, Office of the Special Counsel and Fed. Cir. have demonstrated that they DO NOT CARE!

Evidence leads the Petitioner to strongly believe that the Dept. of Labor, MSPB, Office of the Special Counsel and Fed. Cir. constantly neglect their public duties and weaponize their positions to act as a defense to federal agency wrongdoing. After receiving direct evidence of initial employment discrimination and violations of prohibited personnel practices pertaining to veterans preference laws and accessing a job applicant's medical records, these governing bodies have turned a blind eye to federal hiring misconduct, so federal agency wrongdoing will be protected and unchecked. This has been going on for a long time!

I am able to provide evidence to the Supreme Court showing I contacted Office of the Special Counsel regarding violations of my rights under 5 USC § 2302(b)(14).

Special Counsel employee, Angela Rush never replied to the evidence. I provided it to her on Dec. 11, 2022.

DVA willfully denied my right to appointment by refusing to comply with 5 USC § 3318(a),(c)(1-2). DVA has failed to provide a legal reason for their direct actions that caused an adverse effect of denial of initial employment to me.

I. Conflicts with Supreme Court Rulings

1) Conflicts with Staub v. Proctor[20] -

Under *Staub*, a USERRA termination matter, Justice Scalia held:

> *["...if supervisor performs act motivated by antimilitary animus.. intended to cause adverse action, and if that act is proximate cause of ultimate employment action, employer is liable under USERRA... We consider circumstances... based on discriminatory animus of an employee who influenced, but did not make, the ultimate decision. The biased supervisor and the ultimate decisionmaker acted as agents of the entity; each of them...exercised it in the interest of their employer.."]*

Under this matter, Fed. Cir. Opinion conflicts with the *Staub* ruling. Fed. Cir. ignored evidence proving DVA supervisors performed non-selection acts against me that circumvented veterans preference laws, due to animus against military service that influenced such legislation.

The hateful words, ***'exclude veterans points'*** are plain as day at the top of the certificates and show the best interest of DVA! Adverse actions were taken to deny initial appointment to me. DVA ignored my qualifying experience,[21] denied my right

---

[20] *Staub v. Proctor Hosp.*, 562 U.S. 411. 131 S.Ct. 1186, U.S. Supreme Court (2011)
[21] 5 USC 3311(2)

to object to passover[22] and illegally ranked me in alphabetical order and omitted additional points from my rating[23]. DVA refused to provide me advance notice[24].

The supervised hiring process encouraged discrimination against the statutory preference granted through my military service, and ultimately caused denial of initial employment to me. Regarding motivating factors, under *Staub* the Supreme Court states,

> *["...The problem we confront arises when that official has no discriminatory ani-mus but is influenced by previous company action that is the product of a like animus in someone else. Since a supervisor is an agent of the employer, when he causes an adverse employment action the employer causes it ...when discrimination is a motivating factor in his doing so, it is a "motivating factor in the employ-er's action... We hold that if a supervisor performs an act motivated by antimilitary animus intended to cause an adverse employment action... if that act is a proximate cause of the ultimate employment action, then the employer is liable under USERRA...]*

2) Conflicts with Woodard v. NY Health Hospitals Corp.[25]

Under *Woodard*, a USERRA reemployment case, the Supreme Court held: [*"...Discriminatory motivation may be proven through direct evidence, including... inconsistencies between the proffered reason and other actions of the employer... expressed hostility towards members protected by the statute...."]*

Under this matter, Fed. Cir. ignores direct evidence showing inconsistencies with Bonham's statement confirming me being qualified, Bonham's statement to the Dept.

---

[22] 5 USC 3318(a),(c)(1-2)
[23] 5 USC § 3313(1),(2)(a)
[24] 5 USC § 3317(b)
[25] *Woodard v. New York Health Hospitals Corp.*, 554 F.Supp.2d 329, 348-49 (E.D.N.Y. 2008)

of Labor[26] that omitted any legal reason to deny initial employment to me and the rehearsed, contradictory USERRA Hearing statements of Santoro and Gordon pretending that my private-sector, quasi-judicial experience and physical location were disqualifying. Pursuant to 5 USC § 3318(a),(c)(1-2), DVA was required to grant initial employment to six (6) qualified veterans under the announcement.

DVA was able to deny initial employment to me by purposefully violating my rights under this law, and the other veterans preference laws stated herein and under the related proceeding.

In the absence of my miliary service, it would have been impossible for DVA to be non-compliant and violate my rights under veterans preference laws[27]. In the absence of military service, I would have been prohibited from applying to the announcement.

I. Undecided Questions of Federal Law

The Supreme Court has never issued Opinions settling the initial employment discrimination questions presented herein, and Fed. Cir. never submitted Certified Questions requesting the Supreme Court's supervisory assistance for this USERRA matter. Due to the lack of Supreme Court cases rulings relevant to USERRA initial appointment, and the intent Congress holds under USERRA, these important, unanswered questions of law must be settled by this Court.

---

[26] See *Trimble v. DVA* 23-1306 Fed. Cir. 2023, Doc. 9-2, p 59

[27] 38 USC 4311(C)(1) – "....(c)An employer shall be considered to have engaged in actions prohibited—(1)under subsection (a), if the person's.. service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such service..."

II. Matter of National Significance

Stealing federal jobs from qualified veterans is a present problem and big American secret. A large percentage of veterans are unaware!

If veterans ever learn and understand what's going on, it will cause a lot of anger in this country, and the Dept. of Labor, MSPB, Office of the Special Counsel and Fed. Cir. will be inundated with grievance filings. When will the misconduct stop?

The merits and outcome of this matter impacts millions of employable veterans. It is imperative to prohibit initial employment discrimination in the federal sector and stop the willful disregard for the laws that grant veterans preference for jobs.

Many Americans are familiar with the saying, ***"It's who you know to get a federal job."*** This is a popular statement in America for a reason! Verifiably, thousands of non-veterans work for the federal government, and they have been appointed, promoted, transferred, reinstated and/or reassigned under federal job announcements that qualified veterans sought initial appointment under.

This illegal conduct has gone unchecked for decades. Since the inception of USERRA in 1994, thousands of federal jobs have been stolen from qualified veterans seeking initial employment! This is verifiable, public information; thousands of non-veteran federal employees are currently working, or were formerly employed, with the federal government. I can provide evidence to the Supreme Court showing another federal agency illegally promoted a non-veteran under an open competition announcement that I qualified and interviewed for, in 2022!

Since the year 2000, I have applied to over 100 federal jobs as a qualified veteran, and to date, I have never realized initial appointment to any of those jobs. Many thousands of qualified veterans share my same experience as it relates to denial of initial employment with federal agencies.

Like many employable veterans, I have been homeless and unemployed. Since USERRA's inception, I have visited the VA Homeless Outreach Office while homeless with my children, and the VA never told me that USERRA existed with a purpose for the federal government to be a model employer of veterans!! The VA referred me to a housing waiting list and local homeless shelter and sent me on my way. I have proof!

Every fiscal year, Congress approves funding for the federal jobs posted on USAJobs.gov. Their Facebook[28] posting reveals millions of Americans apply for federal jobs on a monthly basis saying, *"In January, we had **2,204,840** applications pass through USAJOBS alone!"*

Every day, federal jobs are published to USAJobs.gov, and veterans seeking initial employment view those jobs in hopes of attaining initial employment.

A discriminatory, unchecked hiring culture runs rampant across the federal government due to the vast majority of veterans having little to no knowledge of their statutory right to preference.

The vast majority of veterans are unaware of the legal actions available to them when facing initial employment discrimination and violations of their preference

---

[28] https://www.facebook.com/USAJOBS/posts/have-you-ever-wondered-just-how-many-people-apply-to-federal-jobs-in-january-we-/10150126547419721/

rights after applying as qualified applicants. I learned of USERRA and the rights detailed in the related proceeding via Google, in 2021!

III. Judiciary Abuse of Power Encouraging Illegal Hiring Culture

Under this matter, and its related proceeding, Fed. Cir. describes the facts and deceives the public about my candidacy in a light most favorable to DVA. Fed. Cir. dishonors applicable laws, abuses its judicial position, neglects its public duties and weaponizes the bench to encourage the rampant, unchecked hiring misconduct in the federal sector.

Under this matter, Fed. Cir. positions its power to prohibit DVA liability for USERRA violations and deny my right to corrective action under 5 USC § 7703(c) and 5 CFR, Section 1201.202(a)(c)(d). *See* Appendix B

Under its Opinion, Fed. Cir. weaponized and misused their public positions to ignore evidence and intimidate and burden my non-frivolous pursuit for justice and corrective action. I petitioned the Lower Court to prevent the rights of future veterans from being violated under laws relative to this matter and the related proceeding!

The Lower Court Judges are not legal novices like me, so what justification can they present to explain their violations of my rights under 5 USC § 7703(c)?

Fed. Cir.'s Opinion is strewn with language that purposefully evades my legal right to veterans preference as a qualified candidate seeking initial appointment. This must be immediately reversed to prevent future citation and harm to veterans bringing similar grievance. Fed. Cir. focused on a defense for DVA's wrongdoing.

Does Fed. Cir. also hold animus against military service that influenced veterans preference legislation? Are the deceptive and biased actions of Fed. Cir. above the law? Does Fed. Cir. operate to **protect** federal hiring misconduct and oppress my pursuit for justice with hopes that the Supreme Court will deny my Petitions and ultimately cause the illegal hiring culture within federal agencies to continue "*as it always has...*"

Under the MSPB Decision, Chung abuses her discretion by looking at person as opposed to evidence and law. She has the nerve to quote, *["...USERRA does not provide that veterans will be treated better than non-veterans..."] - Gaston v. Peace Corps*, 100 M.S.P.R. 411, ¶ 7 (2005)].

Veterans preference laws stem from honorable military service!

Does Chung hate those **laws** and *negatively* view them as a means to grant a better chance for federal employment to veterans as opposed to non-veterans? Did she serve in the military and sacrifice her mental or physical health while in service? Does she prep for work every day and wear a wig to cover PTSD hair loss? Was Chung's federal job stolen from a veteran? Do Chung's Decisions under my Appeals stand to demonstrate her hate for veterans? Will she be disciplined for demonstrating bias and denial of my rights under my Appeals? Why did she act so pompous, rude and unprofessional under my Appeals? What is her problem?

I'm legally and justifiably angry. Chung insulted me and took oppressive actions under my related proceeding. She abuses her public position to demonstrate her hate for veterans! Will her conduct go unchecked? Why did Fed. Cir. affirm MSPB errors and wrongdoing? Substantial evidence shows two of the six selectees were veterans, and Fed Cir. failed to set aside the Board's decision which was abusive and driven to capricious emotions to view me as being treated better than non-veterans.

Chung used potentially false DD-214's to conclude Wright, Colley and Moutinho are veterans. SF-50's reflect DD-214 records. If a DD-214 isn't presented to prove military service, a federal employee's SF-50 record will reflect "no veterans preference". Such is the case with Colley, Wright and Moutinho[29]. Santoro stated under oath that he knew Moutinho before she applied. I'm sure they are good friends! He gave her a non-statutory advantage over me when he selected and hired Moutinho. Chung's Decision used language to suggest I sought *promotion* under the vacancy. This action was an abuse of discretion, deceptive, arbitrary and unsupported by substantial evidence. Evidence proves I've never been appointed to a federal job. Fed. Cir. follows MSPB's deception stating, [*"...We affirm the Board's decision denying Ms. Trimble's USERRA claim.... An* ***employee*** *who makes a claim under USERRA bears the initial burden of showing... evidence that [their] military service was a motivating factor in the adverse employment action.]* See Appendix B

---

[29] See *Trimble v. DVA* 23-1306 Fed. Cir. 2023, Doc. 9-2, p 59 **and** *Trimble v. DVA* 23-1307 Fed. Cir. 2023, Entry 8, Tab 25, pp 15, 18, 19 & 21

Fed. Cir. couldn't help itself under this matter, in the same way it attempts to deceive the public and Supreme Court under the related proceeding with this falsity of me seeking "*promotion*". Fed. Cir. abandons integrity under its Opinion stating, *[...Ms. Trimble also argues that she was entitled to veterans' preference. But "while USERRA prevents the denial of a* ***promotion*** *on the basis of military service, it does not itself provide a remedy to veterans who are not given preferences in employment decisions."]*

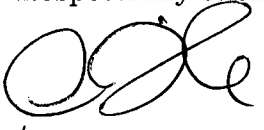
Why is the Lower Court doing this? Why are they using this *promotion* lie as a defense to delay, deny and prevent justice under this matter and the related case?

The Lower Court is counting on the Supreme Court to view this wording as an erroneous fact of law; however, Fed. Cir. is making a mockery of my non-frivolous pursuit for justice and abusing the bench to conspire against my rights to remedy and corrective action. I pray this Court acknowledges the truth and punishes them in accordance with 18 USC §§ 241 and 242.

CONCLUSION

I declare under penalty of perjury that the foregoing is true and correct. I prayerfully request the Supreme Court to grant this Petition for Writ of Certiorari.

Respectfully submitted,



/s
Aisha Trimble, Pro Se