

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 22-3199

SAMUEL O. ARAOYE,
Appellant

v.

CITY OF PHILADELPHIA

(D.C. No. 2-19-cv-00719)

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, NYGAARD*, *Circuit Judges*

The petition for rehearing filed by **appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the

* Judge Nygaard's vote is limited to panel rehearing only.

panel and the Court en banc, is denied.

BY THE COURT,

s/ Cindy K. Chung
Circuit Judge

Dated: August 21, 2023
JK/cc: Samuel O. Araoye
Meghan Byrnes, Esq.

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SAMUEL O. ARAOYE,
Appellant

v.

CITY OF PHILADELPHIA

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 2:19-cv-00719)
District Judge: Honorable Wendy Beetlestone

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
June 13, 2023

Before: JORDAN, CHUNG, and NYGAARD, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Eastern District of Pennsylvania and was submitted pursuant to Third Circuit L.A.R. 34.1(a) on June 13, 2023. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered October 31, 2022, be and the same is hereby affirmed. Costs taxed against Appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: June 20, 2023

NOT PRECEDENTIAL

**UNITED STATES COURT OF APPEALS
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June 13, 2023

Before: JORDAN, CHUNG, and NYGAARD, Circuit Judges

(Opinion filed: June 20, 2023)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Samuel Araoye appeals pro se from the District Court's order granting summary judgment against him in this employment-discrimination lawsuit that he brought against the City of Philadelphia ("the City") and others. For the following reasons, we will affirm the District Court's judgment.

I.

In 2014, the City hired Araoye as an accountant trainee, and it promoted him to an accountant position the following year. In 2017, the City promoted him again, this time to an accountant-supervisor position, which was subject to a six-month probationary period. Araoye received two performance evaluations during that period; the first rated his performance as "superior," but the second rated his performance as "unacceptable." Thereafter, at or near the end of the probationary period, he received a rejection notice for the accountant-supervisor position. "The notice described a number of issues related to his work performance, including missing [documents], a disorganized workstation, improper delegation of work to subordinates, failure to follow priorities, and working unauthorized overtime hours." (Dist. Ct. Mem. Op. entered Oct. 31, 2022, at 1-2.)

In view of the rejection notice, Araoye was reinstated to his accountant position. He subsequently reapplied for the accountant-supervisor provision, but he was removed from consideration due to the rejection notice and his poor second evaluation. Later, in 2019, he resigned from his employment with the City.

Shortly after Araoye received the rejection notice, he filed a complaint with the Equal Employment Opportunity Commission (“EEOC”), alleging that the City had discriminated against him on the basis of his race, color, and national origin.¹ The EEOC dismissed the complaint and issued a right-to-sue letter. Thereafter, in 2019, Araoye filed a pro se complaint in the District Court against several City employees and a union vice president, raising claims under the Americans with Disabilities Act (“ADA”) and Title VII of the Civil Rights Act of 1964. The defendants then moved to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In 2020, the District Court granted those motions, concluding, inter alia, that the ADA claim was unexhausted and that the Title VII claim could only be brought against the City.

Thereafter, the District Court granted Araoye’s motion for permission to file an amended complaint. His amended complaint named the City as the lone defendant and raised claims under Title VII, the Pennsylvania Human Relations Act (“PHRA”), and 42 U.S.C. § 1981. The City subsequently moved to dismiss the Title VII and PHRA claims as time-barred, while Araoye filed multiple motions to file a *second* amended complaint that would revise the first amended complaint by adding the previously dismissed individual defendants. The District Court denied Araoye’s motions to further amend and granted the City’s partial motion to dismiss.

¹ Araoye is Black and was born in Nigeria.

All that remained was Araoye's § 1981 claim, which alleged that the City had discriminated against him on the basis of his race. After discovery, the City and Araoye filed cross-motions for summary judgment. On October 31, 2022, the District Court rejected Araoye's arguments and granted the City's motion. The District Court concluded that (1) "Section 1981 does not provide an implied private cause of action,"² and (2) even if Araoye's § 1981 claim were treated as a claim under 42 U.S.C. § 1983, it would lack merit because he "fail[ed] to demonstrate his alleged statutory injuries were caused by an official policy or custom of the City as required under [*Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978)]." (Dist. Ct. Mem. Op. entered Oct. 31, 2022, at 5, 7.)³ This timely appeal followed.⁴

II.

Araoye's briefing here is far from a model of clarity. Although we construe his briefing liberally, see Talley v. Wetzel, 15 F.4th 275, 286 n.7 (3d Cir. 2021) (noting a court's obligation to liberally construe pro se filings), we cannot conclude that his

² Although there is a § 1981 private right of action against individuals, in denying Araoye's motion to file a second amended complaint, the District Court explained why adding the individual defendants to Araoye's § 1981 claim would have been futile.

³ The District Court explained that, because it disposed of Araoye's claim "on the policy-or-custom requirement of *Monell*, it [was] unnecessary to determine whether Araoye ha[d] made a sufficient case as to the underlying statutory violation." (Dist. Ct. Mem. Op. entered Oct. 31, 2022, at 12.)

⁴ We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291.

opening brief has preserved a challenge to the District Court's order dismissing his original complaint, its order dismissing the Title VII and PHRA claims raised in his first amended complaint, or its orders denying his motions to file a second amended complaint. Accordingly, we deem these undeveloped issues forfeited. See United States v. Savage, 970 F.3d 217, 280 n.70 (3d Cir. 2020) (indicating that an appellant forfeits an issue if he fails to raise it in his opening brief or makes only a passing reference to it in that brief). The remainder of our discussion focuses on the District Court's summary-judgment decision.⁵

III.

⁵ The District Court, in addition to issuing the orders mentioned above, made numerous miscellaneous rulings during the approximately three-and-a-half years that this case was pending before it. To the extent that Araoye has preserved a challenge to one or more of those miscellaneous rulings, he has not shown that the ruling(s) in question should be disturbed.

Among other things, Araoye's opening brief repeatedly refers to the District Court docket number that corresponds to the District Court's order, entered March 5, 2020, granting his motion to file his first amended complaint. In doing so, he appears to argue that, by styling the case caption of that order so that it listed the City as the only defendant, the District Court "wrongfully acquitted" the individual defendants. (See Araoye's Opening Br. 5, 21.) But this argument is meritless. The styling of the case caption did not serve to "acquit" a defendant, let alone "wrongfully acquit" a defendant. And the caption's listing the City as the only defendant was not otherwise error. After all, when the District Court entered its March 5, 2020 order, all of the claims against the individual defendants had already been dismissed, and Araoye's first amended complaint (which was attached to his motion for permission to file) listed the City as the lone defendant.

We review the District Court's summary-judgment decision under a plenary standard. See Barna v. Bd. of Sch. Dirs. of Panther Valley Sch. Dist., 877 F.3d 136, 141 (3d Cir. 2017). Summary judgment is appropriate when the movant "shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). Although the non-movant's evidence "is to be believed, and all justifiable inferences are to be drawn in his favor in determining whether a genuine factual question exists," summary judgment should be granted "unless there is sufficient evidence for a jury to reasonably find for the nonmovant." Barefoot Architect, Inc. v. Bunge, 632 F.3d 822, 826 (3d Cir. 2011) (internal quotation marks omitted).

The District Court, in granting the City's summary-judgment motion, correctly concluded that Araoye could not pursue his § 1981 claim. See McGovern v. City of Philadelphia, 554 F.3d 114, 122 (3d Cir. 2009) (holding that § 1981 does not provide an implied private cause of action against state actors like the City).⁶ Furthermore, the District Court did not err in concluding that, to the extent that Araoye's claim of racial discrimination should instead be construed as arising under § 1983, that claim failed on the merits. To prevail on a § 1983 claim against a municipality, the plaintiff must show

⁶ To the extent that Araoye did not forfeit challenging the District Court's denial of his attempt to add the individual defendants to the § 1981 claim, we find the District Court correctly explained why amendment would have been futile at the motion to dismiss stage.

that he suffered a constitutional violation that was caused by the municipality's policy or custom. See Porter v. City of Philadelphia, 975 F.3d 374, 383 & n.45 (3d Cir. 2020) (citing Monell, 436 U.S. at 690); see also id. at 383 & n.46 (explaining that "a municipality cannot be held liable under § 1983 on a *respondeat superior* theory" (quoting Monell, 436 at 691)). For substantially the reasons set forth in the District Court's thorough and cogent opinion, we agree with the District Court that Araoye failed to make that showing. (See Dist. Ct. Mem. Op. entered Oct. 31, 2022, at 7-12.)

In view of the above, we will affirm the District Court's judgment.⁷ The City's motion to supplement the appendix is granted. Araoye's motion to supplement the appendix is granted to the extent that he seeks to include material from the District Court record, but it is denied to the extent that he seeks to include material outside of that record. See Burton v. Teleflex Inc., 707 F.3d 417, 435 (3d Cir. 2013) (indicating that a party may supplement the record on appeal in only "exceptional circumstances"). To the extent that Araoye asks us to strike the City's brief, that request is denied. Lastly, to the extent that Araoye seeks any other relief from us, that relief is denied, too.

⁷ To the extent that Araoye argues that the District Court was biased against him, we see no evidence of any bias. See generally Arrowpoint Cap. Corp. v. Arrowpoint Asset Mgmt., LLC, 793 F.3d 313, 330 (3d Cir. 2015) (explaining that "adverse rulings . . . are not in themselves proof of prejudice or bias").

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAMUEL O. ARAOYE,
Plaintiff,

CIVIL ACTION

v.

CITY OF PHILADELPHIA,
Defendant.

NO. 19-719

MEMORANDUM OPINION

Plaintiff Samuel Araoye, who is black, brings suit against Defendant City of Philadelphia claiming racial discrimination in the course of his employment by the City in violation of 42 U.S.C. § 1981. Araoye and the City have both moved for summary judgment pursuant to Federal Rule of Civil Procedure 56. For the reasons that follow, the City's Motion shall be granted, and Araoye's shall be denied.

I. FACTUAL BACKGROUND

The City hired Plaintiff as an accountant trainee in its Water Revenue Bureau, and then, the following year, promoted him to an accountant position. On December 18, 2017, he was promoted again to be an accounting supervisor in the Refund Unit of the City Revenue Department but the job was subject to a six-month probationary period, which was set to end June 17, 2018. During the probationary period, he received two performance evaluations, the first of which graded most of his performance factors as "Superior" with a few being marked as "Satisfactory," while the second evaluation graded most of his performance factors as "Unacceptable."

Following his poor second evaluation, at his six-month probationary meeting, he was issued a rejection notice from the accounting supervisor position. The notice described a number

of issues related to his work performance, including missing refund petitions, a disorganized workstation, improper delegation of work to subordinates, failure to follow priorities, and working unauthorized overtime hours. The City restored him to his former accountant position. Roughly a year later he resigned. Araoye claims he was discriminated against on the basis of his race in violation of 42 U.S.C. § 1981 by fellow employees and supervisors during and soon after his probationary period.

II. SUMMARY JUDGMENT STANDARDS AND RULES

A party is entitled to summary judgment if it shows “that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). “By its very terms, this standard provides that the mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine* issue of *material* fact.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986). “Inferences to be drawn from the underlying facts contained in the evidential sources must be viewed in the light most favorable to the party opposing the motion.” *Peters Twp. Sch. Dist. v. Hartford Acc. & Indem. Co.*, 833 F.2d 32, 34 (3d Cir. 1987).

“A genuine issue is present when a reasonable trier of fact, viewing all of the record evidence, could rationally find in favor of the non-moving party in light of his burden of proof.” *Doe v. Abington Friends Sch.*, 480 F.3d 252, 256 (3d Cir. 2007) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-26 (1986); *Anderson*, 477 U.S. at 248-52). “The non-moving party may not merely deny the allegations in the moving party’s pleadings; instead he must show where in the record there exists a genuine dispute over a material fact.” *Id.* (citation omitted). The standard does not change when, as here, the parties have filed cross-motions for summary judgment:

“[t]he court must rule on each party’s motion on an individual and separate basis, determining, for each side, whether a judgment may be entered in accordance with the Rule 56 standard.”

Auto-Owners Ins. Co. v. Stevens & Ricci Inc., 835 F.3d 388, 402 (3d Cir. 2016) (citation omitted). A moving party is entitled to judgment as a matter of law where the “nonmoving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.” *Celotex*, 477 U.S. at 323.

Before and since moving for summary judgment, Araoye has failed to follow procedures set out in Rule 56, the Scheduling Order in this case, and this Judge’s Policies and Procedures. Federal Rule of Civil Procedure 56 requires that a party “asserting that a fact cannot be or is genuinely disputed must support the assertion by” “citing to particular parts of materials in the record” and provides that, if a party fails to do so, the court may “consider the fact undisputed for purposes of the motion.” Fed. R. Civ. P. 56(c), (e). The Scheduling Order in this case provides that motions for summary judgment shall be supported with affidavits, depositions, documents, or other evidence, as permitted by Rule 56, and that references to such evidence “must include specific citations to exhibit, page, and line number.” Section V of this Judge’s Policies and Procedures keys off of the requirements of Rule 56 in describing the process that a party must follow in briefing a summary judgment motion. The parties must first meet and confer to develop a single joint appendix of all exhibits, which appendix the moving party must file with its brief. The moving party must also provide along with its summary judgment brief a statement of undisputed material facts with pinpoint cites to the joint record. In response, the opposing party admits or denies each stated fact and provides its own statement of disputed material facts to which the moving party responds. Each statement of fact must include pinpoint cites to the record in support of such fact. In addition, this Judge’s Policies and Procedures note that

material not included in the summary judgment joint appendix will not be considered.

In his briefing on summary judgment, Araoye often fails to cite to particular parts of materials in the record and did not develop a list of undisputed facts supported by the record. Further, Araoye often cites to materials submitted as miscellaneous, free-floating exhibits elsewhere in the docket, and often fails to provide pinpoint citations.

The Court is not required to scour the record to support Araoye's assertions where he has failed to cite to specific record evidence. *See Dawson v. Cook*, 238 F. Supp.3d 712, 717 (E.D. Pa. 2017); *Taraboshi v. Holder*, 337 F. App'x 101, 103 (2d Cir. 2009); *Bias v. Moynihan*, 508 F.3d 1212, 1219 (9th Cir. 2007). But because Araoye is a *pro se* litigant, his pleadings may be liberally construed. *Dluhos v. Strasberg*, 321 F.3d 365, 369 (3d Cir. 2003). In light of his *pro se* status, the Court will consider other material in the record to understand the nature of Araoye's claims and determine whether there are genuine disputes regarding material facts. *See, e.g., Harp v. Rahme*, 984 F. Supp. 2d 398, 409 (E.D. Pa. 2013), *aff'd*, No. 13-4808 (3d Cir. Aug. 13, 2014) (“[T]o deny any consideration to Plaintiff's submissions due to deficiencies in formatting would conflict with the policy of construing liberally the submissions of pro se parties.”).

It should be noted, however, that a party cannot rely on “conclusory, self-serving” affidavits to ward off summary judgment. *Gonzalez v. Sec'y of Dept. of Homeland Sec.*, 678 F.3d 254, 263 (3d Cir. 2012) (quoting *Kirleis v. Dickie, McCamey & Chilcote, P.C.*, 560 F.3d 156, 161 (3d Cir. 2009)). And “unsupported assertions, conclusory allegations, or mere suspicions” are insufficient to defeat summary judgment. *Argonaut Great Cent. Ins. Co. v. Phil's Tavern, Inc.*, 2001 WL 1346327, at *5 (E.D. Pa. Oct. 29, 2001).

III. RULE 56(F) BRIEFING

In their initial briefing on their summary judgment motions, the parties addressed the

substantive issue of racial discrimination under Section 1981. They did not, however, address the issue of whether Section 1981 provided a valid cause of action and, if not, whether Araoye could succeed instead under the cause of action provided by Section 1983. Given the *pro se* status of the plaintiff, the Court deemed it useful to ask the parties to address those issues. To wit, pursuant to Federal Rule of Civil Procedure 56(f), which allows a court to grant a summary judgment motion on grounds not raised by a party after giving “notice and a reasonable time to respond,” the Court requested supplementary briefing on whether Araoye lacks a valid cause of action under 42 U.S.C. § 1981 and whether his claim, assuming it could be treated as being brought pursuant to 42 U.S.C. § 1983, is sufficient to overcome *Monell*’s limits on municipal liability. *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978). Both parties filed timely supplemental briefs. Accordingly, the questions to be decided are (1) whether Araoye has a valid cause of action under Section 1981; (2) whether Araoye can rely on the private cause of action under Section 1983 despite not having pled pursuant to that section; and (3) if he can rely on Section 1983, whether he can overcome the limits of municipal liability for Section 1983 claims as established by the United States Supreme Court in *Monell*. 436 U.S. 658.

IV. DISCUSSION

A. Lack of Private Cause of Action Under Section 1981

Turning first to Araoye’s claim under 42 U.S.C. § 1981, it is easily disposed of in that the Third Circuit, following the United States Supreme Court, has held that Section 1981 does not provide an implied private cause of action against state governmental units. *McGovern v. City of Philadelphia*, 554 F.3d 114 (3d Cir. 2009) (holding that Section 1981 does not provide a private cause of action for discrimination lawsuits against state governmental units like the City of Philadelphia); *see Jett v. Dallas Indep. Sch. Dist.*, 491 U.S. 701 (1989). Instead, 42 U.S.C. §

1983 “constitutes the exclusive federal remedy for violation of the rights guaranteed in § 1981 by state governmental units.” *McGovern*, 554 F.3d at 121 (quoting *Jett*, 491 U.S. at 733).

Araoye does not plead his Section 1981 claim pursuant to Section 1983. Since the only defendant in his amended complaint is the City of Philadelphia, which is a state governmental unit, Araoye’s Section 1981 claim must fail and summary judgment will be granted on his Section 1981 claim shorn of its Section 1983 support. *See Arendale v. City of Memphis*, 519 F.3d 587, 607 (6th Cir. 2008) (affirming district court decision granting summary judgment to municipality where Section 1981 claim failed as a matter of law for lacking a cause of action); *Butts v. Cnty. of Volusia*, 222 F.3d 891, 895 (11th Cir. 2000) (affirming district court’s grant of summary judgment where plaintiff asserted Section 1981 claim against state actor without pleading Section 1983); *De v. City of Chicago*, 912 F. Supp. 2d 709, 730 (N.D. Ill. 2012) (granting summary judgment to municipality where plaintiff brought discrimination claim pursuant only to Section 1981).

Nevertheless, while *pro se* litigants must still “abide by the same rules” that apply to others, *Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 245 (3d Cir. 2013), it is permissible to treat a *pro se* litigant’s Section 1981 claims that would otherwise fail for lack of a cause of action as if they were brought pursuant to Section 1983. *See, e.g., Blackmon v. Escambia Cnty. Sch. Bd.*, 2014 WL 51342, at *4 n.8 (N.D. Fla. Jan. 7, 2014), *aff’d*, 568 F. App’x 848 (11th Cir. 2014); *Carter v. Muldoon*, 2018 WL 2049841, at *2 n.3 (D. Neb. May 1, 2018).¹

Yet even if Araoye’s Section 1981 claim is treated as if it were brought pursuant to

¹ The Court also notes that Plaintiff, in his motion for leave to file a second amended complaint submitted after summary judgment motions had been filed, cited to case law noting that Section 1981 claims by *pro se* plaintiffs may be liberally construed as having been brought under Section 1983. While that motion was denied, Plaintiff thus apparently attempted to correct this shortcoming, although doing so after summary judgment motions were filed by both parties.

Section 1983, here, where the defendant is a municipal entity, it runs into a separate problem. As discussed below, Araoye fails to demonstrate his alleged statutory injuries were caused by an official policy or custom of the City as required under *Monell*.

B. *Monell* Liability

Municipalities, like the City of Philadelphia, cannot be held vicariously liable for the federal constitutional or statutory violations of their employees. *Monell*, 436 U.S. 658; *see McGovern*, 554 F.3d at 121. Instead, municipal liability under Section 1983 must be predicated on actions taken pursuant to official policies or customs of the municipal entity. *See McGovern*, 554 F.3d at 121. Although *Monell* involved Section 1983, the Supreme Court has extended *Monell* to apply to cases arising under Section 1981. *Jett*, 491 U.S. at 735-36; *McGovern*, 554 F.3d at 121. *Monell* imposes “rigorous standards of culpability and causation” for municipal liability. *Bd. of Cnty. Comm’rs of Bryan Cnty. v. Brown*, 520 U.S. 397, 405 (1997).

To satisfy *Monell*, Araoye must demonstrate that any violation of Section 1981 was caused by a municipal policy or custom. *Monell*, 436 U.S. at 694. To meet the policy-or-custom requirement, Araoye must show that the City “implement[ed] or execute[d] a policy statement, ordinance, regulation, or decision officially adopted and promulgated,” or acted “pursuant to governmental ‘custom’ even though such a custom has not received formal approval through the body’s official decision-making channels.” *McGovern*, 554 F.3d at 121 (quoting *Monell*, 436 U.S. at 690-91). “Policy is made when a ‘decisionmaker possess[ing] final authority to establish municipal policy with respect to the action’ issues an official proclamation, policy, or edict.” *Berg v. Cnty. of Allegheny*, 219 F.3d 261, 275 (3d Cir. 2000) (quoting *Kneipp v. Tedder*, 95 F.3d 1199, 1212 (3d Cir. 1996)). Customs can be shown where “practices of state officials . . . [are] so permanent and well settled as to virtually constitute law.” *Id.* (internal quotation omitted).

The plaintiff must present evidence that an official with “final policy making authority” “authorized or acquiesced” in the policy or custom. *Oaks v. City of Philadelphia*, 59 F. App’x 502, 504 (3d Cir. 2003).

It is also necessary to show that the policy or custom caused the alleged injury. The plaintiff must “demonstrate that, through its deliberate conduct, the municipality was the ‘moving force’ behind the injury alleged.” *Berg*, 219 F.3d at 276 (quoting *Bd. of Cnty. Comm’rs of Bryan Cnty.*, 520 U.S. at 404). If the policy or custom does not facially violate federal law, causation must be shown by “demonstrat[ing] that the municipal action was taken with ‘deliberate indifference’ as to its known or obvious consequences. A showing of simple or even heightened negligence will not suffice.” *Id.* (citation omitted).

i. Allegations Involving Individual Actions Without a Policy or Custom

Most of Araoye’s allegations focuses on the allegedly discriminatory actions of individual employees and supervisors, including alterations to his probationary paperwork by his supervisor Noreen Skirkie and by his human resources manager Glenn Harper; his lack of training during his probationary employment period under Stephanie Gaines’s supervision; the creation of a hostile work environment by Gaines and Skirkie; and retaliation by multiple employees (in the form of his adverse performance evaluation, rejection, and subsequent denial from promotion) for his raising complaints about discriminatory behavior. As to these claims, Araoye fails to provide evidence that any municipal policy or custom was the “moving force” behind the alleged injuries rather than actions of individual employees. *See Berg*, 219 F.3d at 275-76.

ii. Civil Service Regulations and Regulation 14.042

While Araoye argues that the alterations to his performance report and rejection notice

violate aspects of the Philadelphia Civil Service Regulations, he does not demonstrate that the relevant Civil Service Regulations themselves are the cause of the alleged harms (*i.e.*, such that they might qualify as a policy under *Monell*). Quite the opposite, Araoye generally relies on the Civil Service Regulations to attempt to vindicate the rights he claims under them.

The only potential exception is his theory, as laid out in his Supplemental Brief, that Civil Service Regulation 14.042 is the cause of his alleged injuries because it removes the right for employees to seek redress for wrongful rejection from a position after a probationary period. But this argument fails to satisfy the demands of *Monell* as well.

Philadelphia Civil Service Regulation 14 sets forth regulations for the probationary period of employment, and Subsection 14.042 states: “An employee who is rejected during the probationary period does not have the right to appeal to the Civil Service Commission against such action.”² Araoye argues that Section 14.042 prevents employees like himself from seeking redress of wrongs committed against them during their period of probationary employment and actually “encourages intentional racial discrimination” on that basis.

But Araoye cannot show, as he must under *Monell*, that Civil Service Regulation 14.042 is the cause of his alleged statutory injuries under 42 U.S.C. § 1981. The fact that the regulation prevents him from appealing his probationary rejection to the Civil Service Commission is not the cause of the racial discrimination he claims he experienced in violation of Section 1981. The lack of one form of redress related to his probationary denial is not the cause of his alleged injuries.

² Philadelphia Civil Service Regulations can be accessed at the following web address: <https://www.phila.gov/publications/civil-service-regulations/#!/> (last updated February 18, 2022).

iii. Failure to Train

Araoye claims he suffered from a lack of training while operating under a demanding workload, stating that Gaines, the employee designated to train him, did not adequately do so. While failure to train can be the basis of *Monell* liability when a municipality's failure to train reflects "deliberate indifference" to its citizens' rights, *City of Canton v. Harris*, 489 U.S. 378, 392 (1989), Araoye does not argue that the City failed to adequately train the employees he accuses of discriminatory behavior (e.g., by failing to conduct anti-discrimination training), let alone that such a failure to train other employees evinces "deliberate indifference" on the City's part. Nor has Araoye "identified the specific training" the City "should have offered which would have prevented the deprivation" of his statutory rights under Section 1981 nor "established that such training was not provided." *Watson v. Philadelphia Hous. Auth.*, 629 F. Supp. 2d 481, 487-88 (E.D. Pa. 2009) (citation omitted).

The only potential exception is his argument that the City did not adequately train its employees as to the Civil Service Regulations he argues were violated during his probationary period. But Araoye has not shown that any lack of training as to the Civil Service Regulations governing administrative aspects of the probationary period caused an injury cognizable under Section 1981. In other words, Araoye does not demonstrate that the alleged racial discrimination was caused by gaps in any other employee's knowledge of the Civil Service Regulations.

iv. Failure to Prevent & Acquiescence by Officials

Araoye also argues that the City failed to prevent racial discrimination against him by his coworkers and supervisors through the inaction or acquiescence of City officials. For instance, Araoye argues that Tom Wismer, a director in the Refund Unit, was aware of the allegedly discriminatory actions against him and did nothing to prevent them. Araoye's Supplemental

Brief expounds on this topic and lists other individuals such as Revenue Commissioner Frank Breslin, Office of Human Resources Director Pedro Rodriguez, and Human Resources Director Jessica Varela.³ For instance, as for Breslin, Araoye claims, without citing to supporting record evidence, that he met Breslin, worked with Breslin's office on Refund Unit tasks, that Breslin sent a memo to him regarding a certain project, and Breslin sent him and others a "thank you" note after a project was completed. On these grounds, Araoye claims that Breslin was "aware of [the] timeline of [his] probationary period" but "failed to ask questions" about the rejection notice and its alleged inaccuracies when it was brought to Breslin for a signature. Araoye claims that Rodriguez was aware and acquiescent on the basis that he signed Araoye's rejection notice and that Varela did not address the alleged wrongdoing after being informed by a union president.

But Araoye still fails to identify a policy or custom to which any failure to prevent would be attributable and, in any case, does not demonstrate deliberate indifference on the City's part. *Berg*, 219 F.3d at 275. In fact, Araoye provides evidence that the City investigated his complaints against employees Skirkie, Wismer, and Gaines in the form of an investigative report from the City's Office of Labor Relations.

Furthermore, Araoye does not show that any official with final policymaking authority created a policy or acquiesced in a custom that caused his alleged injuries. For instance, Araoye fails to provide evidence by which a reasonable juror could conclude that Breslin, who appears to be the highest ranking official Araoye identifies, was aware of the alleged discrimination or acquiesced in any custom that caused Araoye's alleged injuries under Section 1981. Araoye fails to make any such showing for the other identified officials as well.

³ Job titles are drawn from Araoye's submissions where absent from the undisputed facts.

v. *Pattern of Discrimination*

Finally, Araoye appears to argue, often through statements unsupported by record evidence, that his alleged injuries under Section 1981 are attributable to a broader pattern of discrimination in the Revenue Department. Araoye argues that the City racially segregates between different divisions of the Revenue Department and that white employees enjoy greater promotional opportunities. Generously construed, his Supplemental Brief appears to argue this alleged pattern is sufficient to establish a custom under *Monell*.

Under this theory Araoye still has not identified a custom “so permanent and well settled as to virtually constitute law,” *Berg*, 219 F.3d at 275, nor has he demonstrated that an official with “final policy making authority” “authorized or acquiesced” in that custom. *Oaks*, 59 F. App’x at 504. Moreover, Araoye does not show the requisite causation, namely that any broader pattern of discrimination, assuming it amounts to a “custom” under *Monell*, caused his alleged injuries under Section 1981.

Having disposed of the matter on the policy-or-custom requirement of *Monell*, it is unnecessary to determine whether Araoye has made a sufficient case as to the underlying statutory violation—*i.e.*, whether the rights guaranteed to him under 42 U.S.C. § 1981 have been violated. *See, e.g., Jacobs v. City of Philadelphia*, 2004 WL 2850081 (E.D. Pa. Dec. 10, 2004) (granting summary judgment on Section 1981 and Section 1983 claims where plaintiff failed to show defendant City of Philadelphia had a policy or custom).

An appropriate order follows.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAMUEL O. ARAOYE,
Plaintiff,

CIVIL ACTION

v.

CITY OF PHILADELPHIA,
Defendant.

NO. 19-719

ORDER

~~AND NOW~~, this 31st day of October, 2022, upon consideration of Plaintiff's Motion for Summary Judgment (ECF No. 147 and 148) and Defendant's Motion for Summary Judgment (ECF No. 149) and Plaintiff's Response thereto (ECF No. 160), **IT IS HEREBY ORDERED** that Defendant's Motion is **GRANTED**. The Clerk of Court is ordered to terminate the case.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET

PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

June 20, 2023

Samuel O. Araoye
10606 SR 3004
Springville, PA 18844

Meghan Byrnes
City of Philadelphia
Law Department
1515 Arch Street
Room 17-151
Philadelphia, PA 19102

RE: Samuel Araoye v. City of Philadelphia
Case Number: 22-3199
District Court Case Number: 2-19-cv-00719

ENTRY OF JUDGMENT

Today, **June 20, 2023** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.

45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).

15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.

Certificate of service.

Certificate of compliance if petition is produced by a computer.

No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very Truly Yours,

s/ Patricia S. Dodszuweit
Clerk

By: s/ James King
Case Manager
Direct Dial: 267-299-4958

Official Opinion Letter

Prepared for:

Samuel Araoye

Bart Baggett

Expert Document Examiner

105 Maxess Rd, Suite S124,

Melville, NY 11747

Ph 212-537-9114

California Office

15233 Ventura Blvd., Sherman Oaks, CA 91403

Ph 323.544.9277

This letter contains a statement of the request of the client, descriptions of the questioned and comparison documents, a synopsis of the examination conducted, and this document examiner's opinion.

Requested Assignment

We were asked to review several documents relating to a performance report for Samuel Araoye to determine if the documents have been altered.

Attachments

Attached are the questioned documents, labeled as "Exhibit 1 -Exhibit 5", which is true and correct. Also attached is the document labeled as 'EXHIBIT A,' which is my Curriculum Vitae, which is true and correct.

Description of the Questioned Document(s)

We examined the following questioned document(s).

Exhibit 1 A copy of a document titled 'City of Philadelphia PERFORMANCE REPORT FOR PERMANENT EMPLOYEES,' dated 4/17/18, allegedly containing the signature of Samuel Araoye. This document alleges it is the 2nd Month Report.

Exhibit 2 A copy of a document titled 'City of Philadelphia PERFORMANCE REPORT FOR PERMANENT EMPLOYEES,' dated 4/17/18, allegedly containing the signature of Samuel Araoye. This document alleges it is the 5th Month Report.

Exhibit 3 A copy of a document titled 'City of Philadelphia PERFORMANCE REPORT FOR PERMANENT EMPLOYEES', dated 5/23/18. This document alleges it is the 5th Month Report.

Exhibit 4 A copy of a document titled 'Rejection Notice During Probation Period', with an effective date of June 6, 2018.

Exhibit 5 A copy of a document titled 'Rejection Notice During Probation Period', with an effective date of June 6, 2018, which has been crossed out and a new date was printed. This change was initialed with the initials GRU and dated 6-13-18.

Basis of Opinion

The basis for handwriting identification is that writing habits are not instinctive or hereditary but are complex processes that are developed gradually through habit and that handwriting is unique to each individual. Further, the basic axiom is that no one person writes exactly the same way twice, and no two people write exactly the same. Thus, writing habits or individual characteristics distinguish one person's handwriting from another.

According to Albert Osborn in his book, Questioned Documents, "It needs to be emphasized that two writings are identified as being by the same writer by an absence of fundamental divergences as well as by a combination of a sufficient number of similarities. The process is always a double operation, positive and negative, and if an error is to be avoided, neither part of the process should be overlooked. In order to reach the conclusions of the identity of two sets of writings, there must not be present significant and unexplained divergences. These divergences must, however, be something more than merely trivial variations that can be found in almost any handwriting."

A process of analysis, comparison, and evaluation was conducted between the known standards and questioned document(s). This process is known as the ACE Method. The guidelines followed are published by SWGDOC, the Scientific Working Group for Document Examination, and the American Society for Testing and Materials ASTM. The conclusions of the expert opinions are derived from the ASTM Standard Terminology for Expressing Conclusions for Forensic Document Examiners. An industry-standard overlay technique was utilized utilizing Adobe Photoshop software to overlay the documents and zoom in at 800X to confirm the findings.

Observations

Exhibit one (1) and Exhibit 2 (2) are identical except for the category of Type of Report, which appears in the first section of the report. Exhibit one (1) shows it is a 2nd Month Report, and Exhibit two (2) shows the 5th Month Report in the ninth line from the top. These documents have the same font, spacing, leading, and the signatures of Samuel Araoye and the signature under Samuel's are all exact duplicates of Exhibit 1. Except for minor skewing as a result of paper rolling through a different printer and a slight bend in Exhibit 1 when the photograph was taken, the bodies of these documents are both copies of the same original source. Attached to this document is a demonstrative overlay of Exhibit B to demonstrate the sameness between the two signatures. I have changed the color of Exhibit 1 to purple as a tool to observe the sameness of the two documents on top of each other.

I was not provided known exemplars of handwriting or signatures of any of the signatures on Exhibit 1 or Exhibit 2 to determine if any of the signatures or handwriting on Exhibit 1 or Exhibit 2 are or are not authentic. They cannot both be original wet signature documents. One or both are altered documents.

Therefore, I have not formed an opinion on the identity of the writers. However, since it is an industry axiom and known fact that no one person writes exactly the same way twice and the handwriting on both exhibits are exact in every way, one of the documents is obviously a copy of the other document.

In addition, on Exhibit 1, the Type of Report says it is a 2nd Month report. The title '2nd' is in a different font from the rest of the document, suggesting that the document was altered.

On Exhibit 3, the Type of Report says it is a 5th Month report which has a due date of 5/18/2018. Exhibit 2 also is a 5th Month Report which has a due date of 2/18/18. If both are 5th Month Reports, they both should have the same due date.

Exhibit four (4) and Exhibit five (5) are copies of each other. The only difference between the two is that the effective date was crossed out on Exhibit five (5) and a new date was printed. This change was initiated with the initials GRU and dated 6-13-18. I was not provided known exemplars of the initials on Exhibit 5 to determine if the initials are or are not authentic. Therefore, I have not formed an opinion on the identity of the writer of the initials. As to the timing of the date change, it is impossible to know whether the document was changed after it was allegedly given to Mr. Araoye or before.

Opinion

Based upon my thorough analysis of these items and from an application of accepted forensic document examination tools, principles and techniques, my professional expert opinion is as follows:

Exhibit 1 and Exhibit 2 are identical to each other, with the exceptions as noted above, and most importantly, the word 5th Month was replaced with 2nd month on Exhibit 2. Thus one or both of these two documents are copies of the source document, and the "month" was altered. Therefore, the original wet ink needs to be located and inspected. These documents should not be relied upon as authentic.

On Exhibit 3, an investigation should be conducted to know the exact timing of when Exhibit 3 would have been due. If it is revealed that the timing of Exhibit 3 should have been due earlier, then Exhibit 3 should at that time be considered fraudulent. However, until such time, I am inconclusive as to the authenticity of the document.

On Exhibit 4 and Exhibit 5, an investigation should be conducted to know the exact due date of the effective date of the documents. Until such time, I am inconclusive as to the authenticity of these documents.

Declarations and Signature

I am willing to appear in a court of law and provide expert witness testimony which supports my opinion based on the evidence provided. I declare under penalty of perjury under the laws of the state of Texas that the foregoing is true and correct, executed this 13th day of April 2022, in Dallas, Texas 75230.

Respectfully submitted,


Bart Baggett

Standard Terminology for Expressing Conclusions of Forensic Document Examiners

Designation E 1658-04

Since the observations made by the examiner relate to the product of the human behavior there are a large number of variables that could contribute to limiting the examiner's ability to express an opinion confidently. These factors include the amount, degree of variability, complexity and contemporaneity of the questioned and/or specimen writings. To allow for these limitations a scale is used which has four levels on either side of an inconclusive result. These levels are:

- Identification / Elimination

May be expressed as 'The writer of the known documents wrote / did not write the questioned writing.' This opinion is used when the examiner denotes no doubt in their opinion; this is the highest degree of confidence expressed by a document examiner.

- Strong Probability

May be expressed as 'There is a strong probability the writer of the known documents wrote / did not write the questioned writing.' This opinion is used when the evidence is very persuasive, yet some critical feature or quality is missing; however, the examiner is virtually certain in their opinion.

- Probable

May be expressed as 'It is probable the writer of the known documents wrote / did not write the questioned writing.' This opinion is used when the evidence points strongly toward / against the known writer; however, the evidence falls short of the virtually certain degree of confidence.

- Evidence to Suggest

May be expressed as 'there is evidence to suggest the writer of the known documents wrote / did not write the questioned writing.' This opinion is used when there is an identifiable limitation on the comparison process. The evidence may have few features which are of significance for handwriting comparisons purposes, but those features are in agreement with another body of writing.

- Inconclusive

May be expressed as 'no conclusion could be reached as to whether the writer of the known documents wrote / did not write the questioned writing.' This is the zero point of the confidence scale. It is used when there are significantly limiting factors, such as disguise in the questioned and/or known writing or a lack of comparable writing and the examiner does not have even a leaning one way or another.

Bart Baggett

Expert Document Examiner

Handwriting Expert New York
105 Maxess Rd, Suite S124
Melville NY 11747

Telephone 212-537-9114
handwritingexpertnewyork@yahoo.com
www.HandwritingExpertNewYork.com

Bart Baggett is a Forensic Document Examiner and an experienced expert witness. He is a skilled authority in handwriting identification and has examined over 15,000 documents as part of over 1,200 cases. He is a court-qualified expert witness in the field of questioned documents across the United States. He has testified over 95 times in both civil and criminal trials, jury, and bench trials, and even in Federal Court. He has consulted on cases nationwide and for the nation's top media personalities, lawyers, and district attorneys.

Mr. Baggett is a frequent guest expert for CNN and has appeared on over 1500 Radio/TV shows including Fox News Network and CBS The Today Show, alongside hosts such as Larry King, Ashleigh Banfield, Paula Zahn, and Nancy Grace.

Mr. Baggett holds the prestigious status of Diplomate of the ACFEI (American College of Forensic Examiners Institute). He is also a member of the Association of Certified Fraud ~~Examiners and the International Association for Identification~~. His is a former member of the ASTM E-30.02 Voting Subcommittee on Questioned Documents American Society of Testing and Materials).

Bart Baggett has worked on cases, lectured, and taught handwriting related classes for over 25 years in the United States, Singapore, and India.

Mr. Baggett has a B.A. from Pepperdine University. He is the founder and President of the International School of Forensic Document Examination. He teaches classes and manages the current curriculum for the school. This two-year curriculum has taught, mentored, and certified many working forensic document examiners in countries including the U.S., Canada, Turkey, India, & Australia. He still mentors and peer reviews other working forensic document examiners' cases. In the last 20 years, Bart's books, courses, and videos have been published worldwide in the United States, China, India, Australia, and England.

Bart Baggett's extensive library contains a variety of literature regarding forensic handwriting analysis, questioned documents, psychology, and behavioral profiling.

The equipment in Mr. Baggett's document examination lab includes: a Macintosh Powerbook, a Macintosh Intel Powerbook, a Xerox Documate 3120 scanner, an Epson Perfection V39 color scanner, a Canon EosRebeT7i Digital Camera, an Amscope three lens mono microscope (40x to 400x), an Illuminated Stereo Microscope ST Series (20x-40x lens), Fluorescent / UV / Infrared Photographic Equipment, a protractor, metric measuring devices, a light table, transparencies, and numerous magnifying devices and traditional magnifying glasses.

**2004-2021 Mr. Baggett has taught the following classes to enrolled students at
The School of Forensic Document Examination.**

Here is the full list of class lectures:

Preliminary Examinations and Document Preparation
Forensic Laboratory and Special Instruments for Examination
Handwriting Analysis vs. Document Examination in the US Legal System
Marketing Basics for Document Examiners
Alteration of Documents
Individual Characteristics in Handwriting
Factors That Effect Handwriting
Letter Forms in Handwriting
Websites Fundamentals for Working Document Examiners
Exhibits and Demonstrative Evidence
Print script, Numbers, and Alphabets
The History of Paper, Ink, and Writing Instruments
Business Plans and Career Objectives for Document Examiners
Anonymous Writing
Disguised Writing
Forensic Ink Analysis and Destructive Laboratory Tests
The Art of the Deposition and Court Testimony
Mock Trials and Cross-Examination Principles
The Importance of the Voir Dire
Signature Transfers on Electronic Documents & Analog Documents
The Methodology of Electronic Transfers Using Photoshop
Fonts, Typewriters, and Inspecting Antique Documents
The History and Application of the ASTM and SWGDOC guidelines
Forgery in Signatures and Handwriting
Photocopiers, Facsimiles, and Other Duplicators
Computer Generated Documents and the Printer
The US Court and the Expert Witness
Preparation and Procedure for the Deposition
Special Problems in Discrimination and Identification of Writing
Extrinsic Factors Influencing Handwriting
Intrinsic Factors Influencing Handwriting
Exemplars, Requested Writing, and Sources of Documents
Building Your Curriculum Vitae and Continuing Education
A Guide to the US Law and US Court System
The Pretrial Attorney Conference and Testimony Preparation

Bart Baggett's Education and Training in Handwriting & Document Examination:

A two-year in-person apprenticeship with Ray Walker, a leading authority in the field of handwriting analysis and document examination. Walker authored "The Questioned Document Examiner and the Justice System" book.

A two-year in-person apprenticeship with Phyllis Mattingly; Malibu, California. Phyllis was one of Southern California and Colorado's highest profile document examiners. She was a member of NADE (National Association of Document Examiners) and had over 1,000 cases throughout her 30-year career.

Proficiency Testing

2012 Collaborative Testing Services, Inc.

Lectures, Conferences, and Classes

2021 IADE Seventh Annual Interactive Seminars and Workshop

Principles of Handwriting Identification by Kathie Koppenhaver
A Guide to Authenticating Digital Documents by Darren Hayes, PhD
Identifying False Knowns Hidden in Plain Sight by Sharon R. Hampton
Authenticating Signatures in PDF Documents by Doug Carner
The Forensic Mindset by Dr. Max M. Houck
Report Writing by Beth Chrisman
Instructional Graphics for Document Examiners by Brenda Anderson
Zoom Video Conference – September 13-15, 2021

2021 Elements of Ink Testing and The Spectrum of Light with Forensic Tools.
Taught by Brett Goldstein.
Zoom Video Class - March 19, 2021

2020 Case Reviews and the Jamaican Court System by Beverley East
Zoom Video Class - March 23, 2020

2019 International Association of Document Examiners, Inc.
Speakers included Beverley East, Katherine Koppenhaver, and others.
Montego Bay, Jamaica
September 12-15, 2019

2018 Presenter at The Beijing Handwriting Analysis Summit
Beijing, China
October 27-28, 2018

Presenter and participant at the Wroclaw Symposium of Questioned Document Examination. Attended classes from Europe's top Forensic Document Examiners.
Wroclaw, Poland
June 6-8, 2018

2016 Received the certificate of "Diplomate" status from Robert L. O'Block of the American College of Forensic Examiners Institute.

2015 Took course from ACFEI (American College of Forensic Examiners Institute) training Handwriting Examiners as Jury and Trial Consultants. Passed.

American College of Forensic Examiners Institute
ACFEI Education Credit: Handwriting Examiners as Jury and Trial Consultants
February 10, 2015

2009 ~~School of Forensic Document Examination's~~ Live Teleclasses
Attended a variety of classes taught by Robert Baier.

Attended ACFEI (American College of Forensic Examiners Institute) Annual Conference **Las Vegas, Nevada**

2008 ~~School of Forensic Document Examination's~~ Live Teleclasses
Attended a variety of classes taught by Robert Baier.

2006 ~~School of Forensic Document Examination's~~ Annual Conference
Attended the following lectures, in addition to general sessions:

Deposition and Cross Examinations by Dr. Richard Frazier
Medical Problems Affecting Handwriting by Dr. Richard Frazier
Legal Issues for Document Examiners by Dr. Richard Frazier
Deposition and Cross Examinations Dr. Richard Frazier
Health Factors Affecting Handwriting by Dr. Joe Alexander,
Prescription Forgery and Medical Crimes by Diane King
Dallas, Texas

2005

School of Forensic Document Examination's Annual Conference,
Attended the following lectures, in addition to general sessions:
Tremors and Line Quality taught by Reed Hayes
Demonstrative Evidence taught by Katherine Koppenhaver, Bill Koppenhaver.
Photography through microscopes by David Babb
Paper and Watermarks by John McGuire
Dallas, Texas

~~School of Forensic Document Examination's Teleclass Curriculum~~
Natural Variation taught by Reed Hayes
The Discrimination of Handwriting by Don Lehew
Procedures for Examining Signatures by Don Lehew
Courtroom Procedures and Roles by Don Lehew

2004

School of Forensic Document Examination's Annual Conference,
Attended classes taught by Reed Hayes, Katherine Koppenhaver, Bill
Koppenhaver.
Dallas, Texas

~~School of Forensic Document Examination's Teleclass Curriculum~~
Examination of Anonymous Writing by Reed Hayes
Document Examination Terminology by Don Lehew
Notary Public by Don Lehew
Advanced Forgery Identification by Don Lehew

-Updated October 28, 2021-

CITY OF PHILADELPHIA PERFORMANCE REPORT FOR PERMANENT EMPLOYEES			DATE RECEIVED BY PERSONNEL DEPARTMENT 5/17/18 <i>N. Sar</i>				
Name Samuel Araoye Payroll Number 245661 Class Code 2A07 Department Number 36-AA-07-01 Civil Service Title Accounting Supervisor Department Name Revenue Due Date 02/18/18 Type of Report 2nd Month							
COMMENTS TO EMPLOYEE							
Supervisor should include examples of work especially well done and suggestions as to how work performance can be improved; factor ratings of Unacceptable or over-all ratings of Outstanding, Superior, Improvement Needed, or Unacceptable must be substantiated, (Use additional sheets if more space is needed.) Sam, your eagerness to learn all aspects of the refund work has been commendable. I have had some of your employees come to me with concerns on how work is distributed and some of your comments. I think areas for improvement are the interaction between you and your employees. I think supervisory classes as well as some technical writing classes would be beneficial.							
For your information I have summarized my best judgement of how well you have performed the duties of your position during the period covered since your last report. A duplicate copy of this report is being forwarded to the Personnel Department			RATINGS ARE INDICATED BY "X" MARKS				
PERFORMANCE FACTORS			UNACCEPTABLE	IMPROVEMENT NEEDED	SATISFACTORY	SUPERIOR	OUTSTANDING
1.	QUALITY OF WORK – Accuracy; precision; completeness; neatness. (Quantity not considered.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	QUANTITY OF WORK – Amount of work turned out. (Quality not considered.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	WORK HABITS – Organization of work; care of equipment; safety considerations; promptness; industry.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	RELATIONSHIP WITH PEOPLE – Ability to get along with others; effectiveness in dealing with the public, other employees, patients or inmates.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	INITIATIVE – Self reliance; resourcefulness; willingness and ability to accept and carry out responsibility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	DEPENDABILITY – Degree to which employee can be relied upon to work and to meet deadlines without close supervision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	ANALYTICAL ABILITY – Thoroughness and accuracy of analysis of data, facts, laws and rules.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	ABILITY AS SUPERVISOR – Proficiency in training employees, in planning, organizing, laying out and getting out work; leadership.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	ADMINISTRATIVE ABILITY – Promptness of action; soundness of decision; application of good management principles.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	FACTORS NOT LISTED ABOVE: (Use additional sheets, if needed.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING: Must be consistent with the factor ratings, but there is no prescribed formula for computing the overall rating.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> I recommend that you be granted permanent Civil Service status (To be checked only on Fifth month report)							
SIGNATURE OF RATER <i>Noreen A. Skerko</i>		PAYROLL NUMBER 262616		TITLE Revenue Accounting Manager		DATE 4/17/2018	
<input type="checkbox"/> I WOULD LIKE TO DISCUSS THIS REPORT WITH THE REVIEWING OFFICER				IN SIGNING THIS REPORT I DO NOT NECESSARILY AGREE WITH THE CONCLUSIONS OF THE RATER Signature of Employee <i>Samuel C. Araoye</i> Date <i>4/17/18</i>			
AS REQUESTED REVIEWING OFFICER DISCUSSED REPORT WITH EMPLOYEE ON (DATE) _____				I CONCUR IN THE RATINGS GIVEN BY THE RATER. I HAVE MADE NO CHANGE IN THE REPORT Signature Of Reviewing Officer <i>[Signature]</i> Date <i>4/17/18</i>			

Exhibit 1 -Samuel Araoye

CITY OF PHILADELPHIA
PERFORMANCE REPORT FOR PERMANENT EMPLOYEES5/17/18 *N. S. A.*

NAME: *Samuel Araoye*
 ID: *10000000000000000000*
 POSITION: *Assistant Manager*
 DEPARTMENT: *Department of Public Works*
 SUPERVISOR: *Samuel Araoye*
 DATE: *5/17/18*

COMMENTS TO EMPLOYEE

During the past year, your work has been commendable. I have had some of your employees come to me with concerns on how work is distributed and some of your comments. I think cross for improvement and the interaction between you and your employees. I think supervisory decision as well as some tasks and things that would be beneficial.

Some of your employees have been very helpful in the past. I have had some of your employees come to me with concerns on how work is distributed and some of your comments. I think cross for improvement and the interaction between you and your employees. I think supervisory decision as well as some tasks and things that would be beneficial.

RATING FACTORS	RATINGS ARE INDICATED BY "X" MARKS				
	1	2	3	4	5
QUALITY OF WORK - Amount of work done, completion, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
QUANTITY OF WORK - Amount of work turned out. (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WORK HABITS - Carefulness of work, care of equipment, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RELATIONSHIP WITH PEOPLE - Ability to get along with others, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INITIATIVE - Self-motivation, resourcefulness, willingness and ability to accept and perform extra work.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DEPENDABILITY - Degree to which employee can be relied upon to work and to meet deadlines without close supervision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ANALYTICAL ABILITY - Thoroughness and accuracy of work, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ADVICE AND GUIDANCE - Proficiency in training, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATIVE ABILITY - Proficiency of planning, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MANAGEMENT ABILITY - Proficiency of planning, (Quality and quantity)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING - Mark the number with the factor and the rating for each factor.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Signature of Supervisor: *Samuel Araoye* Date: *5/17/18*

Signature of Employee: *Samuel Araoye* Date: *5/17/18*


CITY OF PHILADELPHIA PERFORMANCE REPORT FOR PERMANENT EMPLOYEES		DATE RECEIVED BY PERSONNEL DEPARTMENT	
Name Samuel Araoye Payroll Number 245861 Class Code 2A07 Department Number 36-AA-07-01 Civil Service Title Accounting Supervisor Department Name Revenue JOB Date 5/18/2018 Type of Report 5th Month			
COMMENTS TO EMPLOYEE			
Supervisor should include examples of work especially well done and suggestions as to how work performance can be improved; factor ratings of Unacceptable or over-all ratings of Outstanding, Superior, Improvement Needed, or Unacceptable must be substantiated. (Use additional sheets if more space is needed.) Sam, over the last several weeks, I and others on the staff have tried to help you organize your work and prioritize based on departmental needs but I see that you do not follow my direction. It is imperative that you work on the oldest petitions that can earn interest first. You continue to assign income-based refunds which I have told you can wait. You are supposed to be working on inter-departmental refunds but revert back to credit notices. In addition, you cannot stay more than 4 hours overtime but you continue to do so. For these reasons, I am not recommending you for the permanent position.			
For your information I have summarized my best judgement of how well you have performed the duties of your position during the period covered since your last report. A duplicate copy of this report is being forwarded to the Personnel Department		RATINGS ARE INDICATED BY "X" MARKS	
PERFORMANCE FACTORS		UNACCEPTABLE	IMPROVEMENT NEEDED
1. QUALITY OF WORK – Accuracy; precision; completeness; neatness. (Quantity not considered.)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. QUANTITY OF WORK – Amount of work turned out. (Quality not considered.)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. WORK HABITS – Organization of work; care of equipment; safety considerations; promptness; industry.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. RELATIONSHIP WITH PEOPLE – Ability to get along with others; effectiveness in dealing with the public, other employees, patients or inmates.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. INITIATIVE – Self reliance; resourcefulness; willingness and ability to accept and carry out responsibility.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. DEPENDABILITY – Degree to which employee can be relied upon to work and to meet deadlines without close supervision.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. ANALYTICAL ABILITY – Thoroughness and accuracy of analysis of data, facts, laws and rules.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. ABILITY AS SUPERVISOR – Proficiency in training employees, in planning, organizing, laying out and getting out work; leadership.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. ADMINISTRATIVE ABILITY – Promptness of action; soundness of decision; application of good management principles.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. FACTORS NOT LISTED ABOVE: (Use additional sheets, if needed.)		<input type="checkbox"/>	<input type="checkbox"/>
OVERALL RATING: Must be consistent with the factor ratings, but there is no prescribed formula for computing the overall rating.		UNACCEPTABLE	IMPROVEMENT NEEDED
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> I recommend that you be granted permanent Civil Service status (To be checked only on Fifth month report)			
SIGNATURE OF RATER 		DATE 5/23/2018	
PAYROLL NUMBER 262616		TITLE Revenue Accounting Manager	
I WOULD LIKE TO DISCUSS THIS REPORT WITH THE REVIEWING OFFICER		IN SIGNING THIS REPORT I DO NOT NECESSARILY AGREE WITH THE CONCLUSIONS OF THE RATER Signature of Employee _____ Date _____	
AS REQUESTED REVIEWING OFFICER DISCUSSED REPORT WITH EMPLOYEE ON (DATE) _____		I CONCUR IN THE RATINGS GIVEN BY THE RATER. I HAVE MADE NO CHANGE IN THE REPORT Signature Of Reviewing Officer _____ Date 5/23/18	

Exhibit 3 -Samuel Araoye

REJECTION NOTICE DURING PROBATIONARY PERIOD (Prepare in Triplicate)		CITY OF PHILADELPHIA PERSONNEL DEPARTMENT
NAME OF PROBATIONER Samuel Araoye, PR# 245661		
ADDRESS 4842 Summerdale Ave., Philadelphia, PA 19124		
CLASSIFICATION OF POSITION Accounting Supervisor		
DIVISION AND/OR DEPARTMENT Enforcement – Accounting Control (36-AA-07-01)		
EFFECTIVE DATE OF REJECTION June 6, 2018	DATE OF LAST DAY OF PROBATIONARY PERIOD June 17, 2018	
<p>TO THE PROBATIONER ABOVE - NAMED:</p> <p>You are hereby notified that you have been rejected from further employment from the position above described, effective at the close of work on the date of rejection above indicated, which is not later than the last day of your probationary period in that position. The Philadelphia Home Rule Charter and the Civil Service Regulations do not permit an appeal from this action to the Civil Service Commission. If you had permanent civil service status in another class immediately prior to your being appointed to this position, you may have a right to that position.</p> <p>The specific reasons for your rejection from the above position are as follows:</p> <p>Sam, you received your second month evaluation on April 17, 2018; which had the overall rating of superior. The only aspect of concern was your interaction with some of your subordinates. To date this matter is resolved.</p> <p>The Refund Unit is very complex due to the various refunds we process, each requiring a different process tactic. For this reason, the Refund Supervisor needs to have and maintain excellent organization skills, and the ability to prioritize work based on departmental needs. Specifically, the supervisor must assign the oldest refund petition first. All petition requests must be processed within 60 days and refund requests by returns must be processed in 75 days. If they are not processed timely, they will accumulate interest. In addition, we have inter-departmental refunds, credit notices, and income-based refunds which do not have the potential for interest.</p> <p>Over the last three months, it became apparent petitions were missing. As the supervisor, you sent out a unit email to all refund personnel, as well as employees working in refund for overtime. You informed them to look through their desk and make sure they did not have any of the missing work. In April, I held a unit meeting and implemented a new tracking method to track work more efficiently. After the meeting I observed your cubicle in disarray and instructed you to organize your work and look for refund petitions you were not working on, and properly delegate them for processing according to the new implemented process.</p> <p>During the last week of April, it became apparent you were unable to organize the work in your cubicle. This resulted in me assigning a Service Representative to assist you with organizing your work. You were instructed to load boxes with the paperwork in your cubicle. The Service Representative took the boxes and organized the work pending processing and filed the complete work. Once they organized the documents they were returned to you for processing.</p> <p>During the week of May 7th, you told me you assigned the box of unprocessed petitions to one of your accountants to track and complete as he tracked them. Again, I informed you that accountants are not to be tracking petitions and oldest petitions are to be processed first. A few days later, I observed you tracking petitions. I took the box from you and assigned it to a Revenue Collection Rep to track. I asked you for any tracked refund petitions and instructed you to complete the inter-departmental refunds.</p> <p>On May 21, 2018, when you and I met to go over the work flow, you informed me you instructed a service representative to calculate income-based petitions. Again, I reminded you these were not a priority at the time.</p> <p>On May 22, 2018, I came by your cubicle to discuss some issues with you and your cubicle was in disarray yet again. When asked about the piles of paperwork, you stated you thought you should work on credit notes. These are untracked and can easily be processed at another time. I previously, instructed you to work on the inter-departmental refunds and</p>		

when the system was down, work on petitions over 61 days old.

On May 23, 2018, I went to your cubicle to review the documents on your desk. I removed all petitions, returns, and credit notes that had a tracking number. Some were completed and some were not. When I questioned you about this, you stated the interdepartmental screens were unavailable after a certain time in the evening. You took a batch of refund petitions to work on overtime. Sam, the paperwork was not one batch of petitions, but an assortment of petitions with notes as far back as February and March. This is an example of your inability to properly organize and delegate assignments.

I have done all that I believe I can to help you through this process. I allowed overtime to far more people than it has been in the past to help you get as many petitions processed as possible. I relieved you of the daily and weekly reports and have everyone completing daily production reports to me for review to free up more time for you to organize and process the petitions that you need to. I added an accountant from another unit that is experienced in Refunds to help during the day to make sure you had all the help needed and to answer any questions, especially if Tom or I are not available.

Each week I have met with you, two to three times to review TIPS screen F625 to see the oldest work and what type of work needs to be assigned to each person. Some of these meetings included a Refunds RCR, and an Accounting Control accountant. Together we review the TIPS reports and plan all the work for the next several days.

These actions were taken to help you not only learn the TIPS system but the Refund process as a whole. Unfortunately, you have not exhibited the organizational skills needed to supervise a unit responsible for processing an extremely high volume of paperwork in a timely fashion. This work is complex as it reaches across all City departments as well as various taxpayers. You have yet to exhibit an understanding of how to prioritize the refunds according to departmental needs. I have consistently directed you as to the order of petitions to be reviewed and processed and explained the reasoning, yet you consistently assign other duties. Although I have also told you on several occasions about staying and working past the acceptable four hours overtime, eight on Saturdays, you continue to do so. In the sixty-eight hours a week you have been working you still cannot organize and prioritize the work.

For these reasons, you are being rejected on probation.

6/5/2018 Noreen A. Skerker Revenue Accounting Mgr
Date Signature of Supervisor Title

I do not recommend that this probationer be placed on the eligible list for this class.

(do or do not)
APPROVED: Frank Buli Commissioner 6/5/18
Signature of Head of Office, Board or Commission Title Date

CONSENT OF PERSONNEL DIRECTOR

Subject to verification of the above-stated reasons. I hereby consent to the rejection during the probationary period of the above-named person on the effective date indicated.

6/5/2018 Robert Rodriguez
Date Personnel Director

Status

REJECTION NOTICE DURING PROBATIONARY PERIOD (Prepare in Duplicate)		CITY OF PHILADELPHIA PERSONNEL DEPARTMENT
EMPLOYEE INFORMATION		
Samuel Araoye, PR# 245661		
ADDRESS		
4942 Summerdale Ave., Philadelphia, PA 19124		
CLASSIFICATION		DATE OF LAST DAY OF PROBATIONARY PERIOD
Accounting Supervisor		THU APR 28 A 1:15
ENFORCEMENT - ACCOUNTING CONTROL (36-AA-07-01)		
EFFECTIVE DATE OF REJECTION		DATE OF LAST DAY OF PROBATIONARY PERIOD
June 4, 2018 June 16, 2018 (LH 6:15-6)		June 17, 2018

TO THE PROBATIONER ABOVE-NAMED:
You are hereby notified that you have been rejected from further employment from the position above described, effective at the close of work on the date of rejection above indicated, which is not later than the last day of your probationary period in that position. The Philadelphia Home Rule Charter and the Civil Service Regulations do not permit an appeal from this action to the Civil Service Commission. If you had permanent civil service status in another class immediately prior to your being appointed to this position, you may have a right to that position.

The specific reasons for your rejection from the above position are as follows:

Sam, you received your second month evaluation on April 17, 2018; which had the overall rating of superior. The only aspect of concern was your interaction with some of your subordinates. To date this matter is resolved.

The Refund Unit is very complex due to the various refunds we process, each requiring a different process tactic. For this reason, the Refund Supervisor needs to have and maintain excellent organization skills, and the ability to prioritize work based on departmental needs. Specifically, the supervisor must assign the oldest refund petition first. All petition requests must be processed within 60 days and refund requests by returns must be processed in 75 days. If they are not processed timely, they will accumulate interest. In addition, we have inter-departmental refunds, credit notices, and income-based refunds which do not have the potential for interest.

Over the last three months, it became apparent petitions were missing. As the supervisor, you sent out a unit email to all refund personnel, as well as employees working in refund for overtime. You informed them to look through their desk and make sure they did not have any of the missing work. In April, I held a unit meeting and implemented a new tracking method to track work more efficiently. After the meeting I observed your cubicle in disarray and instructed you to organize your work and look for refund petitions you were not working on, and properly delegate them for processing according to the new implemented process.

During the last week of April, it became apparent you were unable to organize the work in your cubicle. This resulted in me assigning a Service Representative to assist you with organizing your work. You were instructed to load boxes with the paperwork in your cubicle. The Service Representative took the boxes and organized the work pending processing and filed the complete work. Once they organized the documents they were returned to you for processing.

During the week of May 7th, you told me you assigned the box of unprocessed petitions to one of your accountants to track and complete as he tracked them. Again, I informed you that accountants are not to be tracking petitions and oldest petitions are to be processed first. A few days later, I observed you tracking petitions. I took the box from you and assigned it to a Revenue Collection Rep to track. I asked you for any tracked refund petitions and instructed you to complete the inter-departmental refunds.

On May 21, 2018, when you and I met to go over the work flow, you informed me you instructed a service representative to calculate income-based petitions. Again, I reminded you these were not a priority at the time.

On May 22, 2018, I came by your cubicle to discuss some issues with you and your cubicle was in disarray yet again. When asked about the piles of paperwork, you stated you thought you should work on credit notes. These are untracked and can easily be processed at another time. I previously, instructed you to work on the inter-departmental refunds and

when the system was down, work on petitions over 61 days old.

On May 23, 2018, I went to your cubicle to review the documents on your desk. I removed all petitions, returns, and credit notes that had a tracking number. Some were completed and some were not. When I questioned you about this, you stated the interdepartmental screens were unavailable after a certain time in the evening. You took a batch of refund petitions to work on overtime. Sam, the paperwork was not one batch of petitions, but an assortment of petitions with notes as far back as February and March. This is an example of your inability to properly organize and delegate assignments.

I have done all that I believe I can to help you through this process. I allowed overtime to far more people than it has been in the past to help you get as many petitions processed as possible. I relieved you of the daily and weekly reports and have everyone completing daily production reports to me for review to free up more time for you to organize and process the petitions that you need to. I added an accountant from another unit that is experienced in Refunds to help during the day to make sure you had all the help needed and to answer any questions, especially if Tom or I are not available.

Each week I have met with you, two to three times to review TIPS screen F625 to see the oldest work and what type of work needs to be assigned to each person. Some of these meetings included a Refunds RCR, and an Accounting Control accountant. Together we review the TIPS reports and plan all the work for the next several days.

These actions were taken to help you not only learn the TIPS system but the Refund process as a whole. Unfortunately, you have not exhibited the organizational skills needed to supervise a unit responsible for processing an extremely high volume of paperwork in a timely fashion. This work is complex as it reaches across all City departments as well as various taxpayers. You have yet to exhibit an understanding of how to prioritize the refunds according to departmental needs. I have consistently directed you as to the order of petitions to be reviewed and processed and explained the reasoning, yet you consistently assign other duties. Although I have also told you on several occasions about staying and working past the acceptable four hours overtime, eight on Saturdays, you continue to do so. In the sixty-eight hours a week you have been working you still cannot organize and prioritize the work.

For these reasons, you are being rejected on probation.

6/5/2018 Noreen A. Sklar Refunds Accounting Mgr
Date Signature of Supervisor Title

I do not recommend that this probationer be placed on the eligible list for this class.

(do or do not)
APPROVED: Frank Bauli Commissioner 6/5/18
Signature of Head of Office, Board or Commission Title Date

CONSENT OF PERSONNEL DIRECTOR

Subject to verification of the above-stated reasons. I hereby consent to the rejection during the probationary period of the above-named person on the effective date indicated.

6/5/2018 Roder Rodriguez
Date Personnel Director

CITY OF PHILADELPHIA PERFORMANCE REPORT FOR PERMANENT EMPLOYEES		DATE: 5/17/18 BY: [Signature]						
Name: Samuel Araoye Payroll Number: 245661 Class Code: 2A07 Department Number: 010 City: Philadelphia Accounting Supervisor: Department Name: [blank] Date: 02/18/18 Type of Report: [blank]								
COMMENTS TO EMPLOYEE								
Supervisor should include examples of work especially well done and suggestions as to how work performance can be improved. Factor ratings of Unacceptable or overall ratings of Outstanding, Superior, Improvement Needed, or Unacceptable must be substantiated. (Use additional sheet if more space is needed.) Satisfactory ratings on aspects of the report work has been commended. I have had some of your employees come to me with concerns on how work is distributed and some of your good points. Your ideas for improvement are the interaction between you and your employees. I think supervision classes as well as some technical training classes would be beneficial.								
For each factor or factor group, indicate by best judgement of how well you have performed the duties of your position during the period covered by this report. A copy of this report is being forwarded to the [blank] of the Department.				RATINGS ARE INDICATED BY UNACCEPTABLE IMPROVEMENT NEEDED SATISFACTORY SUPERIOR OUTSTANDING				
PERFORMANCE FACTORS				UNACCEPTABLE	IMPROVEMENT NEEDED	SATISFACTORY	SUPERIOR	OUTSTANDING
1.	QUALITY OF WORK - Accuracy, precision, completeness, neatness. (Qualitative factor)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2.	QUANTITY OF WORK - Amount of work turned out. (Quantitative factor)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3.	WORK HABITS - Organization of work; care of equipment; safe working practices; neatness; industry.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4.	RELATIONSHIP WITH PEOPLE - Ability to get along with others; ability to get along with people; ability to get along with people.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.	INITIATIVE - Self-starter; originality; initiative; ability to accept and assume responsibility.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6.	DEPENDABILITY - Degree to which employee can be relied upon to do his/her job; ability to meet deadlines without close supervision.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7.	ADAPTABILITY - Thoroughness and accuracy of work; ability to do a job; ability to do a job.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8.	MANAGEMENT ABILITY - Planning, organizing, leading, and controlling; ability to plan, organize, lead, and control; ability to plan, organize, lead, and control.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.	ADAPTABILITY - Planning, organizing, leading, and controlling; ability to plan, organize, lead, and control; ability to plan, organize, lead, and control.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.	ADAPTABILITY - Planning, organizing, leading, and controlling; ability to plan, organize, lead, and control; ability to plan, organize, lead, and control.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Overall Rating: [blank]				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> I recommend that you be granted permanent Civil Service status (To be checked only on Fifth month report)								

Exhibit B - Samuel Araoye



**DEPARTMENT OF VETERANS AFFAIRS
MEDICAL CENTER
University and Woodland Avenues**

March, 19/2021

**Re: Araoye, Samuel O.
D.O.B: 09/20/1976**

Chief complaint: "Depression"

History of presenting complaint: Mr. Samuel O. Araoye is a 44 YO M with history of Depressive disorder unspecified, r/o adjustment disorder with depressed mood, r/o MDD, r/o Panic disorder without agoraphobia, chronic back pain, plantar Fasciitis, ?HTN, has been seen by Behavioral Health CMC VAMC from 04/2019.. He reports feeling depressed since 06/2018 when he was rejected for promotion. He reported depressed mood, feeling hopeless and anxious. He reported not sleeping, low interest and hopelessness at times. He was stressed because of employment at that time. He spoke of EEOC investigation at that time. He spoke of law suit at that time. He spoke of chronic back pain and plantar fasciitis. I started him on Sertraline and melatonin at that time. When saw him in 11/20, he reported being under lot of mental distress as his request for reasonable accommodations due to plantar fasciitis was denied at his work. He was on FMLA then. He requested a letter for worsening of his depression. I gave a letter for reasonable accommodation at work at that time. I contacted patient for TELE visit in 03/2021 and raised his antidepressant, sertraline to 75 mg daily and Melatonin to 9 mg at bedtime as needed due to worsening of mood symptoms and sleep difficulties. He reported that he was fired from his work. Spoke with patient that he is not eligible for services from 04/21 at VAMC and to get services outside VA.

Drug and Alcohol history: Denies smoking and reports occasional alcohol use and ~~other~~ drug use.

compliance. He reports compliance with his Psychiatric medications prescribed by his Psychiatrist at CMC & VMC. He is on sertraline 75 mg daily and melatonin 9 mg at bedtime as needed.

Allergies:
None

Compliance and Response to treatment: Patient reports taking medication currently and response has been fair.

Previous Hospitalization: He denies.
Previous suicide attempts: Denies.
Out-patient Follow up: As above.

Mental Status Examination:

Appearance- patient is dressed casually, appropriately; looks stated age, wears a face mask, sent secure message from cell phone, maintains normal eye contact; pleasant and cooperative,

Motor- no agitation

Mood-" depressed."

Affect- Mood congruent.

Speech- normal rate and soft tone

Thought process - linear, logical

Thought content -no delusions, denies suicidal thoughts, intent or plan, no homicidal thoughts at present. Denies any paranoia, reports feeling hopeless.

Thought perceptions: Denies auditory or visual hallucinations.

Cognition- alert and fully oriented

Insight- Intact

Judgment - Intact

DSM 5 Diagnosis:

Axis 1: Depressive disorder unspecified, r/o adjustment disorder with depressed mood, r/o MDD, r/o Panic disorder without agoraphobia, chronic back pain, plantar Fasciitis, ZHFN

Axis 2: Chronic Mental illness, multiple medical issues, difficulty at work, financial issues

Assessment: Patient is 44 YO Veteran reports depressed mood, poor sleep, low energy, low interest since he started having issues at work in 2018. He reports that he was involved in legal case against his work. He reports fired from his job recently after FMLA ended. He reports chronic pain of plantar fasciitis is affecting him psychologically. He has good supports and he wants to get better.

He is aware that he will not be eligible for services in VA in April 21.

Prognosis; Guarded;

Patient has been in treatment for depression and anxiety. He reports chronic medical issues has affected him emotionally and worsened his mood. He is requesting Physician's statement

Kavita Bhamani, MD.

Kavita Bhamani, MD
Staff Psychiatrist.

PS: Please review medical records provided by patient for more information.