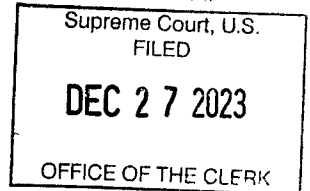


23-6427

IN THE  
SUPREME COURT OF THE UNITED STATES  
Washington, DC



Rev. Carl A. Melvin — PETITIONER

v.

Hampton-Newport News CSB — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit  
1100 East Main Street, Suite 501, Richmond, Virginia 23219

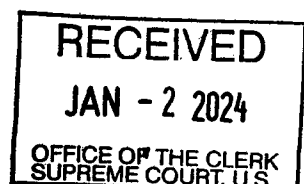
PETITION FOR WRIT OF CERTIORARI  
AND MOTION FOR LEAVE TO PROCEED IN *FORMA PAUPERIS*, WITH COURT APPOINTED ATTORNEY

Rev. Carl A. Melvin, Petitioner and Pro Se

31 Pacific Drive

Hampton, Virginia, 23666

(804) 647-8429



## QUESTION(S) PRESENTED

### Multiple Retaliations by a Human Services Agency

1. Can a supervisor or an agency legally retaliate against an employee (by 'flipping' the employee's 'good faith' report) for reporting HIPAA Violations?
2. Can a supervisor or an agency legally retaliate (by 'flipping' and creating a 'quick charge') against an employee for reporting in 'good faith' targeting and harassment, physical assaults and a hostile working environment, (which stemmed or was indirectly influenced by the employee's 'good faith' report of the HIPAA Violations stated above?
3. Can an agency be held legally accountable for a client, (who has emotional or behavioral challenges, but basically knows what he is doing) who was accused or reported several times as targeting and harassing, discriminating against and constantly physically assaulting (creating a hostile work environment ) an employee who was not his or her direct counselor? How many times does an employee have to report targeting and harassment and hostile working environment before it is addressed by the employer, 2 times, 3 times?
4. Can a supervisor or an agency conduct a secret internal investigation against an employee and find an offence against that employee, without that employee being asked or questioned about the offense and without that employee being given an opportunity to respond (due process) to that offense or that accusation before the external investigation process, as stated or mandated in the agency's policy? Can a supervisor or an agency block and prevent (or not include) an employee (who brought charges and accusations against a coworker) from participating in an internal and external investigation against that coworker?
5. Can an agency legally 'hire a police officer' to monitor, to follow, and to intimidate an employee while that employee is pursuing his or her 'employee protected rights' or 'a protected activity' during the final employee grievance hearing, (which was conducted and led by a hired or 'contracted agency' which winked at or allowed the human rights violation to transpire)?

## LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

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

## RELATED CASES

Notice Concerning the Supreme Court's Decision in *Vance v. Ball State University*, 133 S. Ct. 2434 (2013): ----- The Court stated that an employer is liable for hostile work environment, harassment by employees who are not supervisors if the employer was "negligent in failing to prevent harassment from taking place." Also relevant is "[e]vidence that an employee did not monitor the workplace, failed to respond to complaints, failed to provide a system for registering complaints, or effectively discouraged complaints from being filed."-----

The Supreme Court has defined retaliation as an intentional act in response to a protected action. *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 173-74 (2005).

## Brief Introduction

Plaintiff was retaliated against multiple times by HNNCSB (Hampton-Newport News Community Services Board) after he reported HIPAA Violations, targeting, harassment (physical attacks and racial slurs), and a hostile working environment. Every time that Plaintiff pursued his employee rights or pursued his human rights, he was retaliated against, and was terminated for his efforts and the termination was covered up by 'flipping' all of his reports against him, or by ignoring his reports, or by failing to follow through on the reports.

HNNCSB not only failed to address the HIPAA violations, the targeting and harassment report against Plaintiff's coworker, Mrs. Bethany Miller, and the targeting and harassment report against Mrs. Miller's client, M.W., Plaintiff's immediate supervisor, Mrs. Brianna Berkley promised and threatened Plaintiff's employment (retaliation), stating 3 times during the Individual Supervision, (1 week or more after Plaintiff's first targeting and harassment report against coworker and the HIPAA violations, dated Dec 4, 2017), "Mr. Melvin, what are you going to do when you leave the agency"? In addition, Plaintiff's immediate supervisor, Mrs. Brianna Berkley only visited Plaintiff's work site 2 to 3 times (or less) per month, unless there was an issue going on with the clients, or if there were paperwork due, or if there was a complaint, or a new client was coming. Mrs. Berkley did not even recognized that 2 non clients or

former clients were 'regularly attending' the TDT counseling or therapeutic sessions from the start of the school year 2017-2018 and beyond according to Plaintiff's coworker, Mrs. Bethany Miller.

#### INDEX TO APPENDICES

APPENDIX A: Decision of the United States Court of Appeals For The Fourth Circuit

APPENDIX B: Decision of the United States District Court For The Eastern District of Virginia

APPENDIX C: Decision of the State Court of Appeals, N/A

APPENDIX D: Decision of the State Trial Court, N/A

APPENDIX E: Decision of the State Supreme Court Denying Review, N/A

APPENDIX F: Decision of the State Supreme Court Denying Rehearing, N/A

#### TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
See the Supreme Court's Decision in Vance v. Ball State University, 133 S. Ct. 2434 (2013), which is listed above.	
The Supreme Court has defined retaliation as an intentional act in response to a protected action. Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005).	

## STATUTES AND RULES

According to the EEOC, -----sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The Harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer----- (EEOC Website, Sex-Based Discrimination, pages 1-2). Plaintiff reported targeting and harassment to HNNCSB against his coworker, Mrs. Bethany Miller and against her client, M.W., but the agency failed to adequately respond, had no system for responding in place, and brushed it all under the rug and 'flipped' the report against Plaintiff and charged Plaintiff with 'serious allegations of verbal abuse against Mrs. Miller's client, M.W., the same client who was targeting and harassing, and cursing and physically attacking Plaintiff multiple times, (M.W. was pulling on Plaintiff's clothing, invading Plaintiff's desk, radio, and personal space, and touching Plaintiff's ears, neck, and hair) and was constantly calling Plaintiff, 'a stupid fuck,' a racially motivated slur referring to Plaintiff as being 'dumb and stupid' because he is an African American.

According to the EEOC, -----Harassment on the basis of race and /or color violates Title VII. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.----- (EEOC Website, Facts about Race/Color Discrimination, page 4).

According to the EEOC concerning 'retaliation:' -----Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.----- (EEOC Website, Facts about Race/Color Discrimination, page 4). During Plaintiff's final employee grievance process hearing (through a HNNCSB's 'contracted agency') HNNCSB's Human Resources Director, Mrs. Kimberly Thompson, hired a 'one day police officer,' (especially against Plaintiff) to follow, to monitor, and to intimidate Plaintiff (adverse action) for pursuing his employee rights and for participating in the protected agency proceeding. Plaintiff was treated as a criminal and not as an employee seeking justice, fairness, and equality. The EEOC issued Plaintiff a right to sue letter and the EEOC agent or representative who visited the facility noted that he did not see any male employees when he conducted his investigation at the HNNCSB's Main Office and stated, "I see what you mean. That place is swimming with women! I did not see or note any males when I visited the site."

-----The EEOC laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Asserting these EEOC rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or

employee for: communicating with a supervisor or manager about employment discrimination, including harassment----- (EEOC Website, Retaliation, page 1). Every time that Plaintiff made a complaint to his immediate supervisor, Mrs. Brianna Berkley or the agency, he was ignored, was written up and was disregarded, and was constantly retaliated against. Rather than conducting an investigation about Plaintiff's targeting and harassment complaint against his coworker's client, M.W. on February 13, 2017, Plaintiff's supervisor, Mrs. Brianna Berkley decided to 'flip' everything against Plaintiff and she secretly investigated and drummed up 'quick charges' against Plaintiff on February 14, 2017, 'the very next day,' 'the very next day' (consider the timing and the speed as a great factor in the equation of retaliation. The twisted internal investigation and the bogus charge were drummed up to cover up Plaintiff's complaints of being targeted and harassed and to punish him for reporting a hostile working environment, a clear violation of employee rights and a clear violation of human rights.

The FAWBPA provides that, "[n]o employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower whether acting on his own or through a person acting on his behalf or under his direction." VA Code 2.2-3011 (A).

In order to qualify as a whistle blower, the employee must make a "good faith report" of "wrongdoing or abuse" to "one of the employee's supervisors, an agent of the employer, or an appropriate authority." VA Code 2-2-3010 (B).

Plaintiff made a 'good faith report' of the HIPAA violations, the targeting and the harassment, and the hostile working environment to his TDT Program Immediate Supervisor, Mrs. Brianna Berkley and to the TDT Program Manager, Dr. Debbie Hood, but instead of being helped or the issues being addressed, he was quickly retaliated against or punished and singled out from the group as a 'negative employee' or as a 'trouble maker.'

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SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

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

☐ reported at   N/A  ; or,

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

☒ is unpublished.

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

☐ reported at   N/A  ; or,

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

☒ is unpublished.

☐ For cases from **state courts**: N/A

The opinion of the highest state court to review the merits appears at   N/A   Appendix  
to the petition and is

☐ reported at       N/A      ; or,

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

☐ is unpublished.

The opinion of the court appears at       N/A       Appendix to the petition and is

☐ reported at   N/A  ; or,

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

☐ is unpublished.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 2, 2023.

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 2, 2023 , and a copy of the order denying rehearing appears at Appendix A .

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A .

A copy of that decision appears at Appendix N/A .

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

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

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

These protections include freedom of speech and religion, protection from unreasonable search, freedom from compelled self-incrimination, as well as procedural and substantive due process rights. On Feb 13, 2018, Plaintiff reported in person to immediate supervisor, Mrs. Brianna Berkley and reported by email that his coworker, Mrs. Bethany Miller's client, M.W. was targeting and harassing him by cursing him and hitting or physically attacking him. The next day, Feb 14, 2018, Mrs. Berkley conducted a quick and tainted investigation, excluded Plaintiff from the process and excluded the voices or statements of the 3 other clients who were in the room during the alleged incident, and she brought a bias, bogus, fraudulent, and tainted charge against Plaintiff for alleged 'serious allegations of verbal abuse' and totally disregarded and ignored Plaintiff's report of being constantly targeted, harassed, and physically attacked by Mrs. Miller's client, M.W. In other words. Plaintiff's charges and complaints against Mrs. Miller's client, M.W. was 'quickly flipped' (in 1 day, less than 24 hours) or changed to serious allegations of verbal abuse against Plaintiff. Plaintiff was clearly denied due process during the initial supervisory internal investigation and he was never informed that he was being investigated and he was never informed that he was being charged with an offense by his immediate supervisor, Mrs. Brianna Berkley. Plaintiff was never informed that his immediate supervisor, Mrs. Berkley had any concerns about any possible 'serious allegations of verbal abuse' against a client. Plaintiff was clearly denied due process and denied participation in the supervisory internal investigation and 3 other witnesses were denied their statements being heard or documented during the same investigation, resulting in a tainted and fraudulent investigation. In fact, one client (who was Plaintiff's direct client) was totally left out of the supervisory internal investigation and he came close to fighting client, M.W. for stating that Plaintiff was trying to sleep or hit-on his grandmother who had stopped by for a visit with Plaintiff on that same date.

The 14th Amendment requires the State and local governments to afford all persons with "equal protection of the laws." A public employer's decision to discriminate against or harass a person because of their race or gender in violation of the 14th Amendment's equal protection clause is actionable under 42 U.S.C. §1983.

Disparate treatment occurs when individuals who are members of a protected class are treated differently than others by an employer ([https://www.law.cornell.edu/wex/disperate\\_treatment](https://www.law.cornell.edu/wex/disperate_treatment)). Plaintiff's coworkers were charged with similar or worse charges of abuse, including one with physical abuse of pulling or yanking a client into the TDT Counseling Office at Syms Middle School by his 2 shouldered hooked book bag and pulling or yanking his book bag or backpack every time that he tried to leave the TDT office. Plaintiff's other coworker, Mrs. Bethany Miller was charged with laughing at and calling Plaintiff's client gay multiple times because he had a pink cell phone. The pink phone was borrowed and belonged to his mother. The two had decided to switch phones on that particular day and Mrs. Miller, Plaintiff's coworker, decided to make fun of the Plaintiff's client, K.P. for having a pink phone, stating to Plaintiff's client, K.P. multiple times, "You have a pink phone! You are definitely gay, HA, HA, HA!" When K.P. stated that he was not gay, Mrs. Miller continued her insult against him by repeating the same statement again and again until K.P. walked away and turn his back to her, stating, "I'm not even going to talk to you." This same particular employee even left her clients to

mount the school buses alone or without backup as she left the school (without authorization) early to run personal errands at tax payers' expense. Both of Plaintiff's coworkers were given due process and were not charged with abuse and both maintained their positions, while Plaintiff was terminated for a bias, bogus, and tainted charge of 'serious allegations of verbal abuse' (retaliation) because 'a day before/ (again 'a day before') he reported being targeted, harassed, and hit by his coworker's or Mrs. Bethany Miller's client, M.W. Plaintiff was clearly treated differently than his peers or coworkers and their charges were a lot worse or more serious in the public's eyes.

### STATEMENT OF THE CASE

COMES NOW, without attorney or legal counsel, Plaintiff or Pro Se, to the best of his knowledge or ability or conviction to pursue truth, justice, and equality for all, sets forth the Motion for Leave to Proceed in *Forma Pauperis*, with a Court appointed attorney, and Petition for a "Writ of Certiorari" of the Case and the presentation of new facts, documents presented, and the new information as follows:

#### Introduction:

Plaintiff worked at the Hampton-Newport News Community Services Board as a TDT (Therapeutic Day Treatment) Counselor, from May 15, 2017 to March 12, 2018, and was in good standing with the agency. See Evaluation/References enclosed in Documents, Section 1, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed 11/19/19, (U.S. District Court, Norfolk, Virginia), Page 27 of 62, Page ID# 431). While still being trained and mentored to lead the intervention groups and to teach the individual sessions, Plaintiff was placed at Syms Middle School in Hampton, Virginia on September 5, 2017. The intervention groups were already established when Plaintiff arrived at Syms Middle School. Still new to the school and fairly new to the program, Plaintiff was shadowed and given 1 day (on Thursdays) per week to lead the large group sessions, which were held during the school's lunch schedule and all TDT counselors taught and were present and all their clients attended (or were suppose to attend) the large group sessions. Plaintiff did not teach the large group sessions in isolation. Plaintiff's two mentors or well established coworkers, Mrs. Bethany Miller and Ashli Eiley regularly allowed two of their former clients to attend the large group sessions in 2016 – 2017 and 2018. According to Plaintiff's coworker, Mrs. Miller, "We allow some of our former clients to attend the group sessions because some of them don't have any friends and other kids pick with them during lunch, so we allow them to eat their lunch with us as long as they remain quiet and don't interrupt or disrupt the sessions." As the new kid on the block, Plaintiff did not form the groups, did not schedule the sessions or who attended, and he did not lead the majority of the sessions as stated above, in fact, the session stated above was only Plaintiff's second or third session to lead and to teach.

#### Retaliation for Reporting HIPAA Violations: (Code of Virginia 2.2-3011 and VII of Civil Rights Act)

On Thursday, Oct 26, 2017, Plaintiff's supervisor, Mrs. Briana Berkley stopped by Syms Middle School to observe Plaintiff teaching the group session and she asked Plaintiff's coworkers to step out

of the room (for reasons not clear) to meet with them later and then she returned to the session while Plaintiff was left alone to teach the large group, which never happens due to the need for extra support. During the session, Plaintiff reported to his supervisor, Mrs. Berkley that the two students who kept talking during the session were not officially in the program. Mrs. Berkley was very upset by what Plaintiff told her and she later wrote Plaintiff up for having 2 non-clients in the TDT Office, started singling out Plaintiff from the group, and she threatened Plaintiff verbally and in writing not to share the information with others. See Individual Supervision Log and the threat ("You will be held to strict confidentiality in terms of the sharing of this supervisory log with others. Any reported deviations from this will result in further disciplinary action.") enclosed in Documents, Section 3 , )Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed 11/19/19, Page 34 of 62, Page ID# 438 and Document 41-3, Filed at U.S. District Court, Norfolk, 9/22/20, Page 1 of 1, Page ID# 758, Exhibit 3). The Court will note that in the final document of the Individual Supervision Log, Exhibit 3, the threat stated above was crossed through, but not so for the unsigned copy given to Plaintiff. Plaintiff was setup to take the blame for his coworkers' HIPAA Violations which he reported to his immediate supervisory, Mrs. Briana Berkley and he was threatened by her (verbally and in writing) to keep his mouth close about disclosing the information, a direct and unlawful retaliation for reporting HIPAA Violations in good faith. After letting the cat of the bag, but nor intending to hurt anyone, Plaintiff was placed under close scrutiny, was single out from the group, and was hated and targeted, especially by his coworker, Mrs. Miller, (who had told Plaintiff about the her former clients attending the group sessions for an extended period, during and before Plaintiff was hired) but also by Mrs. Berkley for reporting the HIPAA violations, something that she did not want to hear about on her watch and right under her nose and the fact that she did not catch it herself. Plaintiff was written up as the lead for having the 2 non or former TDT clients in the group session, even when Plaintiff was the new kid on the block, (at the school for a little over 1 month) did not form the groups, did not schedule the sessions, and was being mentored by his coworkers, and was still trying to learn the clients and learn his way around the school.

#### **Retaliation for Reporting to Program Manager:**

On December 6, 2017, (in person and in writing and a copy was given to Mrs. Berkley, Plaintiff's direct supervisor), Plaintiff reported the HIPAA violations, the targeting, and the harassment (and the fact that he was wrongfully written up about it), to the TDT Program Manager, Dr. Debbie Hood, but she never followed up with a plan to address the issues, so Plaintiff was basically left on his own and had to remain in the hostile work environment and deal with the consequences of his HIPAA and targeting reports and his being singled out of the group. See the Affidavit of Dr. Debbie Hood, enclosed in Documents, Section 3, Targeting Reports 1, stating that Plaintiff did meet and speak with her about the above issues, (Case 4:19-cv-00069-RAJ-LRL, Document 41-4, Filed at U.S. District Court, Norfolk, 9/22/20, Page 1 of 2, Page ID# 759, Exhibit 4). A week later, following Plaintiff's report of the HIPAA violations, the targeting, and the harassment to the program manager, Dr. Debbie Hood, Plaintiff's supervisor, Mrs. Briana Berkley met with Plaintiff at Syms Middle School in Hampton, Virginia and stated three times during that individual meeting, "Mr. Melvin, what are you going to do when you leave the agency?" Plaintiff continued to be placed under close scrutiny, was single out

from the group even more, and was hated and targeted by his coworker, Mrs. Miller and directly and indirectly by his immediate supervisor, Mrs. Berkley. Mrs. Berkley was constantly on the phone with Mrs. Miller following that report of the HIPAA violations, the targeting, and the harassment to the program manager, Dr. Debbie Hood. See Documents Section 3, Targeting Reports 1, for Plaintiff's Rebuttal to Individual Supervision Log, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at U.S. District Court, Norfolk, 11/19/19, Page 40 of 62, Page ID# 444). It is clear that Mrs. Berkley sided with Mrs. Miller in the HIPAA Violations report made by Plaintiff, even when it was Mrs. Miller's 2 former clients who were attending the group sessions. The names of the former TDT clients can be traced back to Plaintiff's coworkers. As a new (less than 2 months) contracted employee at Syms Middle School, Plaintiff barely knew any of the clients, especially not enough to invite them to attend the large group sessions without approval.

#### **Retaliation for Reporting Targeting and Harassment by Mrs. Miller's Client:**

In addition to being targeted and harassed by Mrs. Miller and directly and indirectly by Mrs. Berkley, Plaintiff started being targeted and harassed by Mrs. Miller's client, M.W., to which Mrs. Miller approved of and directly and indirectly influenced by basically ignoring the behavior or by brushing it off, stating, "He does that same thing to me," or "He does not like you," but both statements were not true. On February 13, 2018, in the TDT Office at Syms, Mrs. Miller's client, M.W. started calling Plaintiff 'a stupid fuck' multiple times and ran up to Plaintiff and assaulted him in the back of his head, and plundered Plaintiff's desk's drawer by pulling out and pushing around the supplies, papers and materials as if daring Plaintiff to try and stop him, as Mrs. Miller said or did nothing and she even ran out of the TDT Office to offer no support to Plaintiff and leaving Plaintiff with a total of 4 clients in the TDT Office alone to defend for himself. After the incident, Mrs. Miller returned, said nothing to Plaintiff about the attack or about what happened, but she met with her client, M.W. to get all the details of what happened after she left, hoping to find some charge against Plaintiff because she hated him for reporting her HIPAA violations, hated that he worked in the office with her, and wanted to get Plaintiff fired as her retaliation against him. Outside of verbally correcting M.W. for hitting him, Plaintiff maintained himself and later reported the incident by email and in person to supervisor, Mrs. Berkley. On the same date (February 13, 2018), Mrs. Berkley called and stopped by the TDT office at Syms Middle School and stated that she was going to conduct an investigation. See Plaintiff's email enclosed in Documents Section 3, Targeting Reports 2, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed 11/19/19, Page 42 of 62, Page ID# 446). On the next day, February 14, 2018, Mrs. Berkley conducted a private internal investigation and met with Mrs. Miller (the same coworker who was targeting Plaintiff for making the HIPAA violations report), met with Mrs. Miller's client, M.W., (who was targeting, harassing, and physically assaulting Plaintiff) and met with 2 other clients (leaving out Plaintiff's client, O.M. who was in the TDT Office at Syms during the same incident stated above, but she did not meet with Plaintiff to discuss anything, and only stated to him, "I am going to find out what is going on here!") Plaintiff was never asked to speak about the incident during the internal investigation and he never got any feedback until he was called to the TDT Main Office on February 20, 2018 and was blatantly accused of allegations of 'serious verbal abuse' against Mrs. Miller's client M.W., the same client who was targeting, harassing and cursing, and was

constantly invading Plaintiff's personal space and was constantly physically assaulting or laying hands on Plaintiff as if Plaintiff was his pet or dog.

#### **Retaliation for Reporting Hostile Working Environment:**

On February 20, 2018, Plaintiff was called to meet at the TDT Main Office. Not knowing what the meeting was about, Plaintiff typed up and presented the HIPAA violations, and presented the targeting and harassment, and the hostile working environment report and other concerns to those at that meeting, (thinking that was what the meeting was about). See Documents, Section 3, Targeting Reports 1, for Plaintiff's repeated targeting and harassment complaint, title Discussion Items for Meeting on Tuesday, February 20, 2018. At that meeting, Plaintiff was surrounded by a mob of the TDT program manager, Dr. Debbie Hood, the TDT Program Administrator, Mrs. Nicole Jackson, the Director of Youth and Family Services, Mrs. Lisa Hodge, and the Compliance and Standards Manager or the External Investigator, Mrs. Karen Matthews, and Plaintiff's supervisor, Mrs. Briana Berkley later joined the group, but she never informed Plaintiff about the alleged offense nor about the meeting. Plaintiff distributed the document stated above and presented his argument of the HIPAA violation, the targeting, the harassment, and the hostile working environment to those present, but again he was basically ignored or disregarded as usual and was strongly or blatantly accused of 'serious allegations of verbal abuse' against Mrs. Miller's client, M.W., the same client who constantly called Plaintiff 'a stupid fuck,' (a racial slur), targeted Plaintiff, invaded Plaintiff's boundaries or personal space, and assaulted Plaintiff in the back of the head and plundered his desk's drawer and was constantly physically assaulting Plaintiff around the school, (pulling Plaintiff's clothing and putting his hands on Plaintiff's ears, neck, and hair, and then laughing).

At that meeting, the External Investigator, Mrs. Karen Matthews looked over the documents which Plaintiff's supervisor, Mrs. Berkley presented. Mrs. Karen Matthews shook her head, and pointed at Mrs. Berkley and stated these words, "You need to be careful! Do you hear what I am saying? You need to be careful! I am going forward with this, but you need to be careful!" Why would an external investigator go forward with the external investigation when the internal investigation had numerous flaws and errors or was tainted? Plaintiff's supervisor, Mrs. Berkley purposely left Plaintiff out of her internal investigation as stated above, a clear denial of 'due process,' and a clear form of retaliation or punishment for reporting the HIPAA Violations and for reporting that hostile working environment, and demonstrated her own growing bias against Plaintiff. As stated above, Mrs. Berkley never put in the charge report or the internal investigation what was stated by the 3 other clients who were in the TDT Office at Syms Middle School during the alleged incident of 'serious allegations of verbal abuse' against Plaintiff and she purposely left Plaintiff's client, O.M. out of the investigation. The only comment that Mrs. Berkley stated about the other 3 clients who were in the room was that they questioned or challenged Plaintiff's authority. What can of statement is that? That was putting words into their mouths as she did for client, M.W. Mrs. Berkley's quick or speedy and twisted internal supervisory investigation report was bias, tainted, fraudulent, and bogus because she also disliked Plaintiff for reporting the HIPAA violations, and for reporting the targeting, the harassment, and the hostile working environment to her direct supervisor, (the program manager), Dr. Debbie Hood. Mrs. Berkley also stated at that meeting that she called CPS to report the 'serious allegation of verbal

abuse' against Plaintiff, but when Plaintiff called CPS, CPS could not verify the report and had no record of the call. See the Documents, Section 4, Targeting Reports 2, for the bogus, tainted, and bias Investigation Report (Hampton-Newport News CSB Memorandum) which does not have supervisory recorded statement from Plaintiff as mandated by the employee discipline policy, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at the U.S. District Court, Norfolk, VA, 11/19/19, Page 54 of 62, Page ID# 458). (See also the Document Section 4, Targeting Reports 2, for the clean report from CPS, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at the U.S. District Court, Norfolk, VA, 11/19/19, Page 20 of 62, Page ID# 424). On Feb 21, 2018, Plaintiff emailed his targeting, harassment, and hostile working environment report again and added additional information about the targeting and the hostile working environment to the TDT Program Administrator, Mrs. Nicole Jackson, Dr, Debbie Hood, the TDT Program Manager, and Mrs. Karen Matthews, HNNCSB's Quality Control Manager and External Investigator and to his immediate supervisor, Mrs. Brianna Berkley, but again his targeting, harassment, and hostile working environment email report was ignored and was disregarded. See enclosed Documents Section 4, Targeting Reports 2, for Plaintiff's Counter Suit, Student Harassment of Staff/Company Policy email, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at the U.S. District Court, Norfolk, VA, 11/19/19, Page 44 of 62, Page ID# 448-449).

#### **Retaliation for Bringing Charges Against Coworker, Mrs. Miller:**

On February 24, 2018, Plaintiff (still employed by the agency, HNNCSB) wrote up charges and rule violations against his coworker Mrs. Miller and presented it to the TDT Program Administrator, Nicole Jackson, to the Program Manager, Dr. Debbie Hood, to the Quality and Standards Manager or External Investigator, Mrs. Karen Matthews, and to Supervisor, Mrs. Briana Berkley by email, but neither one responded to the email and Plaintiff was never contacted for feedback. Again, an internal investigation was conducted without Plaintiff and much later (17 days later) the external investigation was allegedly conducted against Mrs. Miller, but Plaintiff was not included nor called as usual. Plaintiff even postal mailed the charges against Mrs. Miller to Mrs. Melanie Bond-Artist, the Director of the Office of Quality Management and Corporate Compliance or The Local Human Rights Advocate, but she never called nor contacted Plaintiff for feedback, but did acknowledge that she received the letter. See Documents Section 6, for Charges Against Coworker, Plaintiff's Rules and Policy and Other Violations against Mrs. Miller, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at the U.S. District Court, Norfolk, Virginia) 11/19/19, Page 61 of 62, Page ID# 465).

See Documents, Section 6, Charges Against Coworker, for Plaintiff's letter about the charges against Mrs. Miller, dated March 17, 2018, which was sent to Mrs. Melanie Bond-Artist, the Director of the Office of Quality Management and Corporate Compliance or The Local Human Rights Advocate (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed at the U.S. District Court, Norfolk, Virginia) 11/19/19, Page 59 of 62, Page ID# 463).

See enclosed Documents, Section 6, Charges Against Coworker, for Affidavit from Mrs. Melanie Bond, Psy.D., stating she received the letter and charges against Mrs. Miller from Plaintiff, (Case 4:19-cv-00069-RAJ-LRL, Document 41-27, Filed at U.S. District Court, Norfolk, Virginia, 9/22/20, Page 1 of 2, Page ID# 924, Exhibit 27).



See enclosed Documents, Section 6, Charges Against Coworker, for Affidavit from the Quality and Standards Manager or External Investigator, Mrs. Karen Matthews, stating that she got or received Plaintiff letter of charges against Mrs., Miller, (Case 4:19-cv-00069-RAJ-LRL, Document 41-10, Filed at the U.S. District Court, Norfolk, VA, 9/22/20, Page 1 of 2, Page ID# 819, Exhibit 10). See enclosed Documents, Section 6, Charges Against Coworker, also for the Supplemental Affidavit of the Quality and Standards Manager or External Investigator, Mrs. Karen Matthews, confirming that she got the letter or Plaintiff's charges against Mrs. Miller, (Case 4:19-cv-00069-RAJ-LRL, Document 41-26, Filed at the U.S. District Court, Norfolk, VA, 9/22/20, Page 1 of 3, Page ID# 921, Exhibit 26).

Although Plaintiff sent the charges and rule violations against Mrs. Miller on February 24, 2018, to the TDT Program's leaders, supervisors, and administrators by email, the investigation did not take place until March 14, 2018 (2 weeks or 17 days after it was reported and 2 days after Plaintiff was conveniently terminated, but was still connected to HNNCSB through the employee grievance process) and as stated above, Plaintiff was excluded from both the internal and the external investigations against his coworker, Mrs. Miller, (even when Plaintiff was the one who brought the charges and rule violations against her) but Mrs. Miller was highly included and had the loudest voice in both the internal and the external investigations against Plaintiff, (even when Plaintiff had reported Mrs. Miller as targeting him and creating a hostile working environment). A clear double standard and biases are seen in how Hampton-Newport News Community Services Board conducts their business or investigations, totally in violation of the state and the federal laws or the human rights. Why was Plaintiff treated differently than his peers? See enclosed Documents, Section 6, Charges Against Coworker, for the bias and superficial investigation report against Mrs. Miller, Hampton-Newport News CSB Memorandum, (Case 4:19-cv-00069-RAJ-LRL, Document 12-19, Filed at U.S. District Court, Norfolk, Virginia, 11/12/19, Page 1 of 4, Page ID# 206, Exhibit 19). Plaintiff had an employee right to participate in charges or the investigation against his coworker, Mrs. Bethany Miller. HNNCSB also has a reporting policy where former employees are given a chance to report violations, so there is no excuse why Plaintiff was excluded from providing verbal feedback about his charges and rule violations against Mrs. Miller. According to HNNCSB's Quality Control Manager, External Investigator, Mrs. Karen Matthews, Plaintiff had left the agency and was not available to participate in the investigation against Mrs. Miller. Plaintiff reported the charges against Mrs. Miller on February 24, 2018 and he was with the agency until March 12, 2018. Plaintiff also participated in the employee grievance process after March 12 and he was still connected and was available to be contacted to participate in the investigation against Mrs. Miller, but he was denied that right, as he was denied the right, 'due process,' to participate in the supervisory internal investigation against himself. During the employee grievance process sessions, Plaintiff even enquired about his charges and rule violations against Mrs. Miller, but was told by the Human Resource Director, Mrs. Kimberly Thompson, "We are unable to disclose that information, but we take all allegations and charges very seriously." There is a belief or a general knowledge that Mrs. Miller has other affiliations with HNNCSB and that is why the agency favored, guarded, and refused to go after her. Mrs. Miller often bragged that she knew various persons in high places (including lawyers) who would defend her if someone (like Plaintiff) decided to go against her.

#### **HNNCSB Failed to Follow Policy and Procedures:**

Plaintiff's supervisor and the TDT program manager failed to follow the HNNCSB Policy and Procedures and failed to follow the state and federal laws regarding the reporting of targeting, harassment, and for reporting a hostile working environment. See enclosed documents, Section 4 Targeting Reports 2, for HNNCSB's Discrimination and Harassment Policy, (Case 4:19-cv-00069-RAJ-LRL, Document 12-21, Page 1 of 2, Page ID# 212, Exhibit 21, and see also Document 85-1, Filed at U.S. District Court, Norfolk, VA, 6/3/22, Page 1 of 33, Page ID# 2020). In 'good faith,' Plaintiff reported the HIPAA violations, and reported the targeting, the harassment, the physical assaults, and the hostile working environment, but based on the biases and the twisted ways in which the agency responded, he was denied his rights, was disregarded, was ignored, was overlooked, and was wrongfully terminated. For reasons unknown, HNNCSB have very little regards for their male employees, while their female employees are elevated and promoted and encouraged. The EEOC representative who investigated Plaintiff's complaint (of being discriminated against and of being given a bias, bogus, fraudulent, and tainted charge as retaliation for reporting the HIPAA Violations, and for reporting the targeting, the harassment, and the hostile working environment) did not note or see any male employees at the HNNCSB Main Office during his visit at the site. There were only 2 full-time TDT male counselors in the whole Hampton TDT Program and not one male was a supervisor and there were no males present at the TDT Main Office. In fact, there were no restrooms designated for males in the TDT Main Office and males were directed to use the restroom by the elevator outside the TDT Main Office, to which the females dominated and used those restrooms also and stated that they did not have a restrooms for males because males were rarely or if ever came to the TDT Main Office. The Newport News TDT Program had about 3 or 4 males, but none were supervisors.

See Documents, Section 7, HNNCSB's Laws and Standards, for HNNCSB's 5-6 Employee Discipline Policy, Case 4:19-cv-00069-RAJ-LRL, Document 12-13, Filed U.S. District Court, 11/12/19, Page 1 of 5, Page ID# 159, Exhibit 13. According to last paragraph on page 1 of the HNNCSB's 5-6 Employee Discipline, "The employee's immediate supervisor is responsible for identifying offenses and recommending action to the Division Director and Human Resources Director. The supervisor 'must' (and again the emphasis is on 'must') inform the employee before suspension or termination of the 'reasons' for recommending the action and 'give the employee an opportunity to respond.'" Plaintiff was denied that right during the supervisory internal investigation and even after that investigation." In fact, Plaintiff's immediate supervisor, Mrs. Brianna Berkley never included Plaintiff in the supervisory internal investigation and 'faked' that she was investigating Plaintiff's targeting and harassment and hostile working environment concerns, but secretly 'flipped' her investigation against Plaintiff. Following the internal supervisory investigation against Plaintiff, Mrs. Berkley has had no other words with Plaintiff because she cut him off after that tainted investigation.

See Document, Section 7, HNNCSB's Laws and Standards, for HNNCSB Corporate Compliance Program Code of Standards, (Case 4:19-cv-00069-RAJ-LRL, Document 16-22, Filed U.S. District Court, 11/12/19, Pages 1-16, Page ID# 383, Exhibit 22).

See HNNCSB Division of Quality Management Policy Statement for QM-003 Critical Incident Reporting, (Case 4:19-cv-00069-RAJ-LRL, Document 41-25, Filed U.S. District Court, 9/22/20, Page 1 of 13, Page ID# 908, Exhibit 25).

**Documented Proof that Plaintiff's Supervisor did not meet with Him:**

On February 14, 2018, the day that Plaintiff's supervisor, Mrs. Briana Berkley did not meet with Plaintiff during her internal supervisor investigation to discuss any employee offenses against him and Plaintiff has 'official documentation' to prove that she did not meet with him. If Plaintiff's supervisor, Mrs. Briana Berkley met with Plaintiff to get feedback about the incident or about any employee offenses or violations, it would have been or must have been recorded on the required HNNCSB Employee Counseling Record ('due process') as mandated by HNNCSB Employee Discipline Policy. In fact, Plaintiff was given the half completed form on March 12, 2018, nearly 1 month later, (with no signature from Plaintiff's immediate supervisor and no signature from the program manager as required or mandated) on the Employee Counseling Record following his termination, when Plaintiff requested for documentation of the charge against him. Plaintiff was even denied the right to see the charge against him until months later when it was mandated to be given to him by the Grievance (hired or contracted) Hearing Officer, who stated that Plaintiff had a right to see the charge against him. See enclosed Documents, Section 4, Targeting Report 2, for HNNCSB's 5-6 Employee Discipline Policy, (Case 4:19-cv-00069-RAJ-LRL, Document 12-13, Filed U.S. District Court, 11/12/19, Page 1 of 5, Page ID# 160). Page 2, 2<sup>nd</sup> paragraph states, "Notices of offenses and recommended disciplinary action are made in writing, utilizing the Employee Counseling Form. Written notices recommending disciplinary action (suspension or termination) 'must' be reviewed by the Human Resources Director and signed by the program manager (if applicable) and immediate supervisor, and acknowledged by the employee prior to enactment of the disciplinary action (which can only be authorized by the Division Director or Executive Director." Plaintiff was denied this process, was terminated after the external investigation, and was given the incomplete Employee Counseling Form after he was terminated and only after he requested documentation of the charges against him. See the unprofessional and incomplete Employee Counseling Form enclosed in Documents, Section 4, Targeting Report 2, (Case 4:19-cv-00069-RAJ-LRL, Document 18-1, Filed 11/19/19, Page 52 of 62, Page ID# 456). In plain and documented and undocumented facts, HNNCSB failed to follow their own policy and procedures in Plaintiff's wrongful termination and HNNCSB pursued multiple retaliations against Plaintiff for reporting in good faith HIPAA Violations, targeting, harassment, and a hostile working environment. Because Plaintiff's supervisor, Mrs. Briana Berkley did not follow HNNCSB Employee Discipline Policy and plainly retaliated against Plaintiff with threats, denial of due process, denial of human rights, and a bogus, tainted, bias, and fraudulent charge against him for reporting HIPAA Violations, and for reporting targeting, harassment, physical attacks, and a hostile working environment, Plaintiff's record should be wiped clean and Plaintiff should be awarded and granted the \$300,000 restitution by the Court. Plaintiff experienced great humiliation and trauma caused by the HNNCSB, for the multiple retaliations against him, as well as being denied his human rights and for being defaced, and for the lost of income and the lost of reputation due to the wrongful or calculated (plotted or intentional) termination, without justice, fairness, or equality.

### **Final Retaliation at Employee Grievance Hearing:**

To make matters even worse and to seal the coffin, at the close of Plaintiff's Employee Grievance Hearing (that was led by a 'contracted or hired agency,' The Virginia Department of HR Employee Dispute and Resolution, with their 'contracted and hired lawyers'), the HNNCSB Human Resources Director, Mrs. Kimberly Thompson stated or yelled these words to Plaintiff (after he had them cornered with facts and proof of a false, tainted, bogus, fraudulent and bias charge against him and wrongful termination, without justice, fairness, or equality), "I have the police here for you! I told you to stay off the property! I told you to not step foot on any of our properties! You are not to have any contact with any of our employees and you are not to step foot on any of our properties! Mrs. Thompson, the Human Resource Director was the one who invited Plaintiff to have the Employee Grievance Hearing at HNNCSB Main Office and all the Employee Grievance Process sessions were held at the same office for months and she never asked nor requested verbally nor in writing for Plaintiff to stay off of the HNNCSB property or properties. Having Plaintiff 'followed around by a 'one day specially hired police officer,' (who was hired especially against Plaintiff during the Employee Grievance Hearing is a clear retaliation and a clear violation of Plaintiff's employee and human rights 'while pursuing a protected activity.' According to the Hearing or the 'contracted' officer, the Employee Grievance Hearing could have been held at any chosen or agreed upon location. It was Mrs. Thompson who invited to have the employee grievance process sessions and the final hearing at the HNNCSB Main Office, and then she hired a special or one day contracted police officer to intimidate, to follow, and to monitor Plaintiff at the final employee grievance process hearing, a clear violation of human rights while pursuing a protected activity.

*See enclosed Documents Section 4, Targeting Reports 2, for the final email from the HNNCSB Human Resource Director, Mrs. Kimberly Thompson, with no statement for Plaintiff to stay off the HNNCSB property, (Case 4:19-cv-00069-RAJ-LRL, Document 85-1, Filed U.S. District Court, 6/3/22, Page 32-33 of 33, Page ID# 2051-2052).*

### **REASONS FOR GRANTING THE PETITION**

Due to Covid-19 related issues, the extended and delayed court response, and the staff shortages (also Covid-19 related) at his current employer, (which was totally out of Plaintiff's control), Plaintiff was not able to commit to the first trial date which was set at U.S. District Court in Norfolk, Virginia, so he had to cancel it. As of yet, there has been no trial, no jury, and no decision to settle the case and to bring justice. With all the evidence presented by Plaintiff, he asked the court to rule in his favor without a trial, but the court declined to favor Plaintiff's report and the case fell through the cracks. HNNCSB should not be let off the hook for the misery, the trauma, and for the pain they caused to Plaintiff, and by the lies told or their twisted, bias, bogus and fraudulent report against him. HNNCSB should not be easily let off the hook in how they treat their employees unequally, especially for how they treat their male employees who are less represented and who are seen as unimportant, unnecessary, and are unvalued by the agency. According to one rare male TDT counselor or employee of the former TDT Program, "They never listen to me, so I just come to work and do as I am told and go home." The last report that Plaintiff made to the U.S. Court of Appeals, For The Fourth Circuit,

contained less facts and excessive detail (28 pages), to which, Plaintiff apologizes to the Court, so Plaintiff has eliminated or greatly reduced most of the extra details and have added and enhanced the facts in the case and brought in new facts and the documentation to prove his case and to continue the process for a trial. When federal and human rights are violated, it is up to the federal courts to bring justice, fairness, and equality and set the tone for what is wrong and to set the tone for what is right in our society. Just to note, the TDT Program at HNNCSB was shut down by Medicaid and was deemed as not effective and not necessary for the well-being of the clients.

### Summary of Case

Hampton-Newport News CSB (an agency with around 90% females and around 10% males) retaliates multiple times against good standing (excellent evaluation) male employee after he reported HIPAA violations (two former clients attending the therapeutic group sessions for extended periods between 2016-2017 and 2017-2018 school years, even before Plaintiff worked for the agency), and after he reported the hostile work environment of being targeted and harassed by coworker and her client, who physically assaulted Plaintiff multiple times and called Plaintiff 'a stupid fuck' (a direct racial slur) multiple times. Plaintiff endured (adverse actions) multiple retaliations and blatant violations of human rights after reporting (HIPAA violations, targeting, and harassment) and while pursuing a federal protected activity. Plaintiff was 'closely scrutinized,' was 'written up,' and was 'wrongfully terminated' after ('in good faith') reporting the above HIPAA violations, the targeting and harassment, and the physical assaults, and the hostile working environment.

Plaintiff's supervisor was bias against Plaintiff because he not only reported the HIPAA violations and the targeting to her, (to which she did not want to hear about on her watch and right under her nose) he also reported the HIPAA violations and the targeting to HNNCSB's administration or to the TDT program manager, who basically did nothing and the agency had nothing in place to address the HIPAA violations, the targeting, the harassment, or the hostile working environment, no meetings, no paper trail, (only a phone call and an email) and no adequate follow up was conducted. A week or more later after reporting the violations to the program manager on December 6, 2017, Plaintiff's employment was threatened by his immediate supervisor, Mrs. Briana Berkley, who stated 3 times, "Mr. Melvin, what are you going to do when you leave the agency?" Plaintiff's immediate supervisor made a direct threat or a direct promise that Plaintiff was going to be terminated for making the HIPAA and targeting reports and for stirring up trouble on her watch and she even documented that threat on Plaintiff's Individual Supervision Log as stated above.

In addition to the policy and federal human rights violations, Plaintiff was criminalized (adverse action) and followed and monitored and intimidated by a 'one day hired police,' (who was 'especially hired' against Plaintiff) during the final employee grievance hearing, with the human resource director yelling and screaming at Plaintiff (adverse action) and stating at the close of the hearing, (in front of the agency's two 'contracted attorneys') "I have the police here for you! I told you to stay off the property! You are not to come on any of our properties and you are not to have any contact with any of our employees!" Plaintiff was never told verbally or in writing to stay off of HNNCSB's property or properties prior to the final employee grievance process hearing. In fact, Plaintiff attended the

employee grievance process sessions for months at HNNCSB's Main Office and was invited to have the closing final employee grievance process hearing at that office by the human resource director, even when other options or sites for the sessions or for the final hearing were available.

Plaintiff was not treated equally as his coworkers, who had more serious charges against them (one with 'a serious client physical abuse charge' against her and the other who used 'serious sexual orientation discrimination' or bias against a client. Both of Plaintiff's coworkers were treated fairly, were given 'due process' and maintained their employment with the agency. HNNCSB not only disregarded and violated federal laws and human rights during a protected activity (an employee reporting HIPAA violations and reporting targeting, harassment, and hostile working environment 'in good faith'), the agency disregarded, ignored, and violated their own rules and policies in regards to treating their employees fairly and equally and in regards to using the correct or the required documentation, the Employee Counseling Record, a form to confirm that 'due process' was conducted properly by the immediate supervisor before the external investigation transpired. Plaintiff was 'denied due process' and a bogus charge was drummed up in 1 day against him to cover up all his complaints, to cover up all his reports, and to terminate his employment and to destroy his reputation at the same time. Rather than assist Plaintiff, HNNCSB sought to destroy him. To avoid all the ill will and the mistreatment, HNNCSB should have asked Plaintiff to resign rather than to seek his demise through lies, through cover up, and through twisted facts. See enclosed Document, Section 8, Reviews of HNNCSB, (Case 4:19-cv-00069-RAJ-LRL, Document 85-1, Filed U.S. District Court, 6/3/22, Page 16-19 of 33, Page ID# 2035-2038). Plaintiff is not the only person who had issues and trauma with HNNCSB.

### CONCLUSION

Plaintiff, now a 60 year old senior and a retired minister due to health reasons and the strain of having a dual career, experienced great trauma based and a hostile working environment in how he was treated, denied his basic human rights, and how he was responded to at the hand of the TDT employees of the HNNCSB and at the hand and voice of their human resources director and the TDT Program administrators. No one should have to experience what Plaintiff experienced, the lies, the bias, the bogus and the fraudulent, and the tainted information, and the unequal treatment, and the cover-up of the facts by HNNCSB. Agencies must be held accountable when they err on state and federal laws, or on basic human rights, especially when it is intentional, premeditated, plotted, calculated and callous, and could have been avoided by telling the truth and by being fair. HNNCSB should be required to pay for the damages they done to Plaintiff's life, reputation, and the pain they have caused to him as a 'protected individual' and as a citizen of the United States of America. Currently, Plaintiff is working to overcome the traumatic experience, and nearing the retirement age, and he is not in a financial situation to hire a lawyer and to pay the court fees. Plaintiff petitions the Court for Motion for Leave to Proceed in Forma Pauperis (as was granted by the United States District Court in Norfolk and was confirmed by the United States Court of Appeals For The Fourth Circuit in Richmond, Virginia) and petitions the Court for "Writ of Certiorari," so that justice may prevail, truth can be brought forth, and wrongs may be made right. Plaintiff also pleads with the Court to appoint an attorney to represent him in court because this issue is a national concern of agencies or companies violating employee rights, twisting facts, and being above the law in their efforts. How can

Plaintiff as a sole individual go against HNNCSB (a large organization) with his limited power and limited resources? Plaintiff needs and desires representation so that justice may prevail and that HNNCSB will stop their injustices against their clients and their injustices against their employees, especially the male employees. (See section 8 for just a few reviews by former HNNCSB's clients and former employees). By the grace of God, Plaintiff has come thus far and now he throws himself before God and pleads the mercy of the Court for justice to finally prevail.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

I Rev. Carl A. Melvin declare under penalty of perjury that the foregoing is true and correct.

Executed on Dec 26, 2023

(Signature) Rev. Carl A. Melvin