

23-6710

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
FEB - 6 2024  
OFFICE OF THE CLERK

Akerman, Pro Se — PETITIONER  
(Your Name)

VS.

Kiran Ahuja, Director of OPM — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Arlington County Circuit Court (Attachment B), Nevada Supreme Court (Attachment C),

U.S. District Court for the District of Columbia (Attachment D), U.S. Court of Appeals for DC (Attachment E)

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto. (A)

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

(Signature)

# IFP ATTACHMENT A

## AFFIDAVIT AND DECLARATION

I, Martin Akerman, Pro Se, am the petitioner in the above-entitled case. In support of my motion to proceed in forma pauperis, I state that because of my poverty I am unable to pay the costs of this case or give security therefor; and I believe I am entitled to redress.

1. I am unmarried and have not received any income from any source in the past 12 months, \$0 dollars.
- 1.1. In the next month, my income may change. I am awaiting decisions from:
  - 1.1.1. Social Security Disability Insurance, Claim 6286533;
  - 1.1.2. OPM Disability Retirement, CSA: 9425524;
  - 1.1.3. State of Virginia Workers Compensation, JCN: VA02000039708;  
and
  - 1.1.4. U.S. Dept. of Labor, OWCP Workers' Compensation, File Number: 550313053.

2. Since February 14, 2022, I was paid by the Department of Defense, under 5 USC § 6329b, until April 23, 2022, at my tenured GS15-10 Rate of pay, for the Washington Capital Region, \$170,800 per annum.
- 2.1. From April 24, 2022, until June 18, 2022:
  - 2.1.1. I was denied Sick Leave;
  - 2.1.2. I was denied documents needed to file for unemployment benefits, see denied Supreme Court Application for Stay 23A489;
  - 2.1.3. I was denied Workers' Compensation, see 1.2.3 and 1.2.4 above;
  - 2.1.4. I was denied Administrative Leave, pending DOD OIG investigation of Posse Comitatus, see Supreme Court Motion 23M44, granting leave to proceed as a veteran under the whistleblower protection provisions of USERRA;
  - 2.1.5. I was denied Administrative Leave, pending DOD OIG investigation of agency violation of 50 USC § 3341(j)(8), see Supreme Court Application for Stay 23A701;
  - 2.1.6. I was denied Administrative Leave pending an Office of Special Counsel (OSC) investigation on illegal use of 5 USC § 6329b, Attachment F, admitting to harmful procedural error during investigation at OSC;
- 2.2. I was forced to resign on June 18, 2022, Attachment G.

- 2.3. I found temporary employment and health benefits with the Sovereign People of the Navajo Nation, on June 21, 2022, for a period lasting less than six months, until November 9, 2022.
- 2.4. My poverty was verified by the Commonwealth of Virginia. I am receiving Medicaid benefits, Attachment H.
3. I am unmarried.
4. I am currently living off student loans with my checking account fluctuating as loans from the school are disbursed and as housing and sustainment expenses, including child support payments I make, deplete the account. I do not receive grants, scholarships, or financial assistance of any sort. Denial of my application for failing to provide a more detailed disclosure is a violation of my Constitutional Right to be safe in my papers, where disclosure of information related to how long I can remain alive without resorting to desperate measures could disarm me, pending my habeas corpus cases against Posse Comitatus of the United States, Attachment I, related to Supreme Court Application for Extension 23A536, and denied Supreme Court Application for Stay 23A489.

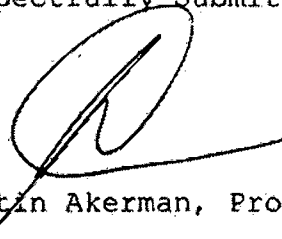
5. I have no real estate assets and rent an apartment as my primary and sole residence. I have a personal car worth roughly \$12,500 with a loan remaining of \$10,000. I have a 10-year-old motorcycle worth approximately \$2,500.
6. Nobody owes me money.
7. I have a daughter (E.A.) age 14 that relies on me for support.
8. As stated in 4 above, Denial of my application for failing to provide a more detailed disclosure is a violation of my Constitutional Right to be safe in my papers, where disclosure of information related to how long I can remain alive without resorting to desperate measures could disarm me, pending my habeas corpus cases against Posse Comitatus of the United States, particularly since the U.S. government is in control of 3 of 4 pending decisions listed in 1.1 above.
9. Pending decisions listed on 1.1 above should provide relief necessary to be out of poverty, in the next 12 months. Additionally, I am awaiting disability services and a decision from the Virginia Department for Aging and Rehabilitative Services, related to potential vocational rehabilitation and a path to gainful employment.
10. I am not paying for attorney services related to this case or the completion of this form.

11. No legal services receive any money related to this case or the completion of this form.
12. I am close to not being able to pay child support and will be selling my motorcycle as soon as the weather gets warmer and the demand and market for recreational vehicles returns. I have accumulated substantial student loan debt to be able to survive, have access to the law library, and afford access to ADA accommodations.

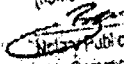
I declare under penalty of perjury that the forgoing is true and correct.

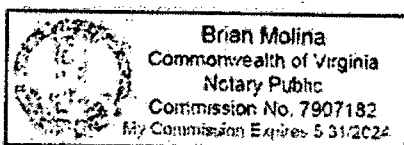
Executed under Oath, this 4th day of February, 2024.

Respectfully Submitted,



Martin Akerman, Pro Se  
2001 North Adams Street, 440  
Arlington, VA 22201  
(202) 656 - 5601

County/City of Arlington  
Commonwealth of Virginia  
The foregoing instrument was acknowledged  
before me this 4 day of Feb  
2024 by  
Martin Akerman  
(name of person seeking acknowledgment)  
  
My Commission Expires: 03/31/2024



# **IFP ATTACHMENT B**

Arlington County Circuit Court Dated May 25, 2023

IN THE CIRCUIT COURT OF ARLINGTON COUNTY, VIRGINIA



CM23001237-00  
MISC  
FO

Martin Akerman, Pro Se, )  
Plaintiff, )  
V. )  
Scottsdale Insurance Company, et al )  
Defendants. )  
----- )

Case No. CM23-1237  
JURY TRIAL DEMANDED

**ORDER FOR PROCEEDING IN CIVIL CASE WITHOUT PAYMENT OF FEES/COSTS**

Upon consideration of the Plaintiff's Complaint and the accompanying Verification, it is hereby  
ORDERED that:

1. The Plaintiff's Complaint is deemed properly verified under oath.
2. The Plaintiff is granted leave to proceed in forma pauperis under VA.Code § 17.1-606(B).
3. The Clerk of Court shall issue the necessary summonses and shall serve a copy of the Complaint and summons upon the Defendants in accordance with the applicable rules and procedures.
4. The Defendants shall file a responsive pleading or motion within the time prescribed by the rules.
5. A pretrial conference shall be scheduled in due course.

May 25, 2023  
Date



[Signature]  
Judge



# **IFP ATTACHMENT C**

Nevada Supreme Court Dated May 12, 2023

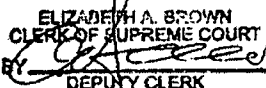
IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN AKERMAN,  
Petitioner,  
vs.  
NEVADA NATIONAL GUARD,  
Respondent.

No. 86458

**FILED**


MAY 12 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER WAIVING FILING FEE*

Petitioner is seeking a waiver of the filing fee for this original proceeding, asserting indigence and inability to pay it. Good cause having been demonstrated, the motion is granted. NRAP 21(g). No filing fee is due in this matter.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Stiglich

cc: Martin Akerman  
Nevada National Guard

# **IFP ATTACHMENT D**

U.S. District Court for D.C. Case : 1:23-cv-02597-UNA

Dated October 25, 2023

**U.S. District Court**

**District of Columbia**

**Notice of Electronic Filing**

The following transaction was entered on 10/24/2023 at 5:17 PM and filed on 10/24/2023

**Case Name:** AKERMAN v. UNITED STATES OF AMERICA

**Case Number:** 1:23-cv-02597-UNA

**Filer:**

**WARNING: CASE CLOSED on 10/04/2023**

**Document Number:** No document attached

**Docket Text:**

**MINUTE ORDER.** Upon consideration of [8] Petitioner's Motion for Leave to Appeal in forma pauperis, affirming his inability to prepay the appellate court's docketing fee or to give security therefor, the Court **GRANTS** the motion. The Clerk shall transmit this order promptly to the Court of Appeals. **SO ORDERED.** Signed by Judge Jia M. Cobb on 10/24/2023. (psu1)

**1:23-cv-02597-UNA Notice has been electronically mailed to:**

**1:23-cv-02597-UNA Notice will be delivered by other means to::**

MARTIN AKERMAN  
2001 North Adam Street, Unit 440  
Arlington, VA 22201

# **IFP ATTACHMENT E**

U.S. Circuit Court of Appeals for D.C. Case : 23-5230

Dated October 19, 2023 and November 14, 2023

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-5230****September Term, 2023****1:23-cv-02575-UNA****Filed On: October 19, 2023** [2022522]

Martin Akerman,

Appellant

v.

Sherri Dolron,

Appellee

**ORDER**

Upon consideration of the motion to appeal in forma pauperis, which was received from appellant, it is, on the court's own motion,

**ORDERED** that the motion to appeal in forma pauperis be referred to the district court for resolution in the first instance. It is

**FURTHER ORDERED** that this case be held in abeyance pending further order of the court.

The Clerk is directed to transmit this order and the original motion to the district court. The district court is requested to notify this court promptly following its disposition of the motion.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Laura M. Morgan  
Deputy Clerk

Attachment:

Motion for Leave to Proceed on Appeal In Forma Pauperis

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-5230****September Term, 2023****1:23-cv-02575-UNA****Filed On: November 14, 2023 [2026788]**

Martin Akerman,

Appellant

v.

Sherri Doiron,

Appellee

**ORDER**

It is **ORDERED**, on the court's own motion, that this case be returned to the court's active docket. It is

**FURTHER ORDERED**, that the following briefing schedule will apply in this case:

Appellant's Brief

January 3, 2024

Appendix

January 3, 2024

This order does not preclude the court, after examining the briefs, from setting this case for oral argument. If the court resolves to decide the case without oral argument, an order will be issued disclosing the panel prior to issuance of a decision on the merits. All parties should include the following phrase on any subsequent pleading or brief filed in this case: "CASE BEING CONSIDERED FOR TREATMENT PURSUANT TO RULE 34(j) OF THE COURT'S RULES."

All issues and arguments must be raised by appellant in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief. To enhance the clarity of their briefs, the parties are cautioned to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 42 (2021); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

A request for appointment of counsel does not relieve appellant of the obligation to file responses to any motion filed by appellee or to comply with any order issued by the court, including a briefing schedule. Failure by appellant to respond to a dispositive motion or comply with any order of the court, including this order, may result in

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 23-5230****September Term, 2023**

dismissal of the case for lack of prosecution. See D.C. Cir. Rule 38.

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail could delay the processing of the brief. Additionally, parties are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a).

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Laura M. Morgan

Deputy Clerk



## **IFP ATTACHMENT F**

I was denied Administrative Leave pending an Office of Special Counsel (OSC) investigation on illegal use of 5 USC § 6329b. Letter On May 3, 2023, admitting to harmful procedural error during investigation at OSC, closed on May 20, 2022.

**U.S. OFFICE OF SPECIAL COUNSEL**

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-804-7000

May 3, 2023

***Sent via electronic mail***

Martin Akerman  
2001 North Adams Street  
#440  
Arlington VA 22201  
Makerman.dod@gmail.com

**Re: OSC File No. MA-22-000917**

Dear Mr. Akerman:

This letter is to inform you that an error was made in the OSC file number included in the Closure and IRA letters that you received on May 20, 2022. Please take note that the accurate number for your file is MA-22-000917.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Taylor".

Maureen Taylor  
Attorney  
Investigation and Prosecution Division

## **IFP ATTACHMENT G**

As documented by my certified mailing and EEOC Right to Sue  
Letter, I was forced to resign on June 18, 2022.

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION****Office of Federal Operations****P. O. Box 77960****Washington, D.C. 20013**

June 21, 2022

Martin Akerman  
2001 North Adams Street, Unit 440  
Arlington, VA 22201

Re: June 7, 2022- Notice of Intent to Sue

Dear Martin Akerman:

The purpose of this letter is to acknowledge that the U.S. Equal Employment Opportunity Commission (EEOC) has received your documentation regarding a notice of intent to file a civil action against the Department of Defense pursuant to Section 15(d) of the Age Discrimination in Employment Act (ADEA) of 1967, as amended, 29 U.S.C Section 633a. For your reference, a copy of your documentation is attached hereto.

This is a form acknowledgment and does not address either the merits of the allegations forming the basis of the notice or the sufficiency of the notice. If you have not filed a formal administrative equal employment opportunity (EEO) complaint, you must provide a notice of intent to sue to the EEOC within one hundred and eighty days after the alleged unlawful practice occurred. Please be aware, however, that your notice must comply with EEOC Management Directive 110, Chapter 4, Section IV. B., which states that the notice of intent to sue should be dated and must contain the following information:

- (1) statement of intent to file a civil action under Section 15(d) of the ADEA;
- (2) name, address, and telephone number of the employee or applicant;
- (3) name, address, and telephone number of the complainant's designated representative, if any;
- (4) name and location of the federal agency or installation where the alleged discriminatory action occurred;
- (5) date on which the alleged discriminatory action occurred;
- (6) statement of the nature of the alleged discriminatory action(s); and
- (7) signature of the complainant or the complainant's representative.

Martin Akerman

Page Two

If you have already filed a formal EEO administrative complaint based, at least in part on age, you must exhaust the administrative process before pursuing a civil action in a U. S. district court.

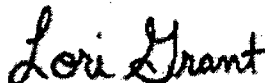
We are forwarding a copy of your notice, and by copy of this response we are providing notice to the Department of Defense of your intent. The Equal Employment Opportunity Commission Directive (EEO-MD-110), Chapter 4, Section IV, requires that within thirty days of receipt of this notice, the agency must review the allegation(s) of age discrimination and conduct an inquiry sufficient to determine whether there is evidence that unlawful age discrimination has occurred. The method of the inquiry is a matter for determination by the particular agency and may vary depending on the scope and complexity of the allegation(s).

In order to resolve age discrimination claims informally and preclude the necessity for litigation, the EEOC expects that the agency's inquiries under EEO-MD-110 will begin immediately and be completed promptly. Agency inquiries based on a notice of intent to sue should begin immediately and be completed promptly. Prompt inquiries are necessary so that a claimant's right to seek redress is not jeopardized by the expiration of a limitations period for filing a civil action. Agencies should implement case tracking systems to ensure the prompt processing of these matters.

The agency is encouraged to make good faith efforts to resolve the matter and must implement the appropriate make-whole relief under 29 C.F.R. Part 1614, Subpart E, where unlawful age discrimination is found. Please be aware that you may file a civil action under the ADEA at any time after thirty days from the date of filing a compliant notice of intent to sue with EEOC regardless of whether your agency has conducted any inquiry into your allegation.

If you have questions regarding the above information, please call the EEOC's Contact Center (Monday through Friday) at 1-800-669-4000 or contact the EEOC's Office of Federal Operations at [ofe.eeoc@eeoc.gov](mailto:ofe.eeoc@eeoc.gov).

Sincerely,



Lori Grant, Director  
Agency Oversight Division  
Office of Federal Operations  
Federal Sector Programs

Martin Akerman

Page Three

cc: Charmane Johnson  
Department of Defense  
Office of Diversity Management and Equal Opportunity  
4000 Defense Pentagon Rm 5D641  
Washington, DC 20301  
Via email: [charmane.s.johnson.civ@mail.mil](mailto:charmane.s.johnson.civ@mail.mil)

Maritza Sayle-Walker  
Department of the Air Force  
A1Q  
1500 W. Perimeter Rd Suite 4500  
JB Andrews, Maryland 20762  
Via email: [maritza.sayle\\_walker.12@us.af.mil](mailto:maritza.sayle_walker.12@us.af.mil)

Seema Salter  
Department of the Army  
US Army Equity and Inclusion Agency  
5825 21st Street Building 214  
Fort Belvoir, Virginia 22060  
Via email: [seema.e.salter.civ@army.mil](mailto:seema.e.salter.civ@army.mil)

Paul Kurle  
National Guard Bureau  
NGB-DEI  
111 S. George Mason Drive  
Arlington, Virginia 22204  
Via email: [paul.d.kurle.civ@army.mil](mailto:paul.d.kurle.civ@army.mil)

Carey Williams  
Defense Counterintelligence and Security Agency  
Diversity & Equal Opportunity  
27130 Telegraph Road  
Quantico, Virginia 22134  
Via email: [carey.j.williams2.civ@mail.mil](mailto:carey.j.williams2.civ@mail.mil)

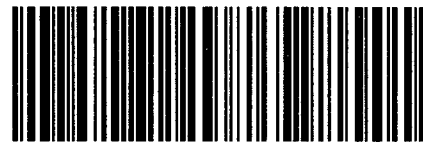
USCA4 Appeal: 22-2066 Doc: 55-4  
Return Mail Processing Center  
8551 East Anderson Dr #108  
Scottsdale, AZ 85255

Filed: 07/25/2023

Pg: 4 of 11

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USPS CERTIFIED MAIL



9214 8901 4298 0470 2306 49

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0006403296000011

Equal Employment Opportunity Commission  
Notice of Intent to Sue  
PO BOX 77960  
Washington, DC 20013



**See Important Information Enclosed**

7 June 2022

Martin Akerman, Pro Se  
2001 North Adams Street, Unit 440  
Arlington, VA 22201

## NOTICE OF INTENT TO SUE

1. I intend to file a civil action under Section 15(d) of the Age Discrimination in Employment Act of 1967, as amended. Ref. 29 CFR § 1614.201
2. Martin Akerman  
2001 North Adams Street, Unit 440  
Arlington, VA 22201  
202-656-5601
3. Pro Se
4. Department of Defense (including Department of the Air Force, Department of the Army, National Guard Bureau, and Office of the Under Secretary for Intelligence - DCSA)  
Pentagon, Washington, DC
5. 19 May 2022 - 2 June 2022
6. Statement of the nature of the alleged discriminatory action (Termination):
  - a. There exists in the Department of Defense a taint and bias against individuals who are 40 years of age or older that stems from the cultural adoption of DOPMA.
  - b. I was constructively discharged from my tenured Federal GS-15, Step 10 position.
  - c. The agency took impermissible discriminatory actions, violated my right to due process and lied about my ability to obtain and maintain a security clearance, resulting in working conditions that are so intolerable that any reasonable person would feel compelled to resign.

7. Signed:



Martin Akerman

County/City of Arlington  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged  
before me this 7 day of June,  
2022, by  
Martin Akerman  
(name of person seeking acknowledgement)  
Shame Onjal Williams  
Notary Public  
My Commission Expires: 07-31-2023





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USPS CERTIFIED MAIL



9214 8901 4298 0470 1538 18

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0008394734000011

General Daniel R. Hokanson  
Chief, National Guard Bureau  
111 S. George Mason Drive  
Arlington, VA 22204-1373



**See Important Information Enclosed**

6 June 2022

Martin Akerman  
2001 North Adams Street, Unit 440  
Arlington, VA 22201  
202-656-5601

General Daniel R. Hokanson  
Chief, National Guard Bureau  
111 S. George Mason Drive  
Arlington, VA 22204-1373

## Letter of Resignation


General Hokanson,

I hereby resign from my position as Chief Data Officer of the National Guard Bureau.<sup>123</sup>

The agency took impermissible discriminatory actions, violated my right to due process and lied about my ability to obtain and maintain a security clearance, placing me on Notice Leave (5 U.S. Code § 6329b) and in an indefinite unpaid suspension status, resulting in working conditions that are so intolerable that any reasonable person would feel compelled to resign.

I elect to incur a debt to FEHB only until the end of this current pay period, 18 June 2022.

Very respectfully,

  
Martin Akerman  
makerman.dod@gmail.com

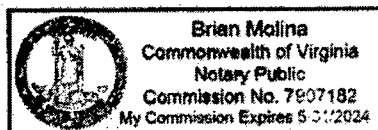
CC: Dr. Clark Cully, Acting Chief Data Officer, Department of Defense  
Honorable Christine Wormuth, Secretary of the Army  
Honorable Frank Kendall, Secretary of the Air Force  
Maj. Gen. Janson Boyles, Mississippi, Chairman, NGAUS  
Governor Asa Hutchinson, Arkansas, Chairman, National Governors Association  
Senator Tim Kaine, State of Virginia

<sup>1</sup> 44 U.S. Code § 3520

<sup>2</sup> 10 U.S. Code § 10501 - The National Guard Bureau is a joint activity of the Department of Defense.

<sup>3</sup> The National Guard Bureau is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and Department of the Air Force, and (2) the several States.

County/City of Arlington  
Commonwealth/State of Virginia  
The foregoing instrument was acknowledged  
before me this 5 day of June,  
2022 by  
Martin Akerman  
(name of person seeking acknowledgement)  
Brian Molina  
Notary Public  
My Commission Expires: 05/31/2024



Help With A Federal Agency | Feb 17 2022 02:26:37 | Akerman, Martin - Page 1 of 2



Privacy Act Release

General Casework

Provisions of the Privacy Act of 1974 (Title 5, Section 552A of the United States Code) require congressional offices to obtain written permission from an individual before a federal agency can release any specific information to the Senator. Please complete the following Privacy Release Authorization and return it to our office as directed below. Family members, friends or other interested parties generally may not authorize the release of information on your behalf.

**Constituent Information**

Name: Mr. Martin Akerman Address: 2001 North Adams Street 440 Arlington, VA 22201

Preferred Name: Martin

Date of Birth: [REDACTED]

Email Address: [REDACTED] Phone Number: [REDACTED] Social Security Number: [REDACTED]

**Case Details**

Do you currently have an open case for the matter described above with another U. S. Senator or Representative?  
No

Federal Agency Involved: US Department of Defense, Office of Special Counsel Account/Claim Number: MA-21-1602

Date of Birth: [REDACTED] Your Place of Birth: [REDACTED]

**Tell us about your case**

Briefly describe your situation.

My name is Martin Akerman and I am the Chief Data Officer of the National Guard. I was the Director of Data Strategy at the Department of the Air Force in my previous role. The job of a good CDO is to increase organizational transparency, improve efficiencies and position data for information superiority. This has huge National Security implications in the case of CDO's in the Department of Defense. I am a leading CDO in the Department of Defense, the only one directly representing the 54 States and Territories. The Department of Defense is currently utilizing Prohibited Personnel Practices to push me out. These include falsifying documentation and leveraging a seemingly untouchable Security Clearance process to disqualify me from my position. The OSC appears powerless against the Department of Defense and I am kindly requesting for you to help me get a status on my OSC case including 9 PPPs dating back to the Air Force and through the National Guard. I am also kindly asking you to help me navigate a solution with the Department of Defense through OSC. Our country cannot afford to take our brightest digital talent and destroy them professionally for doing their job exceptionally well. This incentive to maintain

*Help With A Federal Agency | Feb 17 2022 02:26:37 | Akerman, Martin - Page 2 of 2*

status quo and disincentive to innovate, if left unmitigated, will be the single reason we will not be able to outpace our adversaries and inevitably lose.

I hereby authorize the office of U.S. Senator Tim Kaine to intercede on my behalf, and review all relevant documentation that Senator Kaine or his staff deems necessary in connection with my request for assistance. I further understand that the Senator's office cannot request an application be granted, and expedite requests are reviewed on a case-by-case basis by the agency. The information I have provided is true and accurate to the best of my knowledge and belief. The assistance I have requested from Senator Kaine is in no way an attempt to violate any federal, state or local law.

Signature: \_\_\_\_\_



Date: FEB, 17, 2022

Please return this form via mail, Email or fax to:

Senator Tim Kaine  
ATTN: Constituent Services  
231 Russell Senate Office Building  
Washington, DC 20510  
fax: (202) 228-6363  
Email: Kaine\_Casework@kaine.senate.gov



**NATIONAL GUARD BUREAU**  
1636 DEFENSE PENTAGON  
WASHINGTON DC 20301-1636

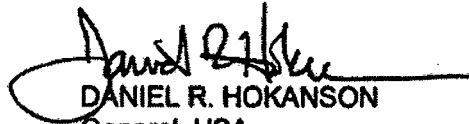
**DEC 20 2021**

**MEMORANDUM FOR ALL NATIONAL GUARD PERSONNEL**

**Subject:** Appointment of a National Guard Bureau Chief Data Officer and Creating Competitive Advantage by positioning Data as a Strategic Asset

**Reference:** National Guard Strategic Data Management Framework, 08 June 2021

1. In accordance with the reference, I hereby designate Mr. Martin Akerman as the National Guard Bureau (NGB) Chief Data Officer (CDO).
2. The NGB CDO will lead the utilization and governance of data across the National Guard.
3. The NGB CDO, in coordination with the Army National Guard and the Air National Guard, will lead the National Guard's Implementation Plan of the Department of Defense Data Strategy. See the attached "Supporting Department of Defense Data 'Decrees'" for more information.
4. The point of contact is Mr. Martin Akerman; NGB-J6; 703-607-7125.

  
**DANIEL R. HOKANSON**  
General, USA  
Chief, National Guard Bureau

**Attachment:**  
**As stated**

**ATTACHMENT****SUPPORTING DEPARTMENT OF DEFENSE DATA 'DECREEES'**

1. The Department of Defense (DoD) released a memorandum, on 05 May 2021, outlining the importance of data management in establishing information superiority and enabling better decision-making. The National Guard plays a key role in the globally integrated and partnered Joint Force, designed and able to out-think, out-maneuver, and out-fight any adversary under conditions of disruptive change.
2. National Guard Bureau is adopting the five DoD Data 'Decrees' as outlined in the DoD memorandum by:
  - a. Maximizing data sharing and rights for data use: all DoD data is an enterprise resource.
  - b. Publishing data assets in the DoD federated data catalog along with common interface specifications.
  - c. Using automated data interfaces that are externally accessible and machine-readable; ensure interfaces use industry-standard, non-proprietary, preferably open-source, technologies, protocols, and payloads.
  - d. Storing data in a manner that is platform and environment-agnostic, uncoupled from hardware or software dependencies.
  - e. Implementing best practices for secure authentication, access management, encryption, monitoring, and protection of data at rest, in transit, and in use.
3. The Joint Force will rapidly integrate, evaluate, and interpret data with artificial intelligence, machine language, and big data analytics. The National Guard Bureau Chief Data Officer will ensure the necessary data assets and expert resources are ready and empowered to help the National Guard achieve Joint All-Domain Operations, Senior Leader Decision Support and Executive Analytics while positioning our data to be visible, accessible, understandable, linked, trusted, interoperable, and secure (VAULTIS).
4. The National Guard will leverage better and faster human and machine-aided decision making to accelerate its response to changes in the operational environment (in collaboration with allies and partners), while adopting a rapid, iterative, and modular approach to capability development that will reduce costs, technology obsolescence, and acquisition risk.

## **IFP ATTACHMENT H**

My poverty was verified by the Commonwealth of Virginia. I have  
been receiving Medicaid benefits since December, 2022.

Arlington County (013)  
1ST FLOOR  
2100 WASHINGTON BLVD.  
ARLINGTON, VA 22204

Commonwealth of Virginia  
Department of Social Services  
Questions? Call: (703) 228-1350

Letter Date: December 15, 2022  
Case Number: 125572595

\*010810/6 C1 D-010810 C

Martin Akerman  
2001 N Adams ST UNIT 440  
Arlington, VA 22201-3783

### News for your household

You applied for health care coverage through HealthCare.gov or by calling the Health Insurance Marketplace. They sent us your application to see if you qualify for health coverage from Virginia Medicaid.

Our records show that you applied for health coverage from Virginia Medicaid on **November 28, 2022**. This letter tells you more about the determination and how it was made. It has information about the household's health coverage choices and what to do next. It also explains what to do if you think we made a mistake.

#### Medicaid Decision Summary for Your Household

Household Member Name	Decision	Coverage	Effective Date(s)
Martin Akerman	Not Eligible	--	August 01, 2022 - November 30, 2022
Martin Akerman	Eligible	FULL	December 01, 2022 - Ongoing

To learn more about how we made our decision for each person, read the rest of this letter.

You can get this letter in another language, in large print, or in another way that's best for you. Call us at 1-855-242-8282 (TTY: 1-888-221-1590).

Case #: 125572595

Page 1 of 12

Correspondence #: 768511548



# IFP ATTACHMENT I

## Roseboro Objection: Injury by Fellow Employee

Case 1:22-cv-00696-LMB-WEF Document 94 Filed 11/02/22:

Posse Comitatus of the United States, related to Supreme Court

Application for Extension 23A536, and denied Supreme Court

Application for Stay 23A489.

## Roseboro Objection:

### Injury by Foreign State Militia

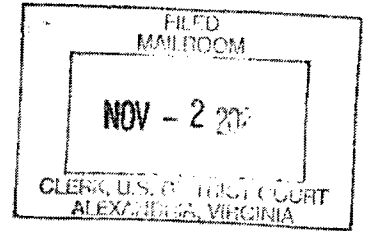
Case 1:22-cv-00696-LMB-WEF Document 95 Filed 11/02/22:

Posse Comitatus of the United States, related to Supreme Court

Application for Extension 23A536, and denied Supreme Court

Application for Stay 23A489.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**



MARTIN AKERMAN, Pro Se,

Plaintiff,

vs.

Lloyd J. Austin III, SECRETARY OF  
DEPARTMENT OF DEFENSE, et. al.,

Defendants.

Civil Action No. 1:22cv696

JURY TRIAL  
GRAND JURY REQUESTED

Date: 30 October 2022

► SCANNED ◀

OCT 30 2022

**PRO SE PLAINTIFF'S ROSEBORO OBJECTION: INJURY BY FELLOW EMPLOYEE**

**Ghostwriting Certificate - LOCAL RULE 83.1(M) CERTIFICATION**

I, Martin Akerman, the Pro Se Plaintiff, declare under penalty of perjury that no attorney has prepared, or assisted in the preparation of this ROSEBORO OBJECTION.

1. The Pro Se Plaintiff has been subjected to a persistent culture of harassment perpetrated by proxy through active duty Military Personnel.
2. On 26 May 2021, I replied to SAF/AA regarding the Memorandum for Record of the 25 May meeting. I disclosed the following: - Col McDaniel mentioned that he and Ms. Vidrine had a call with HR Monday and she requested that Col McDaniel create a Written Admonishment - I asserted that I was performing duties in accordance with those outlined in my PD - SAF/AA confirmed that PDs should be made up to date and current, with accurate job descriptions and reviewed at least annually - SAF/AA advised me of

my right to have the action reviewed and to file grievance, making additional point to highlight AFI on personal remedy.

3. On 29 May 2021, I wrote an email to my Mentors in the Air Force expressing concern for Col McDaniel and Ms. Vidrine asked him to violate 10 USC 1034.
4. On 1 July 2021, I reported another PPP to OSC via email: Col Vasquez threatened to issue me another reprimand because I asked for a written version of the UMD that Ms. Vidrine mentioned on the morning call, and because I relayed messages from Callie and AA to Nicholas about his Loan Repayment.
5. On 11 August 2021, I reported a PPP to OSC via email: Col Kehoe entered information into my Performance Plan without my permission.
6. Similarly, TSgt Santa and Lt Col Sullivan were placed in a position to perpetrate actions that lead to the violation of PPD-19, particularly as witnessed and documented by OSC on 17 August 2022.

**Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this motion: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. Certificate of Service**

The undersigned hereby certifies that a true copy of the foregoing

**PRO SE PLAINTIFF'S ROSEBORO OBJECTION: INJURY BY FELLOW EMPLOYEE**

was mailed to the Clerk of the Court and Defendant's Counsel on the

30 st/nd/rd/th day of October, 2022 \*\*\*

and electronic service is expected to be provided to all Defendants, as listed and/or amended, and/or their respective Counsel, in a timely manner.

**B.**

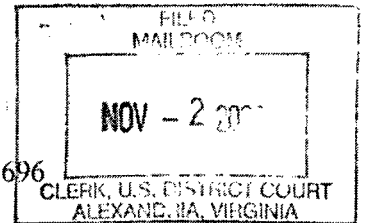
Signature of Pro Se Plaintiff:  \*\*\*

Martin Akerman, 2001 North Adams Street Unit 440

Arlington, VA 22201, 202-656-5601

makerman.dod@gmail.com

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**



MARTIN AKERMAN, Pro Se,

Plaintiff,

vs.

Lloyd J. Austin III, SECRETARY OF  
DEPARTMENT OF DEFENSE, et. al.,

Defendants.

Civil Action No. 1:22cv696

JURY TRIAL  
GRAND JURY REQUESTED

Date: 30 October 2022

► SCANNED ◀

OCT 30 2022

**PRO SE PLAINTIFF'S ROSEBORO OBJECTION: INJURY BY FOREIGN STATE**

**MILITIA**

**Ghostwriting Certificate - LOCAL RULE 83.1(M) CERTIFICATION**

I, Martin Akerman, the Pro Se Plaintiff, declare under penalty of perjury that no attorney has prepared, or assisted in the preparation of this ROSEBORO OBJECTION.

1. In Federal employment, a Decision-Maker must have power to decide. THIS WAS NOT FOLLOWED (The decision will be valid if it has "the knowledge and approval of an official with termination authority." This power to terminate is derived from the power to appoint. The reply cannot be an empty formality in which the employee speaks and no one with the power to affect the outcome listens. An agency decision where the deciding official lacks the power to cancel or mitigate the action is unconstitutional. The deciding official must be able to invoke his or her discretion as to whether the proposed penalty is

warranted. Officials – no matter how pure their own motives – have the responsibility to ensure that the action has not been corrupted by someone else in the process who has a prohibited motive.) This misapplication of law is harmful to the Plaintiff. *Vandewall v. Department of Transportation*, 55 M.S.P.R. 561, 564 (1992), *Lange v. Department of Justice*, 119 M.S.P.R. 625, para 23 (2013), and *Buelna v. Department of Homeland Security*, 122 M.S.P.R. 262 para 27-28 (2014).

2. The Agency is guilty of “federalizing” members of the State National Guard and placing them in a situation where their livelihood is threatened and they are forced to break federal employment laws.
3. Members of State National Guard components do not have the power to appoint the Plaintiff nor to suspend the Plaintiff.
4. The proposing official on the Indefinite Suspension action is a Department of the Air Force Senior Executive working for the National Guard Bureau. The Air Force and/or the National Guard Bureau should be joindered in this case. The deciding official on the Indefinite Suspension action is a General Officer of the Nevada Air National Guard “federalized” and working for the National Guard Bureau. The State of Nevada, the Air Force, and/or the Department of Defense should be joindered in this case. As it relates to the decision to sustain the charges of the indefinite suspension, the initial decision is based on an erroneous interpretation of statute or regulation or the erroneous application of the law to the facts of the case. (The deciding official, a Nevada Air National Guard Officer, does not have the termination authority needed to decide on the proposed suspension of a Tenured Department of the Army Civilian in the National Guard Bureau.)

5. The Colonel that took prohibited discriminatory actions and documented the Memorandum for Record related to the Merged Notices on 14 February 2022 and the decision to place the Plaintiff on Notice Leave is an Officer of the State of Arkansas Army National Guard "federalized" and working for the National Guard Bureau. The State of Arkansas and/or the Department of Defense should be joindered in this case.
6. The commander on the alleged Suspension of Access action, is a General Officer of the Arizona Army National Guard "federalized" and working for the Army National Guard, through alleged delegated signature authority to Mr. Mark Berglund of the Army National Guard. Additionally, The State of Arizona may need to be joindered in this case.
7. Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.
8. Additionally, "federalized" members of the National Guard were forced to break anti-discrimination laws by documented proxy.
9. On 25 March 2022, the Plaintiff received evidence that the agency took impermissible discriminatory actions "but for" perceived mental impairment : "FEB 2, 2022: Mr. McNeill and senior leaders made preliminary decision to suspend subject's clearance based on information contained in the SOR regarding subject's mental health issues and concern for National Security." (Tab 27 at 8)
10. 8 February 2022 - Same person that took the impermissible discriminatory action conspired with Security office to suspend my access after an extension was granted by

the DOD CAF. Access suspension is additionally falsified - the Plaintiff verified that the Plaintiff still has an active SECRET clearance on 31 May 2022.

11. 14 February 2022 - Same person that took the impermissible discriminatory action on 8 February 2022 was the recommending official for the Indefinite Suspension.

12. 14 February 2022 - Same person that took the impermissible discriminatory action placed the Plaintiff on Notice Leave and out of the office involuntarily.

13. 18 Feb - 14 March 2022 - Same person that took the impermissible discriminatory action held ex parte communications with the deciding official.

14. 14 March 2022 - Someone that held ex parte communications with both the person that took the impermissible discriminatory action and the deciding official misinformed OPM LMER when they requested my files.

a. "Can you give me what you have available and then we can play cleanup when Ms. Deppe returns?"

15. A CONSTRUCTIVE DISCHARGE OCCURS WHEN AN EMPLOYEE RESIGNS FROM HIS/HER EMPLOYMENT BECAUSE (S)HE IS BEING SUBJECTED TO UNLAWFUL EMPLOYMENT PRACTICES. IF THE RESIGNATION IS DIRECTLY RELATED TO THE RESPONDENT'S UNLAWFUL EMPLOYMENT PRACTICES, IT IS A FORESEEABLE CONSEQUENCE OF THOSE PRACTICES AND CONSTITUTES A CONSTRUCTIVE DISCHARGE. COMMISSION DECISION NO. 72-2062, CCH EEOC DECISIONS (1973) ¶ 6366. **RESPONDENT IS RESPONSIBLE FOR A CONSTRUCTIVE DISCHARGE IN THE SAME MANNER THAT IT IS RESPONSIBLE FOR THE OUTRIGHT DISCRIMINATORY DISCHARGE OF A CHARGING PARTY.**<sup>1</sup>

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<sup>1</sup> EEOC 612.9(a) - Constructive Discharge



**Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this motion: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. Certificate of Service**

The undersigned hereby certifies that a true copy of the foregoing

**PRO SE PLAINTIFF'S ROSEBORO OBJECTION: INJURY BY FOREIGN STATE  
MILITIA**

was mailed to the Clerk of the Court and Defendant's Counsel on the

30 st/nd/rd/th day of October, 2022 \*\*\*

and electronic service is expected to be provided to all Defendants, as listed and/or amended, and/or their respective Counsel, in a timely manner.

**B.**

Signature of Pro Se Plaintiff: 

\*\*\*

Martin Akerman, 2001 North Adams Street Unit 440

Arlington, VA 22201, 202-656-5601

makerman.dod@gmail.com