

No. 23-074

107,2023

IN THE

SUPREME COURT OF THE UNITED STATES

Venus Moore

(Your Name)

Supreme Court, U.S.

DEC 05 2023

OFFICE OF THE CLERK

— PETITIONER

State of Delaware <sup>vs.</sup> Merit Employee Relations Board and  
Department of Health and Social Services  
Division of Management Services — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Delaware Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Venus Moore

(Your Name)

314 Theater Lane

(Address)

Camden Wyoming Delaware 19934

(City, State, Zip Code)

(302) 983-8832

(Phone Number)

## QUESTION(S) PRESENTED

1.

Did the defendant, DHSS/DMS, have a legal obligation to engage in a "flexible interactive process" with the plaintiff, Venus Moore, as she requested a reasonable accommodation in accordance with Americans Disabilities Act (ADA)?

2. Did DHSS/DMS violate any applicable constitutional laws, federal statutes, or regulations relative to Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) or American with Disabilities Act 42?

- Americans with Disabilities Act 42 USC 12131
- Americans with Disabilities Act 42 USC 12132
- VEVRAA

Review the following link below that speaks to "Interactive process"

<https://www.disabilitysecrets.com/resources/divorce/what-do-if-employer-ignores-request-reasonable-ac>

## 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:

State of Delaware Merit Employee Relations Board  
Department of Health and Social Services  
Division of Management Services

## RELATED CASES

(CA. No. K 22A-09-003) NEP  
(CA. No. K 22A-07-001) NEP  
(CA. No. K 23C-09-012)  
(CA. No. K 22A-07-002) JJC

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

153,7003  
154,2003

### STATUTES AND RULES

1974 Law Vetra (Wrongfully Terminated)  
The Vietnam Era Veteran Readjustment Assistance Act. Is a law that prohibits Federal Contractors and Subcontractors in employment against Protected Veterans and requires employers take affirmative action to recruit, hire, promote, and retain these individuals  
denied a reasonable Request for an accommodation

American with Disabilities Act of 1990  
or ADA is a civil rights law that prohibits Discrimination based on disability

### OTHER

IN THE  
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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

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

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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 \_\_\_\_\_.

☐ 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: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ 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 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

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

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

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Constitutional Provisions as follows:

The defendants Delaware Department of Health & Social Services/Division of Management Services did not follow the proper procedure to process the appellant/plaintiff's reasonable accommodation. It is a violation of the ADA (American Disabilities Act) to provide a reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability. At the time the Appellant/Plaintiff Venus Moore which is myself was in a qualified status covered under the 1974 Act of Vevraa. The defendants subjected the Appellant/ Plaintiff to repeated acts of discrimination. Such as harassment, Bullying, as well as retaliation after she requested a transfer along with a reasonable accommodation but, was then terminated on 2/1/2022. The appellant seeks compensation due to the defendants negligence and lack of duty of care, the defendant breached that duty, causing the Appellant/Plaintiff Venus Moore to suffer an injury of undue hardship. Appellant/Plaintiff Venus Moore is seeking a review writ Centauri as well as relief or compensation for the acts of Injustices taken against her which would be violation of one's rights.



## **STATEMENT OF THE CASE**

Honorable Justices SCOTUS

This letter is provided in correspondence to the State of Delaware Supreme Court letter(s), dated October 30, 2023 and November 15, 2023 in reference to Civil Action # No. K22A-09-003; No. 153, 2023; No. 154, 2023,) (VENUS MOORE VS. Delaware Department of Health and Social Serviced/Division of Management Services. ).

I am requesting the courts review of the combined motions of my plaintiff (Moore's Complaint and Response in Opposition for Affirm cases No.K22A-09-003; No. 153, 2023; No.154, 2023; No.K22A-07-001) filed by the defendant attorney.

Information provided by the defendant attorney of KEJNER defendant's attorney recorded in the aforementioned letter is not true based on the following facts of submission.

**a. Allegation #1** - The charge of discrimination alleges Ms. Moore was denied leave and transfer to another unit as accommodation for panic attacks and anxiety, both allegedly caused by the supervisor's discriminatory acts.

Facts - This is a fact as I provided numerous documentation as evidence that the former supervisor exhibited discriminatory acts of behavior that attributed to my severe panics as referenced by a medical practitioner. (Reference Exhibit A) It's acknowledged that DHSS was not aware I am disabled veteran with a diagnosis of disability, in this case panic attacks. However, it is noted the behavior of my former employee, DHSS, specifically, supervisor and leadership induced my attacks that led me to become unstable. (Reference Exhibit B) But, most important there is evidence that I submitted, whereby senior leadership acknowledged I was not only harassed by a former employee creating a hostile work environment, but recommended she register for remedial training to improve her personal performance, specifically, control her behavior (Reference Exhibit C).

**b. Allegation #2** - After using FMLA, Ms. Moore was allegedly terminated for requesting additional leave to accommodate her disabilities.

Facts - This is true as I was denied long-term disabilities, if granted would enable me...

**c. Allegation #3** - Denied a promotion in favor of a younger applicant.

## STATEMENT OF THE CASE

Moore Page 2

**d. Allegation #4** - After filing multiple workplace discrimination complaints, DHSS allegedly revoked Moore's telework privileges, placed her on a performance improvement plan, and eventually terminated her employment.

Facts - I was a good employee that received successful ratings up until I submitted a rebuttal on a performance review. (Reference Exhibit D) After my performance rating was reversed in my favor, I was suddenly retaliated and subsequently filed multiple workplace discrimination complaints to address overall issues, mitigate, and preclude recurrence of similar issues. DHSS did not clearly state why telework privileges had to be removed, to include why I was placed on an improvement plan, even though I just received a satisfactory performance review.

**e. Allegation #5** - DHSS never explained the accommodation process to her and refused to allow her an interactive meeting with management to discuss the accommodation.

Facts - DHSS did not clearly explain the accommodation process in accordance with state law, regulations, and agency directives. Not only was an interactive process not conducted, but the agency did not provide any paperwork to file until I asked weeks after the meeting. In addition, DHSS failed to meet strict timeliness to process my application and did not clearly state why my accommodation was not approved until after I was terminated, which is clearly a violation. Reference Exhibit E.

Honorable Justices SCOTUS, I am also requesting the court review the fact that Ms. Moore was in fact under the protections of 1974 Vevrraa Act at the time a series of events that took place prior to the of wrongful termination on 2/1/2022. General. I used all administrative remedies and followed guidance provided by the courts to properly serve aforementioned personnel of the Department of Health and Social Services/Division of Management Services.

Sincerely

A handwritten signature in black ink that reads "Venus Moore". The signature is written in a cursive, flowing style.

Ms. Venus Moore

## REASONS FOR GRANTING THE PETITION

Mr. Scott S. Harris, Clerk  
Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Cc: Redmond K. Barnes, Assistant Clerk

Mr. Harris,

I am sending this letter, along with applicable documentation in regard to your correspondence (RE: Moore v. Delaware Department of Health & Social Services/Division of Management Services, et al. DESC# 154, 2023; 153, 2024), dated December 11, 2023.

I feel confident this petition complies with content requirements of Rule 14 in accordance with the following:

- a. Rule 14.1(a). This petition contains appropriate questions that are short, concise and relative to circumstances of this case and not argumentative, nor repetitive. Reference "questions in first page following cover."
- b. Rule 14.1 (g). This petition includes a concise statement of this case setting out the facts material to consideration of the questions aforementioned, to include specification of the state in the proceedings, both in the court of first instance and in appellate courts.
- c. Rules 10 and 14.1(h).
  - i. Rule 10. This petition is provided based on 'compelling reasons' and does not include material of error (s) consisting of erroneous factual findings or misapplications of a properly stated rule of law.
  - ii. Rule 14.1(h). This petition provides a direct and concise argument amplifying reasons relied on for allowances of said writ.
- d. Rule 14.2. All contentions in support of a petition for a writ of certiorari shall be set out in the body of the petition, as provided in subparagraph 1(h) of this Rule. No separate brief in support of a petition for a writ of certiorari may be filed, and the Clerk will not file any petition for a writ of certiorari to which any supporting brief is annexed or appended.

## REASONS FOR GRANTING THE PETITION

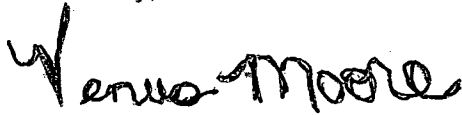
e. This petition provides a list of all parties to this proceeding in the court whose judgment is sought for review in accordance with Rule 14.1 (b) (i).

f. Rule 14.1(i). **Appendix enclosed in this petition...**

g. The State of Delaware Merit Employee Relations Board's Decision and order dated August 30, 2023 *has been appended*, accordingly.

All *Rules* above are corrected and provided for review & consideration.

Sincerely,

A handwritten signature in black ink that reads "Venus Moore". The signature is written in a cursive, flowing style.

Ms. Venus Moore

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Vernus Moore

Date: 12-29-2024