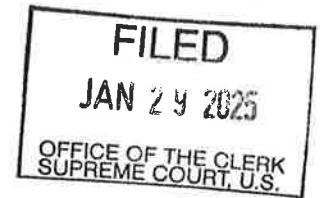


No. 24-6037

IN THE
SUPREME COURT OF THE UNITED STATES



Shar Issa Murphy,

Petitioner

v.

Denis R. McDonough, Secretary of Veteran Affairs, et al.

Respondent

ON PETITION FOR WRIT OF CERTIORARI TO
SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

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January 2025

No. 24-6037

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SUPREME COURT OF THE UNITED STATES

Shar Issa Murphy,

Petitioner,

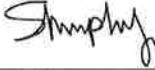
v.

Denis R. McDonough, Secretary of Veteran Affairs, et al.

Respondent.

44.2 CERTIFICATE

Pursuant to Rule 44.2, the undersigned hereby certifies that the attached petition for rehearing of an order denying writ of certiorari is restricted to the grounds specified in Rule 44.2: it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. Petitioner further certifies that the attached petition is presented in good faith and not for delay.

By: 

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Request for Rehearing and Writ of Certiorari

1. Statement of the Case

First Issue: Title VII Discrimination

In 2019, David Spurgin returned to employment at the Department of Veterans Affairs after his departure in 2018 under unclear circumstances. His return coincided with a notable decline in my mental health. Overwhelmed by crying and depression, I sought assistance from the Employee Assistance Program (EAP) and a therapist, where I realized I was experiencing PTSD symptoms triggered by Spurgin's presence. Despite informing my supervisor, Eric Maestas, about these reactions, the trauma persisted as he was still permitted to come near my station. I even asked repeatedly if you are unable to keep him away if I could work from home and I was denied several times.

While working in a cubicle with my back turned to the opening, after the interactions and appearances with Spurgin caused severe trauma, resulting in dizziness, panic attacks, and an inability to focus on my work. Although Eric Maestas implemented measures in June 2020 to limit Spurgin's access to my area, these were ineffective. By October 2020, after a year of pleading to keep him away I couldn't take it anymore, it had gotten so bad when Spurgin approached my desk

again, leaving me speechless, in sheer terror, unable to respond, more traumatized and requiring a coworker to intervene. This repeated trauma forced me to resign in an effort to preserve my mental health.

The foundation of my trauma stems from my initial employment under Spurgin's supervision in 2016, where he engaged in discriminatory behavior after learning of my advanced degree. Spurgin's hostility escalated into write-ups, suspension threats, and poor performance appraisals, in stark contrast to my prior exemplary evaluations. Despite multiple complaints to the union and Chief of Staff, Spurgin and his associate, Chris Robbins, continued to create a hostile work environment. I also want to emphasize that during the fact-finding process, David Spurgin and Chris Robbins did not stay away from my area, further exacerbating my trauma and demonstrating the agency's disregard for my well-being. Additionally, a workplace incident involving an unknown substance sprayed in my face remains unresolved, despite reports to Employee Health and VA Police. Again, I received no help from the agency as I did not receive any information or help about this situation.

My attempts to address these issues, including filing a discrimination complaint with the EEO in 2017, were met with delays and dismissive responses, exacerbating the hostile environment. Similarly, when a Caucasian coworker faced

harassment, immediate action was taken, highlighting a disparity in the agency's response based on race.

2. Statement of Facts Relevant to the Issues Presented for Review

In 2019, despite being a dedicated employee, my persistent pleas to Eric Maestas to ensure David Spurgin was kept away from me went unfulfilled. This negligence exacerbated my PTSD symptoms and led to my resignation. The unresolved 2016 assault incident and consistent dismissal of my grievances further demonstrate the agency's systemic failures to address hostile workplace. Professionals have verified my workplace trauma, confirming that it has left me unable to work and significantly impacted my quality of life.

3. Statement of Issues

- 1. Title VII Discrimination:** The agency's failure to address my complaints and the disparity in treatment between myself and a Caucasian coworker underscore systemic discrimination.
- 2. Hostile Work Environment:** Persistent harassment from Spurgin and Robbins created an intolerable work atmosphere.

3. Rehabilitation Act Failure to Accommodate: The agency's denial of my request to work from home ignored my PTSD diagnosis and reasonable accommodation needs.

4. Rehabilitation Act Hostile Work Environment: The agency's failure to ensure my safety despite repeated pleas violated its duty of care.

4. Incorrect Application of Law

The district court's decision disregarded the 14th Amendment's protections against discrimination and unequal treatment. By denying my claims, the court overlooked constitutional guarantees of due process and equal protection, as well as the statutory protections afforded under Title VII and the Rehabilitation Act.

5. Factual Errors by the District Court

The district court failed to recognize the hostile work environment and the severity of the assault I experienced. Despite documented PTSD and medical verification of my injuries, the court minimized the systemic failures of the agency, ignoring the prolonged impact on my mental health and career.

6. Failure to Consider Grounds for Relief

The court failed to address the agency's negligence in ensuring workplace safety, including its lack of follow-up on the 2016 assault and its refusal to accommodate

my disability. These oversights represent a profound failure to uphold legal and ethical responsibilities to employees.

7. Additional Reasons for Reversal

The agency's systemic discrimination, compounded by its dismissal of my complaints, underscores a pattern of negligence and racial bias. This is further evidenced by its same day action on a Caucasian coworker's complaints while disregarding my months of complaints.

8. Supporting Evidence of Systemic Issues at the VA

A news article published by *The Denver Channel* on August 10 highlights systemic issues within the Department of Veterans Affairs (VA), reinforcing the claims raised in my petition. The article, titled "Two Aurora, Colo.-based Rocky Mountain Regional VA Medical Center employees claim the VA is a hostile work environment," details firsthand accounts of discrimination, harassment, and retaliation against employees who reported workplace misconduct.

One employee, Garland Dotson, a VA occupational safety specialist, shared an instance where a VA executive approached him, "made a monkey-like motion" with her arms, and stated, "You look like a monkey." The incident was captured on surveillance and substantiated, yet the agency did nothing, allowing the executive

to retain her position. Mr. Dotson described the VA environment as "toxic," drawing attention to the lack of accountability even in substantiated cases of harassment.

Additionally, the article highlights claims of retaliation when VA safety department employees reported a COVID-19-related death to the Occupational Safety and Health Administration (OSHA). Leadership allegedly responded by demoting the department, leading to a mass exodus of staff. This environment is consistent with the systemic hostility, discrimination, and neglect I experienced during my employment at the VA.

Mr. Dotson's efforts to escalate his complaints, even reaching the Secretary of the VA, mirror my own struggles to seek redress within the organization. His statement that the VA "ignores you, denies your knowledge, and buries it" resonates deeply with my experience of repeated dismissal of grievances and lack of resolution.

This article substantiates a broader pattern of systemic failures within the VA, supporting my claims of a hostile work environment and the agency's retaliation against employees who advocate for accountability. The reported incidents reinforce the necessity of judicial review and corrective action to address these pervasive issues.

9. Requested Action

I seek full restitution for the harm I endured, including compensation for the irreparable impact on my career and well-being. Additionally, I request that this claim and its resolution be documented to ensure accountability and serve as a record in case similar incidents occur in the future. I also request that the court acknowledge the agency's systemic failures and ensure corrective action to prevent recurrence.

10. Necessity of Oral Argument

Oral argument is essential to fully present the depth and urgency of my case. It will provide the court with an opportunity to examine evidence and witness testimonies that substantiate my claims, ensuring a fair and comprehensive review of the injustices I endured.

Conclusion

This petition for rehearing and writ of certiorari seeks justice for the profound discrimination and negligence I have experienced. The evidence presented underscores the necessity for relief and accountability, ensuring that no individual endures similar injustices in the future.

Respectfully submitted,

 01/28/2025

Shar Issa Murphy

Pro Se Litigant

CERTIFICATE OF SERVICE

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Supreme Court of the United States

I, Shar Murphy, hereby certify that on this 01/27/2025 I served three (2) copies of the Petition for a Rehearing of Writ of Certiorari in the case of Shar Issa Murphy, Petitioner, v. Denis R. McDonough, Secretary of Veteran Affairs, et al.

Respondent, via [indicate the method: Certified Mail], postage prepaid, addressed to:

- Supreme Court of the United States

1 First Street, NE

Washington, DC 20543

- Solicitor General of the United States

Room 5616

Department of Justice

950 Pennsylvania Ave., N. W.

Washington, DC 20530-0001

I further certify that all parties required to be served have been served on

01/29/2025



Shar Issa Murphy

