

24-6127

ORIGINAL

No. _____

FILED
DEC 09 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

JOCELYN L. DOYLE — PETITIONER

VS.

THE DEPARTMENT OF VETERAN AFFAIRS-

RESPONDENT(S) (et al) —

THE MERIT STYSTEMS PROTECTION BOARD- —

RESPONDENT(S) (et al)

ON PETITION FOR A WRIT OF CERTIORARI

JOCELYN L. DOYLE

6551 GILARDI RD

BOONSBORO, MARYLAND. 21713

1-301-991-7318

RECEIVED
DEC 12 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION #1: An important federal question of National Importance of whether The United States COURT OF APPEALS (COA) for the Federal Circuit, VIOLATED The Whistleblower Protection Enforcement Act (WPA/WPEA) under U.S.C Chapter 23, and U.S.C. 1221; when the COURT OF APPEALS (COA) had AUTHORITY and JURISDICTION to ADDRESS & CORRECT an Issue and claim of a 714 FIRED Whistleblower in consolidated cases #22-1844, #23-1311, #23-1204, of the UNLAWFUL Prohibited Personnel Practice (PPP) Adverse Action after the COA found the AIB Investigation retaliatory and the Third Retaliatory Reassignment Ms. Doyle was fired from, on Sept. 20, 2018.

QUESTION #1A: I look to the U.S. Supreme Court on this IMPORTANT federal question under The Whistleblower Protection Enforcement Act. (WPA/WPEA) and BEST INTEREST of the PUBLIC EYE, to address the CONFLICTING and INCONSISTENT, Narrow Review Dismissed Decision against a FIRED WHISTLEBLOWER, who was NOT PROTECTED in the found to be Retaliatory THIRD REASSIGNMENT. In the eye of the Public, they only see the Whistleblower being held Accountable.

QUESTION #1B: Whether The COA Violated the Law & Discretion under The Whistleblower Protection Enforcement Act. (WPA/WPEA) to NOT Review or address, Ms. Doyle's statement claims in 22-1844 of her filing appeal case

#19-1786, when Ms. Doyle used the WORD “DISCRIMINATE” to describe the Retaliatory “FIRED ADVERSE ACTION” from #PH-0714-18-0484-I-1.

QUESTION #1C: Whether the COA Violated & Failed, its Authority of Judicial review under 5 U.S.C. § 7703(b)(1)(A)(b), 5 U.S.C.1201, and THE WPA/WPEA ACT, to address, answer, and hold Accountability the multiple un-ethical, illegal, intentional & deliberate actions from a Merit Systems Protection Board (MSPB) Administrative Law Judge (ALJ) Syska, against a KNOWN Whistleblower. Presented to the COA in Case #23-1204: Doc.#26, Ms. Doyle made Non-Frivolous allegations & presented abundance of evidence of contradictions of LAW, from ALJ Syska whom DECONSOLIDATED and REMOVED, the Prohibited Personnel Practice (PPP) “FIRED” ADVERSE ACTION out of Ms. Doyle’s current docketed HIGH MERIT Whistleblower

QUESTION 2: Whether the COA Violates the WPA/WPEA law, in a decision statement that contradicts the claims & evidence, ignoring claims and evidence to the Retaliatory Animus and Actions, to the Ultimate Goal of Denis Sullivan’s planned Agenda for an Instant Termination of a Whistleblower by forcing Ms. Doyle into the AMSA position.

QUESTION 2A: Whether The United States COURT OF APPEALS violated the law, ignored, denied & failed to properly address and answer Ms. Doyle’s VALID claims under title 5 U.S.C. 2302(b)(8)(a)(2)(i)(ii): “Failure To Promote”

and “Denied an Appointment” due to Ms. Doyle’s disclosure and protected activity. Ms. Doyle applied also under Schedule A, “Individuals with Disabilities” making her eligible to jump grades. MSPB, never told Ms. Doyle, she needed to submit more information, than the abundance she had. Evidence, submitted on Appeal to the COA by Ms. Doyle:

#22-1844 Doc.#11-4 pg.1. “Notice of Results” for GS13 Executive Assistant Position due to the MSPB statement below:

MSPB decision stated: “moreover, she has not provided any evidence the agency failed to select her for a higher graded position, as a result of the Prohibited personnel; Practices found in the underlying appeal.”

QUESTION 2B: Whether the COA violated & failed to address under the WPA/WPEA, and 5 U.S.C. § 1221(a) and failed to address or answered, Ms. Doyle’s Claims under the WPA/WPEA Law request of Reinstatement of a Whistleblower: #22-1844 doc.#11-2 Pg.16. Ms. Doyle’s Claims to be RETURNED/PLACED back into her Government career in as nearly as possible, the position the individual **WOULD HAVE**, had THE **“Failure To Promote”** prohibited personnel practice **NOT OCCURRED:** HENCE the COA’s decision statement of Ms. Doyle’s Claim.

COA’s decision statement: Pg.7: “Ms. Doyle also sought promotion to a GS-13 position as a form of consequential damages. Appellee Br. 10”

QUESTION #2C: Whether COA violated the Whistleblower Protection Enforcement Act (WPA/WPEA) under 5 U.S.C. § 1221(g)(1)(A)(i)(ii) COA fails to address the denial of Consequential Damages CLAIM of “LOSS OF BACK PAY

Ms. Doyle requested "BACK PAY" of the GS 13- "Executive Assistant Position from Sept, 2017 to Present Day.

QUESTION #2D: Whether the COA ignored, Ms. Doyle's claims of Retaliation from CHIEF of HR Mr. Sullivan who knew Ms. Doyle, was eligible for promotion to the Executive Assistant Position INSTEAD, CREATED new charges against me. Mr. Sullivan was NEVER going to PROMOTE a whistleblower.

QUESTION #2E: Whether The COA under the WPA/WPEA law, Addresses or answers Ms. Doyle's Claims of Retaliatory "Failure to Renew an Appointment" and "Improperly MISSCLASSIFIED" claims: 1844 Doc.#30 pg. 35-38: "I should have been titled under since beginning of my career in July 26, 2015, a Title 38 7404 GS 6 step 2 as an experienced SENIOR LEVEL EFDA at \$64, 813.00, to work with the Dental Residents **NOT AS A Hybrid Title 38 7401**

The Martinsburg VA, has since corrected and re-classified their Dental Assisting Employees correctly, so I know my claims are VALID. I never waived them to be heard.

QUESTION #3: An important federal question, of whether The COA violated the WPEA/WPA LAW, 5 U.S.C. 2302(b)(c)1), 5 U.S.C. § 2302(a)(2)(A) and 5 U.S.C. 1221 U.S.C Chapter 23, whether the COA or MSPB had the AUTHORITY To

address and properly answer and decide Ms. Doyle's claims of Retaliatory personnel actions, in the THIRD retaliatory Reassignment. WHEN Judge Berg, in DENIED decision of case #PH-1221-18-0012-P-2 for Consequential Damages & stated he CANNOT ADDRESS MY RETALITORY CLAIMS WHILE IN THE THIRD REASSIGNMENT because the COA, in their REMAND DECISION #21-2149, FAILS to address what claims are allowed to be heard below in questions 3A,3B,3C

QUESTION #3A: Whether the COA violates the law under 5 U.S.C. §

2302(a)(2)(A)(xii) Failure to answer or address Ms. Doyle's Claims below:

#22-1844 doc25 pg. 9: "I FEAR this substantiated investigation is harming me and "I request this **SUBSTANTIATED INVESTIGATION** to be destroyed"

#22-1844 Doc #30 pg.43-45 "I REQUEST the Court to please review the "substantiated Investigation" and the evidence and documentation and award for the Substantiated investigation be DESTROYED from my files."

QUESTION #3B: Whether the COA violates the WPA/WPEA law, with failure

to answer or address to Ms. Doyle's Claims #1844 Doc.#30 Pg.56-64: BREACH OF CONTRACT in Retaliation, I was made to stay all day and not removed from the Infected Area: Ms. Doyle's Medical Lab results, show Ms. Doyle was INFECTED, then infected her 7 yr. old daughter.

22-1844 doc.30 pg.28 & pg.47: " CLOSTRIDIUM DIFFICILE (C-DIFF) (EXPOSURE BY HOSPITAL) FAILURE TO DO A TERMINAL CLEANING, WHILE IN A RETALIATORY REASSIGNMENT, DUE TO IT WAS ME A WHISTLEBLOWER, ONE WEEK LATER THEY REMOVED EVERYONE FROM A CLOSE AREA, DUE TO ONE ITTY BITTY BEDBUG. Had to use my own sick leave for the week, all documented and Reported by Agency Occupational Health, and my Family Doctor."

QUESTION #3C: Whether The COURT OF APPEALS violated the WPEA/WPA

LAW in failure to answer or respond to Ms. Doyle's Retaliation claims #22-1844

doc.25 pg.14-15: "Agency Breach of Contract:

22-1844 Doc. 25 Pg.13: "On July 19, 2018. two months later, I received a letter: I was violating privacy laws. stating "he will consider your written reply", "along with all the evidence developed, when reaching a decision". **I DID NOT EVEN KNOW A DECISION OF "YES OR NO"** for 5 months which is required within 14 days, breaching VA policy and contract. May 7, 2018, I had to give an oral reply/written response to proposed termination to Director Mr. Cooke. After, providing my Oral reply, an email comes out about my co-workers are still making mistakes, I was terminated for."

22-1844 Doc. #30 pg:875 Trial Transcripts: line 23

"JUDGE SYSKA: Q: Okay. Mr. Cooke, the proposal went out around April 27th 2018 or thereabouts. You had the oral reply on May 8th 2018 or thereabouts. You indicated that the final decision was held, obviously, because of the OSC hold and YOUR OWN OIG'S INVESTIGATION. So to the extent you remember, how soon after the oral reply was the decision written? Had you made the decision, and were just waiting for clearance to issue it?

A. "THE WITNESS: I -- honestly, Your Honor, I was waiting for the final information to come back. And then we proceeded with the removal. **"JUDGE SYSKA: So you waited six months and then you didn't make any decisions, until six months after the reply?"** "THE WITNESS: That's really what I was instructed at that point, was to hold the final decision until after the OSC had concluded their investigation."

QUESTION #4: Whether The COURT OF APPEALS violated the

Whistleblower Protection Enforcement Act (WPA/WPEA) 5 U.S.C.

2320(a)(2)(A)(viii)5 U.S.C. § 1221(g)(1)(A)(ii) by not answering or Considereing MY

Claims of Loss of Benefits and Evidence #1-4 below:

1. Federal Employees Retirement System(FERS) since 9/20/2018 to present
2. 401K THRIFT SAVINGS PLAN (TSP) match of 5% since 9/20/2018 to present
3. Loss of Accumulated Sick since 9/20/2018 to present

4. Loss of Accumulated Annual Leave since 9/20/2018to present
5. Life Insurance policy provided by Agency from 9/2018 to Present
6. Loss of Accumulated Annual leave & Sick Leave 1844 Doc 30 Pg. 41

QUESTION 4A: Whether, the COA violated the (WPA/WPEA) 5 U.S.C.

2320(a)(2)(A)(viii)5 U.S.C. § 1221(g)(1)(A)(ii) by not addressing or answering Ms. Doyle's REQUEST and Claims to a CLEAN RECORD: AGENCY was ordered to remove any evidence to the RETALITORY Three reassignments:

The Agency removed my SF-50 dated 9/20/2018 from position of ADVANCED Medical Support Assistant. THEN AGENCY STATED I was FIRED FROM DENTAL, **when I was NOT FIRED** from dental, and **CREATED a NEW SF-50 DATED 9/20/2018.**

#22-1844 Doc.#30 Pg. 284 To 387: Performance Appraisal, And Clean Record Request. The MSPB QUORAM in CASE # PH #PH-1221-18-0012-X-1 states: " We have considered the appellant's other challenges to the agency's compliance, including THAT SHE IS ENTITLED TO AN "EXCELLENT" PERFORMANCE RATING, but **find that they are outside the scope of this compliance appeal.**" MSPB has a CLEAN RECORD HANDBOOK, for Performance Rating and SF-50 Protocols.

QUESTION 4B: Whether The COURT OF APPEALS violated the Whistleblower Protection Enforcement Act (WPA/WPEA) 5 U.S.C.

2320(a)(2)(A)(viii)5 U.S.C. § 1221(g)(1)(A)(ii) by not addressing, answering and Denying MY Claims: to have my PERFORMANCE RATING CORRECTED.

I was RATED "Excellent" in JAN 2017, One month later, RE-ASSIGNED in Feb 2017. After the AIB, when I was not even in Dental retaliated and dropped DEMOTED my Performance Rating down to Fully Successful in Aug., 2017.

PH-1221-18-0012- X-1 Performance Appraisal still states ONLY FULLY SUCCESSFUL

22-1844 Doc 30 pg. 45: :EMAIL DATES SHOWING I DESERVED "OUTSTANDING" Oct 09, 2016, June 13, 2016, MAY 3, 2016, July 8, 2016, AUG 8, 2016, Nov. 2, 2016 W3 TAB 48 PAGE 4 W3 TAB 48 PAGE 4, CFC award"

1. Loss of Performance Ratings Accumulated Monetary Awards since 2017 to present
2. Loss of Correction of Performance Rating to "OUTSTANDING" 2017 to present
3. Correction Of MY SF-50: showing a Continuous EOD enter on date of July 27, 2015 to present day

QUESTION #5: Whether the COA violated the Whistleblower Protection Enforcement Act (WPA/WPEA) under 5 U.S.C. § 1221(g)(1)(A)(ii) and fails to correct the FALSE STATEMENT by the MSPB that DENIED Ms. Doyle Consequential Damages:

"MSPB STATES: "In This Regard, I Note That The Charges For Mental Health Appointments And Medications "The Appellant SUBMITTED BEGIN PRIOR TO THE ACTIONS Found To Have Been Retaliatory."

VERSUS

22-1844 DOC #11-2 Pg.17 and 1844 Doc.#11-3 Pg.34:

DATED MEDICAL: DOCUEMNTATION:

"I Was Diagnosed On 2/17/2017 For Anxiety, AFTER START of AIB INVESTIGATION ON 2/6/2017."

QUESTION # 5A: Whether the COA violated the Whistleblower Protection Enforcement Act (WPA/WPEA) under 5 U.S.C. § 1221(g)(1)(A)(ii) and fails to correct the FALSE STATEMENT by the MSPB that DENIED Ms. Doyle Consequential Damages of Medical Cost and Medical Travel Expenses: #22-1844 Doc.#11-3 Pg.34.

Whether MEDICAL CARE COST and Medical TRAVEL COST EXPENSES CAN BE HEARD IN COMPENSATORY DAMAGES?

MSPB states: "In addition, the appellant appears to be making the same claims for reimbursement for MEDICAL CARE/COST OF TRAVEL TO APPOINTMENTS in her motion for compensatory damages, and these claims will be addressed in more detail in that proceeding to avoid duplicative findings and in the interest of administrative/judicial efficiency.⁴"

"Citation 4: In the compensatory damages proceeding, the appellant will also have the opportunity to establish her right to non-pecuniary damages, which are not recoverable in this case."

COA Decision STATES: **22-1844 doc.#45 Pg. 7:** "The Board also declined to address any medical and travel expenses because they would be addressed in other proceedings." 22-1844 doc.#45 Pg.8: "We see no error in the Board's determination (1) to decline to address certain costs that would be addressed in other proceedings.

QUESTION 5B: Whether the COA violated the Whistleblower Protection Enforcement Act (WPA/WPEA) under 5 U.S.C. § 1221(g)(1)(A)(ii) when Denying Ms. Doyle Corrective Action to her Claim of Consequential Damages to MSPB.

COA Decision States: #22-1844 "Ms. Doyle fails to show that the Board's decision denying her motion for consequential damages was erroneous."

VERSUS

Ms. Doyle States: to COA: 22-1844 Doc #25 pg.1-8: “Judge made an erroneous decision, failed to take into consideration facts and evidence when denying Consequential damages to medical cost & travel expenses, in case PH-1221-18-0012-P-2.”

“Ms. Doyle Claims to COA: 1844 doc #11-2 Pg. 17: “Yes, Petitioner claims, the MSPB Judge Incorrectly Decide and Failed to Take into Account the Facts & Evidence of Consequential Out of Pocket Medical Cost and Travel Damages. SEE THE ABUNDANCE OF EVIDENCE TO COA ON

QUESTION 5C: Whether the COA violated the Whistleblower Protection Enforcement Act (WPA/WPEA) under 5 U.S.C. § 1221(g)(1)(A)(ii) when Fails to address, answer, Whether the COA should have addressed, that Compensatory Has Not Been Decided, which has all the Preponderant of evidence of to Support PROXIMATE CAUSE OF THE CLAIMED CONDITIONS.

MSPB Decision STATES: “The appellant’s assertion that she INCURRED COSTS FOR MEDICAL Treatment for CONDITIONS CAUSED OR EXACERBATED by the agency’s retaliatory actions WOULD POTENTIALLY BE PART OF an award of consequential damages, but she has NOT INCLUDED PREPONDERANT EVIDENCE TO SUPPORT HER CLAIM that the agency’s actions were the PROXIMATE CAUSE OF THE CLAIMED CONDITIONS. 3”

“ Citation 3 ”The appellant has also failed to show that any costs incurred FOR MEDICAL CARE or other support for her CHILDREN WAS CONNECTED TO the agency’s retaliatory actions.”

Denying Ms. Doyle Corrective Action to her Claim of Consequential Damage claim due to "not providing preponderant to evidence" when Ms. Doyle Submitted an Abundance of Evidence on Consequential and Compensatory.

QUESTION #5D: Whether The United States COURT OF APPEALS for the Federal Circuit, violated the Whistleblower Protection Enforcement Act (WPA/WPEA) 5 U.S.C. 1221(§ g)(1)(A)(ii) upon failure to answer or address Ms.

Doyle's Claims that the MSPB Judge HAS NOT DECIDED COMPENSATORY
DAMAGE CLAIMS submitted at same time as Ms. Doyle's CONSEQUENTIAL
DAMAGES.

This HINDER's and HARM's Ms. Doyle to even CLAIM Reasonable and
foreseeable consequential damages of "Future Medical Costs" & travel expenses, IF
and WHEN JUDGE decides an award of MEDICAL DIAGNOSIS Ms. Doyle
Claimed in Compensatory Damages.

Pg. 7: COA Decision STATES "The Board then denied Ms. Doyle's motion
for consequential damages because Ms. Doyle failed to establish that she incurred
costs that were reasonable, foreseeable, and causally related to the agency's adverse
actions at issue in her first IRA

QUESTION 6: Whether the COA violated the Whistleblower Protection
Enforcement Act (WPA/WPEA) and 5 U.S.C.1221(g)(I)(B) denying and Ignoring, not
reviewing the abundance of evidence submitted by Ms. Doyle for attorney fees paid
out in 2018, when the cases were Consolidated.

MS. Doyle took a total loss \$11,150.00 of Attorney Fees accumulated
Evidence shows: \$10,400.00 for Tully Rinky and \$750.00 to Peter Jefferies

QUESTION #6a: Whether the COA Decision Statements are Erroneous To
Evidence claimed by Ms. Doyle. Whether The COA response, was more to take the
HEAT off the COA to hold Accountability. Whether this Important Federal
Question Of Public Concern ADDRESSING the Un-ethical Actions by ATTORNEY

Ms. Debra D'Agostino's, who created & submitted a "**Fraudulent Itemized Statement**" To The Federal Government Equal Justice Act. see #22-1901 doc. 42-3 Pg. 27-37 Whether Ms. Debra D'Agostino's, was required by Law 28U.S.C.§2412(d)(i)(B) and 28 U.S.C. §2412(d)(2)(A) to submit an "**ACTUAL ITEMIZED STATEMENT**" see 22-1901 #42-7.

The only person held accountable is the Whistleblower, I took a \$12,855.99 LOSS in Attorney Fees to EJA, IF a truthful Actual Itemized statement was submitted required by LAW to EJA, I would not had to take a LOSS.

Judge BERG even agreed with Ms. Doyle: Doc 39-2 Pg.8: "Ms. D'Agostino's documentation is quite different than what she submitted to the EJA Fee Petition see Appendix #2 TAB 9. Administrative Judge Berg, even references"

#1901 42-3 Pg. 20-23 Declaration of Debra D'Agostino to the EJA: "requesting a **rate of \$213.15 per hour** for legal services in accordance with the EAJA. The market rate for my services would be greater than \$500 per hour."

VERSES truthful FEE AGREEMENT:

doc 43 Pg.135- Fee Agreement in 9/2019: The undersigned attorney's billing rate for services performed under this Agreement **will be \$450.00 per hour**, which is below the prevailing market rate for an attorney of this experience level.

LIST OF PARTIES & RELATED CASES:

[YES] All parties appear in the caption of the case on the cover page.

CONSOLIDATED #1844, 1901, 1204, 1311:

Doyle Vs. Dep't of Veterans Affairs, no. #22-1844

U. S. Court of Appeals for the Federal Circuit Judgement entered on 07/01/2024

Doyle vs. Merit Systems Protection Board, no. #23-1204

U. S. Court of Appeals for the Federal Circuit Judgement entered on 07/01/2024

Doyle Vs. Dep't of Veterans Affairs, no. #22-1901

U. S. Court of Appeals for the Federal Circuit Judgement entered on 07/01/2024

Doyle Vs. Dep't of Veterans Affairs, no. #23-1311
U. S. Court of Appeals for the Federal Circuit Judgement entered on 07/01/2024

Doyle Vs Dept. of Veterans Affairs ENBANC REHEARING
U. S. Court of Appeals for the Federal Circuit Judgement entered 09/13/2024

Doyle Vs. Dep't of Veterans Affairs, no. #PH-1221-18-0012-W-1:
Merit Systems Protection Board, Judgement entered on 02/01/2018

Doyle Vs. Dep't of Veterans Affairs, no. #PH-1221-18-0012-W-2:
Merit Systems Protection Board, Judgement entered on 06/21/2018

Doyle Vs. Dep't of Veterans Affairs, no.#PH-1221-18-0012-W-3:
Merit Systems Protection Board, Judgement entered on 06/29/2019

Doyle v. Dep't of Veterans Affairs, No. 21-2149:
U. S. Court of Appeals for the Federal Circuit Judgement entered on 05/21/2021

Doyle Vs. Dep't of Veterans Affairs, no. #PH-1221-18-0012-M-1:
Merit Systems Protection Board, Judgement entered on 12/14/2021

Doyle Vs. Dep't of Veterans Affairs, no. #PH-1221-18-0012-P-2:
Merit Systems Protection Board, Judgement entered on 03/18/2022

Doyle Vs. Dep't of Veterans Affairs, no. #PH-1221-18-0012-P-1:
Merit Systems Protection Board, Judgement UNDECIDED

Doyle Vs. Dept. of Veterans Affairs, no. #PH-1221-18-0012-A-1:
Merit Systems Protection Board, Judgement entered on 04/20/2022

Doyle Vs. Dept. of Veterans Affairs, no. #PH-1221-18-0012-C-1:
Merit Systems Protection Board, Judgement entered on 05/31/2022

Doyle Vs. Dept. of Veterans Affairs, no. #PH-1221-18-0012-X-1:
Merit Systems Protection Board, Judgement entered on 09/13/2024

FIRED CASES:

Doyle Vs. Dept. of Veterans Affairs, no.#PH-0714-18-0483-I-1:
Merit Systems Protection Board, Judgement entered on 03/19/2019

Doyle v. Dept. of Veterans Affairs, No. 19-1786:
U. S. Court of Appeals for the Federal Circuit Judgement entered on 04/19/2019

Doyle vs. Dept. of Veterans Affairs, no. CV-03478 U.S. MARYLAND District Court
Judgement entered 10/15/2021

Doyle Vs. Dept. of Veterans Affairs, No. 3:21-CV-00168, U.S. District Court For The
Northern District Of West Virginia Martinsburg Judgement entered 08/24/2022

QUORAM REMAND CASE:

Doyle Vs. Dep't of Veterans Affairs, no.#PH-3443-17-0116-I-1:
Merit Systems Protection Board Quorum Judgement entered on 11/15/2022

Doyle Vs. Dep't of Veterans Affairs, no.#PH-1221-23-0051-W-1:
Merit Systems Protection Board Quorum Judgement entered on 12/08/2022

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APPENDIX A: The United States Court Of Appeals For The Federal Circuit
See Doyle v. Dept. of Veterans (Fed. Cir. 2021); This disposition is nonprecedential.

APPENDIX B: The United States court of appeals For The Federal Circuit
denied case #22-1844, #23-1204, #23-1311, #22-1901 a timely filed petition for
rehearing

STATUTES AND REGULATIONS:

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PETITION OPINIONS AND DECISIONS:

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:

The date on which the United States Court of Appeals decided my case was: July 1, 2024. **YES**, I filed a timely petition for Cases: #2022-1844, #2022-1901, #2023-1311, #2023-1204 a copy of the order denying appears at **Appendix A**

YES, I filed a timely petition for EN BANC re-hearing was DENIED Sept. 13 2024 by the United States Court of Appeals. and a copy of the order denying rehearing appears at Appendix B.

JURISDICTION:

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

The judgment of the court of appeals was entered on 07/01/2024 nonprecedential.

A timely petition for rehearing was denied on 09/13/2024 nonprecedential.

A copy of the order denying rehearing appears at Appendix B

STATEMENT OF THE CASE REFERENCED TO QUESTIONS:

QUESTION #1:

COA DECISION #22-1844 Doc. #45 pg.4:“CITATION 2” “Ms. Doyle was removed from this position on September 20, 2018. Ms. Doyle challenged the VA’s removal decision in a separate action that is not at issue in this consolidated appeal”

Ms. Doyle contends that the decision is inconsistent with the REMANDED decision from the same Panel of Judges in #19-2149.

Judge Berg DECISION #PH-1221-18-0012-M-1: from #19-2149 REMAND:

"I conclude that the Agency has **FAILED TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT IT WOULD HAVE CONVENED** the AIB investigation and subsequently reassigned the Appellant to the Advanced Medical Support Assistant position, effective 9/3, 2017, in absence of her protected disclosures".

"PH-1221-18-0012-M-1 doc #30 pg.259-275: "findings of retaliation of a AIB Investigation & THREE separate reassignments. However, the adverse action 714-removal ended the Third Retaliatory Reassignment, and my Government career on Sept. 20, 2018 to present day as a known Whistleblower."

#22-1844 Doc. 30 Pg.290: 714 Fired Trial Testimony: line 19: JUDGE SYSKA:
"I DON'T THINK THE AIB IS RELEVANT, BECAUSE INVESTIGATIONS
AREN'T PERSONNEL ACTIONS."

QUESTION #1A: Statement: CONFLICTING LOWER COURT DECISIONS:

The District Court For Northern District Of West Virginia Martinsburg, CIVIL ACTION no.: 3:21-cv-168: "ECF No. 68-1 at 4." Pg.68: "Accordingly, the Court upholds the MSPB's finding that the Plaintiff failed to show that the Agency Defendant **terminated her employment in retaliation for her whistleblower activity,** Doyle I, MSPB No. PH-0714-18-0483-I-1, 2019 WL 1315767, and the Plaintiff's **whistleblower claim is DISMISSED.**"

VERSUS:

"On May 14, 2021, the COA Federal Circuit reversed the MSPB's decision and remanded the Plaintiff's appeal, CASE #19-2149 Doyle, 855 F. App'x 753."
PROTECTING A WHISTLEBLOWER under the LAW.

COA DECISION:22-1844 Doc. #45 pg.4: "Ms. Doyle was removed from this position on September 20, 2018. Ms. Doyle challenged the VA's removal decision in a separate action that is not at issue in this consolidated appeal.

Ms. Doyle States to COA: "A matter, identified by the MSPB as PH-0714-18-0483-I-1 (Removal Appeal) is currently pending before the Northern Virginia Federal Civil Court case #3:21-CV-168: and **MAY DIRECTLY AFFECT OR BE DIRECTLY AFFECTED BY THIS COURT'S DECISION**"
Ms. Doyle submitted the District Court Dismissed decision onto docket #1204

doc.#11-2 pg.67. Claiming the Retaliatory 714 Termination of a Whistleblower in the Retaliatory Third Reassignment.

QUESTION #1B: STATEMENT: "WORD DISCRIMINATION to DESCRIBE"

Filed #19-1786 doc.#11 " I claiming NO DISCRIMINATION by reason of race, sex, age, national origin, or handicapped condition has been or will be made in this case.

Filed #19-1786 Doc. #12: "I feel that the discrimination was retaliatory based against my disclosures but the Judge Mark Syska's stated it was not retaliatory due to my disclosure's."

Filed #19-1786 Doc.#13: The COA transfers this matter to the United States District Court for the District of Maryland: civil action no. CV-03478 then MD Transferred to The District Court For The Northern District Of West Virginia Martinsburg's civil action no.: 3:21-cv-168.

Ms. Doyle to COA CASE 23- 1204 Doc. #15: pg.4: "I Appealed COURT of FEDERAL APPEALS opens #19-1786 due to me trusting Judge Syska,, who during MSPB hearing made me believe it was a discrimination case. Knowing I always stated it was whistleblower retaliation in a form of Discrimination. I filed to federal appeals stating as, discrimination @US Court of APPEALS rightfully had to dismiss due to not using my original wording."

Ms. Doyle claims to COA :22- 1844 Doc. 25 pg. 12: "I explained to MSPB Judge: USC 2302 (10) retaliation in a form of discrimination against any employee: On 10/14/2017: SEE: (app.#2pg.7)

Ms. Doyle claims: CASE 1204 Doc. 16 pg. 3: Ms. Doyle had shown that this protected activity was a contributing factor in her firing. The Agency treated me different than other non-whistleblowers, who's VERBAL request for an Reasonable Accommodation was acknowledged and provided in ONE day, as the LAW requires. But, Judge Denied my Witnesses to testify, stating, it would prove, I was treated different.

QUESTION #1C Statement: Deconsolidation/ Judge' Un Ethical Actions:

DOYLE NEVER REQUESTED DECONSOLIDATION, from the W-3 Retaliation case #PH-1221-18-0012-W-3, it is not even stated as an allowable action in the MSPB Judge's Handbook. Ms. Doyle alleged to the COA, that this judge, critically harmed a whistleblower in retaliation. HAD the Retaliatory FIRED ACTION never been Deconsolidated removed it would have been in the #PH-1221-18-0012-W-3

case, that was REVERSED AND REMANDED by the COA Case #19-2149, in Ms. Doyle's favor.

Ms. Doyle Claims to the **COA in CASE #23-1204 Exhibit #20: Judge Syska's General Order:** "I "Moreover, **THE DE-CONSOLIDATION WAS NOT FOR MY BENEFIT** – the de-consolidation was intended to reduce the burden on the pro se appellant. Given the appellant's difficulties in Doyle 1, that decision appears to have been well grounded."

Ms. Doyle claims:**23-1204 doc.16 pg.1:** "Your Honors, In my defense and response to the Agency's brief, I stopped writing the statement of "I want to make a non- frivolous allegation", due to I was to made to believe by MSPB Judge Syska, "it was of no value" "waste of time."

Ms. Doyle to COA: **#23-1204 doc.#16 Pg.3:** "**#1** I make a non-frivolous allegation of Judge Syska's behavior, abuse of power and untruthful statements were to purposefully intimidate, bully, manipulate and threaten me as, a Pro Se Appellant."

doc.16 Pg. 3: #4 "I make a non-frivolous allegation to Judge Syska's, integrity below to contradiction of evidence in Judge Syska's final decision against me below"

"I told Judge Syska, the OIG substantiated two of my disclosures **see 22-1844 Doc. #30 pg: 945 TESTIMONY:**

JUDGE SYSKA: "I didn't see anything from OIG suggesting anything was substantiated in the record." "**Ms. Doyle: I submitted it. See, this is what scares me.**" JUDGE SYSKA: Well, number one, **it doesn't really make a difference.** pg.944-945: Ms. Doyle Do you want me to find where it's in the docket for you?" "Judge Syska states: "NO"

VERSUS

Judge SKYA Final Decision FIRED- "OIG partially substantiated one of her complaints, which would create animus in agency officials. "However, the appellant had no idea what had been "partially substantiated" (nor did the OIG documents provide any hints) and she could point to no further action taken by OIG.

submitted Trial Transcripts COA #22-1844 Document #30 Pgs. 494-1,031

Ms. Doyle claims TO COA CASE **1204 doc. 16 pg. 3: #6.** "I make a non-frivolous allegation that when I started for first time to Cross Exam/ Question Mr. Cooke, who had actual first-hand knowledge, I was a whistleblower and fired me. (see exhibit 4 pg. 357) and signed the AIB retaliatory conclusion. Who did not want me working, with the public, as a known whistleblower."

see **22-1844 Doc. #30 pg.844** line 6 "Q. Mr. Cooke, do you feel I had an opportunity, to plead extenuating circumstances?

JUDGE SYSKA: There's no such thing as extenuating circumstances. You addressed the charges. Extenuating circumstances, to the extent they were anything, was a Douglas Factor, and Douglas Factors don't apply to 714."

23-1204 Doc. 16 pg. 15: #7. I make a non-frivolous, allegation that Judge Syska, knew the Agency was required to provide ME THE APPELLANT a "summary of MY written reply" in a 714 termination Action. see 22-1844 Doc. #30 pg. 873: The Agency Failed To Provide to me. (Exhibit 4 pg. 363 line 12)

"JUDGE SYSKA: Did Ms. Tamez prepare a summary for you, of what was in there, or did you review it yourself? (Pg. 364 line 11)

#22-1844 Doc. #30 pg. 874: "MS. DOYLE: Correct me if I'm wrong, that it says that he will give proper justification to his findings and explain why.

JUDGE SYSKA: What can I tell you? "

MS. DOYLE: "So I mean I'm asking him, is there a reason why he didn't give proper justification to his findings and why? JUDGE SYSKA: He just testified that he considered the evidentiary file, which was about 700 pages long."

Ms. Doyle claims to COA: CASE 1204 Doc. 16 pg. 15: #8. I make a non-frivolous allegation that Judge Syska, continually favored the VA, and mislead me to believe this MISSING EVIDENCE from my Written Summary in response to my 714 Charges "DOES NOT MATTER" ignoring the violation of the Dept. of VA, who did NOT submit required by law, my ENTIRE "Written Reply and EVIDENCE to the 714 Termination charges" Every single piece of Evidence, needs to be submitted. SEE Testimony's BELOW:

JUDGE QUESTIONS MY WRITTEN REPLY HAD NUMEROUS DISCLOSURES: see 22-1844 Doc. #30 pg. 879 "JUDGE SYSKA: Okay. You -- my understanding is, the response included a lot of the comments that went to OIG, that you didn't seem to recognize, when counsel went through them. How carefully did you review these materials? "

JUDGE QUESTIONS TO MR. COOKE MISSING EVIDENCE: see 22-1844 Doc. #30 pg. 882: Judge Syska "Do you recall again apparently do you recall during the appellant's reply that she mentioned something specific about a patient that you referred to Dr. Zapor poor or do you recall anything like that? The witness Mr. Cooke: "states: "your honor, I can't recall exactly. That was a rather lengthy reply."

MY QUESTIONING TO MR. COOK MISSING EVIDENCE: see 22-1844 Doc.

#30pg. 882: Mr. Cooke, you told Maria you kept one piece of evidence, that you gave to Dr. Zapor, to check on the status of a veteran, can you provide that piece of evidence?

Line 10 "I don't recall"

MR. BUTERA: Your Honor, may I object?

JUDGE SYSKA: Well, the bigger issue is if the witness doesn't recall. So that's problem number one. If you referred something to Dr. Zapor, is it fair to say you did it, based on a document the Appellant gave you?

THE WITNESS: You mean during the oral reply itself, or at that moment?

JUDGE SYSKA: Yeah.

THE WITNESS: I -- honestly, I don't remember, sir.

JUDGE SYSKA: Okay. That's fine.

I QUESTION DR. ZAPOR about Mr. Cooke email reply to Maraia Tamez, about the missing evidence from my Written reply: Mr. Cooke, states: "I did not keep a copy unfortunately."

CASE 1204 Doc. 16 pg. 16: "#9. I make a Non-frivolous allegation to after the First full day of trial was OVER. Judge Syska allows/makes Agency submit the "Critical Evidence" to the docket. THIS evidence would have benefited my presentation/questioning to the witnesses on the first day of the trial. I was not allowed or able to "REFERENCE this evidence, during trial proving my innocence to the termination charges" due to Agency's FAILURE to submit. (See EXHIBIT 5) JUDGE SYSKA, IGNORED that he had been asking the agency for weeks to submit the documentation, of my WRITTEN REPLY I GAVE TO THE DIRECTOR, IN MY DEFENSE TO THE 714 CHARGES. THIS IS A HUGE RED FLAG, to an unfair trial, and thrown out.

see 22-1844 Doc. #30 pg. 894: Ms. Doyle Questions line 5: Q. Mr. Cooke, did Dr. Zapor recommend -- did Dr. Zapor make any recommendations to you, after my oral and written reply?

A. NOT THAT I RECALL. 9 Q Let's turn to tab 30, page 23. It's says that you state you had communication with Dr. Zapor, as an update, but no details.

see 22-1844 Doc. #30 pg. 755: line 9: BY MS. DOYLE: Q. Dr. Zapor, is it correct you admit to communication, about my prospective removal status, with Mr. Cooke? DR. ZAPOR- "I remember speaking to Mr. Cooke I believe after the paper -- after the termination proceedings were initiated. and I Believe I mentioned it to him.

Judge Syska: you mentioned what? Pg. 239 Line 15

THE WITNESS: And that was --JUDGE SYSKA: You mentioned what to him?

THE WITNESS: Sir, as I recall, he and I passed in the hallway, up on the sixth floor in the leadership suite, and he was asking me how things were going, because I was sort of new on the job. How's everything going? Do you still like it here and so forth. And I seem to remember mentioning to him that I had an MSA, who was not performing to standard, and that we were looking at termination proceedings. And I think that was the extent of it, and he followed me and we talked about other things.

pg. 758 Line 24: Q. "Okay. So, You Were Looking At Termination

Mr. Butera: Objection Ms. Doyle: Okay. Sorry. My Next --

Mr. Butera: Objection, I Do Not Believe That's What Dr. Zapor Said, Unless I

Judge Syska: No.

Mr. Butera: --Misunderstood His Response.

Line 8: Judge Syska: I Sustained The Objection. I Agree With You."

pg. 759: Judge Syska: Okay. Doctor, just to be clear, I'm looking through your testimony. You mentioned to him you were sending an individual through the academy. You also told him that you were in the process of processing a removal. Were those two different conversations, or did I misunderstand?

Dr. ZAPOR NO, there was just that one conversation, Your Honor.

JUDGE SYSKA: So, you didn't tell him that you were going to send him a proposed removal?

DR. ZAPOR: At some point, I might have.

JUDGE SYSKA: Okay.

DR. ZAPOR- Yes, sir.

JUDGE SYSKA: Okay.

see 22-1844 Doc. #30 pg. 776 BY MS. DOYLE to Dr. Zapor: Q. All right. I'd like to go to tab 35. And I would like to go to page two, or page six. Sorry.

19 JUDGE SYSKA: Which is Dr. Zapor's sworn statement to HR, from, I think, November 2018.

MS. DOYLE: Correct. Dr. Zapor's sworn statement to HR Exhibit 4 Pg. 261

LINE 1- Ms. Doyle- I would like to have Dr. Zapor read his sworn statement into the record- Line 7

JUDGE SYSKA: Well, the document speaks for itself. So why don't you just ask your question? Pg. 261: line 9

MS. DOYLE: Oh, okay. Okay. My question is, your statement says that Ms. Vanessa Parsons has informed you, that despite having graduated from the MSA academy, Ms. Doyle was under-performing MSA, who simply couldn't grasp what her job entailed. And she was preparing the necessary paperwork for firing Ms. Doyle. So my question is, is that correct?

Line 16: MR. BUTERA: I think it was -- Judge, this has been asked and answered already on direct. Dr. Zapor had testified, that he had this briefing with Ms. Parsons when he came in --Pg.777

JUDGE SYSKA: It's -- well, number one, it's cross. Number two, what's essentially being asked is, on direct Dr. Zapor made a characterization of the conversation. And essentially the Appellant's asking, this conversation makes it sound like Vanessa was much more gung-ho, in terms of firing, than your previous characterization. Is it fair to say she truly wanted to fire -- wanted the Appellant fired, right then and there? Pg. 262 Line 3-16

Dr. Zapor-THE WITNESS: I think, sir, that during that conversation, she was frustrated. She felt that she had done about as much as she could do, in trying to get Jocelyn trained to standard, and wasn't sure what other

options she had. Termination was probably one of those options. And I don't know how committed she was to going down that path, but, you know, she mentioned it as an option.

MSPB JUDGE SYSKA: STATES Final Decision Exhibit 5A: in addition, the "talk" the appellant mentioned appeared to have taken a different form - Zapor stated that Parsons informed him that the appellant had worked in multiple facility offices (between dental assistant and MSA) and had been unsuccessful in all of them.

QUESTION #2: STATEMENT OF CASE: Forced Into AMSA:

COA Decision pg.4: **"SHE THEN AGREED with the agency** to serve as a GS-6 Advanced Medical Support Assistant starting on September 3, 2017."

VERSUS

#23-1204 Doc.#16 pg.11: "I make a Non-frivolous allegation Evidence proves after the conclusion of the retaliatory AIB investigation, "Jocelyn was placed **/FORCED INTO A Job,** she did not want by Human resources, Chief Mr. Denis Sullivan in Sept. 2017."

#22-1844 doc. #11-2 Pg.10: "Petitioner specifically told Denis Sullivan **"I DID NOT WANT TO BE BACK IN MEDICAL RECORDS,** due to my F **#22-1844 Doc. 25 Pg.12:** "I had no chance after the AIB Conclusion with Mr. Sullivan's fabricated "privacy" written counseling against me. It is very clear and convincing evidence, I **was forced into the third retaliatory reassignment for a** reason known by **MR. SULLIVAN'S EMAIL BELOW,** who is aware of her "hostility" "Hello, she is providing her oral reply to Mr. Cooke that same day, and we don't want her to have any excuse to pin her failure to perform on. **She is an extremely Wiley and cunning,** and will use any and every reason she can to muddy the waters. It is quite likely she will try to pin her failure to perform on her supervisor's hostility, and if she can say "and my Service Chief never even met with me until today! **It won't look good on appeal.**"

#23-1204 Doc.#16 pg.11: "My NEW Supervisor, Ms. Parsons in LATE OCT.2017, 1.5 MONTHS into a NEW job, was already" **PREPARING THE NECESSARY PAPERWORK FOR FIRING MS. DOYLE.**

#22-1844 Doc. 25 Pg.10: I was PULLED FROM MY DUTIES NOT EVEN 1.5 MONTHS INTO THIRD retaliatory position. It is very clear; rather than properly training me, Ms. Parsons was more CONCERNED ABOUT **PROPOSING TERMINATION AGAINST ME IN OCT 2017.**"

#22-1844 Doc. 25 Pg.12: "In Sept. 2017: "I was placed in Third reassignment under Ms. Parsons, whom during training sabotaged me, and intentionally set me up for failure and with trying to get me to prescribe "Lab Orders for Blood Work" that only Doctors or a Nurse do. "I ASKED WHAT HAPPENS IF I MAKE A MISTAKE?" Ms. Parson's replied "YOU WILL BE HELD ACCOUNTABLE." After coming off the AIB, this exacerbated my already FEAR and mental health diagnosis's.

#22-1844 Doc.#30 Pg.468-484: ALL Emails with Denis Sullivan to COA.

#22-1844 Doc. #30 pg739: Testimony Judge Syska Questions Dr. Zapor: line1: "Q. Okay. So getting further on into it, I'm first going to ask you about a few other things, sir. Were you aware of any allegations, that were made by Ms. Doyle, prior to your arrival at the Medical Center, regarding any disclosures that she may have made to the Office of Special Counsel or the Inspector General? line 7:

A. No. I think somewhere over the course of the year or so, that this has been unfolding, I heard that there were allegations against other individuals, other services, but I think to this day, I really don't even know what those allegations were. A. And I was not made aware of any of those, until I had been here for some time I think. It was three, four, or five months in. Q. After you arrived? So you're talking sometime in March-April?

A. I think so. Q. Okay. Well, let me just go over a few that have been noted. line 21

A. Just as best as I can, I'll --22 Q. Yes, please. Line 23

A. When people started telling me HER DOING WHISTLEBLOWING COMPLAINTS AND ALLEGATIONS, I specifically -- I distinctly remember saying I don't want to hear about these, because I don't want anybody to say, that any decision I make is going to be impacted by allegations that were made elsewhere. I'm just going through the facts in my --

QUESTION #2A & #2B: FAILURE TO PROMOTE:

#22-1844 Doc. #11-2 pg. 9: "The conclusion of the AIB investigation states: "CONSIDERATION SHOULD be given to Ms. Doyle's position and job placement."

#22-1844 doc. #11-2 Pg.10 "Mr. Denis Sullivan approached Petitioner July 26, 2017, stating "I had been exonerated of all charges from AIB" "Denis asked my thoughts on a job position, I specifically told Denis Sullivan verbally and in emails, ABOUT HER APPLICATION TO THE 'EXECUTIVE ASSISTANT POSITION' ON USA JOBS, she applied for and wanted."

#22-1844 Doc.#11-2 pg.13-14: Ms. Doyle Provides EVIDENCE APPLYING TO EXECUTIVE ASSISTANT POSITION and Petitioner sent the USA Job Announcement to Office of Special Counsel, to be specifically heard by the MSPB. **#22-1844 doc. #25 pg.4:** "I claimed Consequential Damages for jobs I applied were REASONABLE AND FORESEEABLE TO A PROMOTION. "I was promotable.

Specifically, I “Applied Schedule A” to Executive Assistant position. “I sent a follow-up email to Mr. Sullivan after we spoke about this position.”

#22-1844 doc. #25 pg.4: “I was told by Mr. Sullivan, I needed to go to Mr. Kent McClure to **prove I was qualified**. I proved I was qualified. I showed Mr. McClure, that the position did not have any managerial duties, and I presented truthful OPM.gov documents. Mr. McClure in return gave me his Defaced, Illegally Copyrighted and untruthful see (app#2pg.47) version of OPM.gov classification series 0671 to show me I was NOT qualified.”

QUESTION 2C: STATEMENT OF THE CASE: REQUEST for BACK PAY
Ms. Doyle claims COA: 1844 Doc #30 pg.29: *“I REQUEST a damage award of: Full Back Pay, Starting Date from September 3, 2017 thru PRESENT Day”* due to **THE RETALIATORY AIB INVESTIGATION and REASSIGNMENTS and A LOSS OF OPPORTUNITY AWARD totaling \$423, 110.00, for past 4 years** *“I was righteously qualified for time in grade, for the Position of the “EXECUTIVE ASSISTANT” GS 13 position, I APPLIED ON USA JOBS UNDER SCHEDULE A.”* **“BUT FOR.”** *I was retaliated against and placed into a retaliatory reassignment of an MSA.”*

CHALLENGE #1: Consequential Damages Of Reasonable And Foreseeable Damages: YES: The MSPB judge erred to take into account this highly substantial evidence and failed and incorrectly decided with failing to take into account any facts of the evidence, of incurred reasonable and foreseeable damages proven in evidence by petitioner’s Claim of Consequential Damages of Petitioner’s loss of difference in back pay from 9/2017 to 9/2018, loss of failure to select and promote due to Agency’s retaliation, against a known whistleblower.”
See 22-1844 Document #11-2 Pg.8: “loss of difference in back pay from 9/2017.”

QUESTION 2D: STATEMENT OF Case:

#22-1844 doc.25 Pg.6.“Mr. Sullivan after the AIB ISSUES THE NECESSARY FOUNDATION OF A WRITTEN COUNSELING for his **planned, conspired agenda of my termination**, making me sign written counseling of unacceptable behavior “Insubordination.”

#22-1844 Doc.#11-2 Pg.13: OFFICE OF SPECIAL COUNSEL (OSC), MADE DENIS SULLIVAN REMOVE the sustained Insubordination charge.” **#22-1844 Doc.#11-2 pg.11:** “MR. SULLIVAN **DID NOT DESTROY the one** dated 8/22/2017, **AS INSTRUCTED BY OSC BACK THEN**. He just made a new document keeping the “privacy” on old charge statement.”

#22-1844 Document #25 pg. 3: ISSUE #1: See “Damage “REQUEST#1 and #2: (app.#1pg.9-18): Request for Back Pay and Benefits. And (app.#2pgs.12) CFR 3352: preference in transfers for employees making disclosures, with moving expenses. Had, my career not been severely injured (app.#1pg.11) by a retaliatory AIB Investigation upon me OR the FACT Mr. Denis Sullivan illegally and

unlawfully added his own “written counseling Privacy charge” that was not even a charge against me in the AIB Investigation, plus, I went to Privacy officer and told her see (app#1pg.61) (you will see how “Privacy” becomes a investigational Trend)”

#22-1844 doc.25 Pg. 6: “In Discovery, when I received Denis Sullivan’s emails about me. Mr. Sullivan stated **“he would rather be known for placing Dead Bodies in a Trunk”** sending my life into a downward spiral of FEAR, still is happening till this very day. with sending me further into a distressed state of fear, hysterical crying spells, panic attacks, and nightmares, of myself or children being shoved into a trunk.”

QUESTION #2E: Mis-classified“ & Failure to Renew an Appointment:

23-1311 Doc. 21 Pg. 25: “I make a non-frivolous allegation: exhibit P claim #40 PH-3443-17-0116-I-1 below: (exhibit D pg.3). “I AM NOT CONCERNED ABOUT The Lead dental assistant position and non-selection, as I have been applying for other positions within the VA. I AM CONCERNED THAT THE LAWS, RULES AND REGULATIONS are not being followed or Obeyed”

MS. DOYLE CLAIMS : 1844 Doc. #25 Pg.4: “I was improperly miss-classification in my position as an Expanded Function Dental Assistant. (EFDA) Mr. Sullivan’s, whom, had direct knowledge of my first MSPB case email from Mr. Sullivan on May 3, 2018 @12:54PM “DISMISSED WITHOUT MERIT.” is referring to my MSPB case I placed against Human Resources in 2016. “Many times, I tried to explain to Mr. Sullivan that I was miss-classified as of my initial onboarding in 7/2015. But, all I got was a threat of “One thing I want to make clear is that you were not “miss-classified” for anything”

1844 Doc. #25 Pg.4: “Mr. Sullivan, would lie and tell me, that the VA does not have “expanded Function Dental Assistants.” To recently applied for a position of an Expanded Function Dental Assistant, that Mr. Sullivan states is not a position. I show judge an OIG report of the DVA’s critical need of EFDA dental assistants to emails of needed “Subject Matter Expert’s” (SME) which, includes, one being an EFDA. (Ironic, but the email wrote about SME’s was from the individual, chosen over me for the Executive Assistant position, I def. could do that task.)”

#1204 doc.16 Pg. 3: “#3 I make a non-frivolous allegation that question and constitute employment practices that OPM is involved in the administration of those employment practices of my claims to the MSPB. I asked Judge Syska, if I could have “OPM testify as a witness” Judge stated “NO” he told me, I needed to trust the Martinsburg Agency Human resources, whom I was claiming retaliated against me, and did not follow the Law”

QUESTIONS: #3, #3A, #3B: “Statement Of Case:

#22-1844 doc. 25 Pg. 9: "After I made a disclosure to Office of Inspector General, about Alice Torres in retaliation PLACED AN INVESTIGATION ON ME, THAT WAS SUBSTANTIATED ON MY VERY LAST DAY OF MY THIRD RETALIATORY REASSIGNMENT."

#22-1844 see 1844 Doc #25 pg.3: "so I rely the court to assist, any to any defamed documentation is depleted & destroyed, so that I can start fresh in a new job"

#22-1844 doc.25 pg7 "During the Third reassignment, Mr. Sullivan interrogated me and threatened me to open my arms and empty my purse, to show him a paper I was holding. They did not have police present, breaching a VA policy, as I was illegally searched." The Paper was my own email, I printed out."

#22-1844 Doc. 25 Pg.8: "During the Third reassignment, Mr. Sullivan interrogated me and threatened me to open my arms and empty my purse, to show him a paper I was holding. They did not have police present, breaching a VA policy, as I was illegally searched. I have awful nightmares, PTSD triggers and FEAR about the awful retaliation each individual" (see email 1844 doc. 30 pg. 61

#22-1844 Doc #30 pg.101-112 "Explanation of retaliation with the Substantiated Investigation placed on me."

#1311 doc. 21 pg. 23: "I make non frivolous allegation Ms. Torres, colluding a plan with Mr. Sullivan and Vanessa Parsons" "placing a pre-text investigation against me from my own email wrote to my CHIEF about my Supervisor's hostility in front of Veteran's and their families, my Supervisor, accuses me of " "which I state NO, I was not writing down pt. information" see exhibit M pg.258-259 on Aug 30, 2018.

PRE-TEXT INVESTIGATION:

#22-1844 Doc. #30 pg. 790: "so if you're asking me is it correct, that a team came to walk through the fishbowl, looking for unsecured PHI, the answer is yes, they did. Pg. 791: Q. I guess my question is, I want to make sure I'm understanding correctly to what happend, of why I was moved to the kiosk.

A. I can tell you why you were moved. Again, regardless of the date that that happened, and I'd have to go and review the timeline, you were removed, because people came to me, to express concern that you were printing patients' confidential information. They expressed concern. They believed that you were inappropriately storing -- printing, storing and taking it home. Pg. 792: 2 But at that point in time, when I have people coming to me and expressing concern. And then there was a team that showed up. I think it was Maria Tamez, and Dennis Sullivan and maybe somebody else. At some point they did a walk through. pg. 793: "Q. Do you feel -- okay. So reading this email from Dennis Sullivan on May 2nd at 4:16 p.m., do you feel that he again was persuading you, before my meeting -- MR. BUTERA: Objection, Your Honor. The proposal had been already made. Mr. Sullivan and Dr.

#22-1844 doc. 25 Pg. 9: "After I made a disclosure to Office of Inspector General, about Alice Torres in retaliation PLACED AN INVESTIGATION ON ME, THAT WAS SUBSTANTIATED ON MY VERY LAST DAY OF MY THIRD RETALIATORY REASSIGNMENT."

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PRE-TEXT INVESTIGATION:

#22-1844 Doc. #30 pg. 790: "so if you're asking me is it correct, that a team came to walk through the fishbowl, looking for unsecured PHI, the answer is yes, they did." Pg. 791: Q. I guess my question is, I want to make sure I'm understanding correctly to what happened, of why I was moved to the kiosk.

A. I can tell you why you were moved. Again, regardless of the date that that happened, and I'd have to go and review the timeline, you were removed, because people came to me, to express concern that you were printing patients' confidential information. They expressed concern. They believed that you were inappropriately storing -- printing, storing and taking it home. Pg. 792: 2 But at that point in time, when I have people coming to me and expressing concern. And then there was a team that showed up. I think it was Maria Tamez, and Dennis Sullivan and maybe somebody else. At some point they did a walk through. pg. 793: "Q. Do you feel -- okay. So reading this email from Dennis Sullivan on May 2nd at 4:16 p.m., do you feel that he again was persuading you, before my meeting -- MR. BUTERA: Objection, Your Honor. The proposal had been already made. Mr. Sullivan and Dr.

Zapor's communication subsequent, had no bearing on the proposal that was issued, or ultimately the decision that was made by Mr. Cooke.”

#22-1844 Doc.30 Pg.63 “Ms. Doyle's Demand Letter

#23-1204 Document: 16 Page: 9: #13 “I allege a non-frivolous allegation of Judge Syska decision above, and his actions conspired with Mr. Denis Sullivan, in planned agenda, with acceptance of a monetary bribe of insuring this “SUBSTANTIATED INVESTIGATION” would career block me and stand substantiated against me as, is to this very day and the rest of my life. “

#23-1204 Doc.#13 pg.16: “ August 30 3:32 PM Vanessa replied as I am aware she is my supervisor and she has the responsibility to ensure that I am following instructions Vanessa states I’ve been informed on several occasions not to capture or write down any information that pertains to a veteran as that is not the duty and assisting veterans at the kiosk Vanessa states please follow the chain of command in the future and Company or my immediate supervisor Debra Morgan. I allege this was after Angela Holmes had went behind the window and told Vanessa that I had disclosed the infection control exposure, Vanessa did not even come out and remove me from the infection exposure area. Aug 30th, 2018-The house keeper leaving for a inpatient floor stated as she was leaving at 3:30, that the night shift housekeeper would come clean the trashcan”

#23-1204 Doc. #16 Pg.15: “I am sorry this triggered me so bad, and sent me down a deep dark rabbit hole, but if Judge Syska used his power under the MSPB Merits, WPEA/WPA law in late 2017, to hear my case. I would still have my Govt. career, I still would be married, and I would have been able to properly care for both my children. **I TRULY NEEDED to solely ONLY focus and CONCENTRATE on my daughter since 2017 at young age of FIVE yrs. old, of her speech and learning disability** BUT due to Judge Syska, dragging these court cases out, robbing me from solely focusing on my daughter, is currently severely ill, and very sick, and recently diagnosed in last month by Children’s National Pediatric Gastroenterologist and a second opinion from John’s Hopkins Pediatric Gastroenterologist with “Chronic Crohn’s Perianal Disease. Children’s National after a colonoscopy, stated she is malnourished, with a “Failure to Thrive” this statement sent me into extreme hysterics, it is the exact wording wrote on my Marine Father’s death certificate. John Hopkin’s stated: “I do not want to delay the start of the lifelong Infusion treatments, she needs, as I do not want to see the alternative.”

MY LAWYERS DEMAND letter even stated, about the Damage of my Inability to care for my Children, due to Retaliation.

#23-1204 Document: #18-1 pg. 2-8:

MOTION: EXPLANATION TO “FILING OUT OF TIME” APPENDIX

CORRECTIONS: “ Your Honors, Please, allow this motion request to allow me time to correct the compliance issues & appendices stated on ECF Order on case

#23-1204, I request allowance to re submit by close of business on July 21, 2023. Further, I will explain good cause reasoning, with attached medical documentation, for reasoning of NOT being able to re-file back in April 6, 2023.”

I will try to keep this a short summarization, to say the least it has been a rough 5 years, to currently now having a very sick daughter, medically noted to have a “Terminal Ileum” and “ Failure to Thrive, having “Irritable Bowel Intestinal inflammation” leading to “Chronic Inflammation” left untreated since 2018, leading to diagnosed “Crohn’s Disease” which will need lifelong treatment.

Had, I been able to ONLY concentrate on my daughter(s), NOT many years of documented evidence of illegal retaliation from the Department of Veteran Affairs. In Feb. 2017, when I was placed upon (now known) as made-up/cohered false charges in retaliation, accused of Abuse and Neglect on a Veteran, by Dental Clinic @ Department of Veterans Affairs Hospital in Martinsburg, WV.

My little girl, JD, who just turned FIVE yrs. old that day in February 2017.

My older daughter, JP, just turned 17 yrs. old , 11 days prior in January 2017.

I went from mother of the all years, involved in everything they did, dance, sports, church, volunteering, giving, thriving, role model and mentor. To a walking zombie, who was non-responsive, silent, JP tried to ask me questions, all I could do was stare at her, I could not even comprehend. Honestly, JP called me today, as I was writing this and having a crying panic attack, to not able to fully even comprehend what she was asking me. I was not even fully present & missed her entire senior year, her prom, her graduation, sports awards, and leadership banquets. To this day, I have NOT been able to fulfill a promise 3 initiative, to her at a young age, of a fun cruise, for accomplishing & graduating high school. JD, begging me to come play on the floor with her, read books to them, not cooking dinner, allowing, limitless amounts of time on electronics, staying up late, all I because, I became a fixed figure who sat in front of the computer, looking up retaliation protection laws, MSPB laws, researching OSC, writing briefs, for all hours of the night, to all weekends at times.

“ In Aug 2018, enduring, continuous awful toxic, hostile, work environment retaliation, I was exposed and infected at work with hospital grade Colostrum C-Defile @ the Department of Veteran Affairs in Martinsburg, I was put on antibiotics and required to stay home for a full week, by “Occupational Health Office” @ Martinsburg VA. It was soon after I was diagnosed with C-DIF, my daughter, JD @ age 6, at this time in Aug 2018, after me, started getting sick on a constant basis, having bad belly pains, with constant diarrhea, leading up to this current day in 2023. JD became very ill, malnourished, weak, with medical Specialist, telling me, she had a “Failure to Thrive” “

“JD MEDICAL CHART EVIDENCE FROM AS, EARLY AS YEAR 2013, GO FROM DOCUMENTED CONSTIPATION, TO BEING PRESCRIBED MIRALAX TO SOFTEN JD STOOLS.” “TO IN 2018 MEDICAL NOTES OF MY CONCERN OF “DIARRHEA WITH DISTINCT AND FOUL SMELLING DIARRHEA.”

I even had to email my supervisor, and leave 4 work early, due to school called, and stated JD had uncontrollable diarrhea back in Sept. 2018. The pediatrician, gave me a Lab slip to have JD's stool tested, seen on attached Lab stated "TEST was not performed" since patients producing formed stools do not have "ACTIVE" C Difficile. "even though they may be colonized with Toxin-producing C. difficile strains" Recollection is recommended. I never submitted, due to I was enduring awful, retaliation, begging for help to make it stop from Judge Syska in docket, to then on Sept 20, 2018, I was fired.

I then, was back to constantly only focusing on preparing and writing court briefs, talking with Lawyer's, constant yelling and arguing about finances, with my then husband, fighting about not having a job, not caring about the mold growing on ceiling, I noticed, while writing a court brief, to the mold, eventually, growing throughout my homes heating and air ducts, with proof, I had to have my entire house mitigated for Toxic mold months later.

"I could barely focus on myself, my depression, fear, anxiety, PTSD, and I NEVER SENT IN ANOTHER STOOL SAMPLE for JD I solely focused only on preparing my MSPB court cases documents, I was mentally exhausted, scared, living in fear and paranoia, at times sleeping 22-23 hours out of the day to extreme opposite staying up for days with insomnia, not eating, having chronic, panic 5 attacks, anxiety, depression, PTSD triggers, nightmares, my mental and physical health continued to spiral downward into a black hole.

"As, I write this and the tears just roll down my face, as at that time, we had no idea, what was to come. I hardly ever focused on my children or my own hygiene needs, not making dinner, stopped caring about ensuring/giving JD baths, working with school work, reading books, focusing on her speech & learning disabilities. I rarely focused on her hygiene, or getting a bath, which eventually became a fight in the last couple years, which makes sense to how extremely painful it probably was to her entire lower area. Due to my mental health issues or physical pain, I was in, or just being bounced around from house to house, with no one communicating rather she had a bath or not. To, telling JD, I am working on a court brief, I am not making any more food, you just ate so much, you can't be hungry again, all because, her little intestinal tract was getting so tired of fighting off bad bacteria in her gut. Everything JD ate, any food, liquid, vitamins or good nourishment would just run right through her. JD did not have much joy to want to do anything, she stopped enjoying playing sports, dance, singing. I knew something, was not right, I kept telling, but then a court brief or an awful mental health trigger of my own would come about and it just continually put JD on the back burner. All, I cared about was 6 focusing on court briefs. Not realizing how hurtful & traumatic this was to JD effecting, her mental & physical health. "It was this past Nov, 6 2022, I noticed, JD had an extreme and abnormal swelling area in her front private area, that I rushed her to the emergency room, to find her entire lower private area's front and back, were extremely red, swollen, chaffed, irritated, and infected. The ER had to privately question, each of us if any sexual trauma, was involved, it looked that bad. The Emergency Room Doctor put her on K-Flex Antibiotics."

“On Nov 30, 2022, I also took JD to her Pediatrician, in hopes again for help with the constant Diarrhea, nothing was getting any better, only worse, constant ongoing, diarrhea, loss of blood, chronic intestinal inflammation, bad bacteria, non-cleanliness, all playing a huge part, to the tracking marks & fistulas to allow pus leakage, what looked like huge deep multiple lacerations around the entire outside, of my poor little baby girl. All I could do was cry, knowing, I have not been able to fully focus on my little girl for so long, that it got this bad. Had, I been able solely focus & worry about JD, it would have never got this bad, I beat myself up daily. That is when I knew, I could not let anyone tell me anymore, to just try this cream or that cream, or give her a bath.

“On Dec. 6th 2022: I had to beg and plead, with JD to have the Owner/Senior Male Pediatrician, take a look, down below, when I tell you he knew right away, he knew right away, and immediately sent us to Children’s National Pediatric Gastroenterologist on Feb. 7, 2023 for a consult.

“JD was seen on Feb 15, 2023, by Children’s National Hospital, whom performed an immediate colonoscopy. The Pediatric Gastroenterologist report, after the colonoscopy, stated that JD was malnourished, with a “Failure to Thrive.” This statement of “FAILURE TO THRIVE” sent me into extreme hysterics, it is the exact wording wrote on my Marine Father’s death certificate.”

JD was diagnosed in by Children’s National Pediatric Gastro Nurse Practitioner, with “Chronic Crohn’s Perianal Disease. I had a second opinion from John’s Hopkins Pediatric Gastroenterologist Dr. Oliva Hemker on March 3, 2023, again diagnosed with “Chronic Crohn’s Perianal Disease. Dr. Oliva Hemker @ John Hopkin’s stated: “I do not want to delay the start of the lifelong Infusion treatments, As, I do not want to see the alternative.” “JD has had two Specific MRI’s with and without contrast. JD Started Infusion treatment’s for Crohn’s Disease and also Infusion Treatment for IRON deficiency on May 1, 2023. @nd Infusion treatment 2 weeks later on May 16. 3rd TX 4 weeks later on June 13. JD will have an 8 week maintenance dose for the 4th TX on August 9th. These treatments were explained to me that will be lifelong, with most likely for the next 3 or so yrs, every 6-8 wks. I followed up taking JD to a Gynecologist NP Specialist on Nov.15& 30 2022. On April 19, 2023, JD saw the Gynecologist Doctor with having the MRI specifically home in on the area of concern in the pubic area. The MRI, showed a difference in symmetry in the Labia with Inflammation. Dr. Torrance, referred JD to see a Gynecologist Oncologist Dr. Rosenshein on July 10, 2023. Dr. Torrance and Dr. Rosenshein, both feel is very possible for Patients to have Crohn’s in the pubic area as well. Both, want me to follow-up with Dr. Oliva Hemker Pediatric Gastro doctor, scheduled on August 4th 2023 to see if she can Diagnosis the pubic area specifically”
Please see Attached documents of JD’s medical notes evidence submitted to COA.

#23-1204 doc. 18-2 Pg.1: CHILDRENS NATIONAL stated: “Mother had C-Difficile in 2018. She is quite Concerned that JD may have C-Difficile.

#23-1204 doc. 18-2 Pg.7: John Hopkins STATED: “Mother with C-diff 2018, and she is very concerned that JD, may have had C diff around the same time, and that this is the reason why patient has been diagnosed with Crohn’s Disease” pg. 11: Diagnosis of Crohn’s Disease K50.111 and K50.10

This past summer 2024, JD at age 13, had major surgery at John Hopkins, who removed a Portion of her Diseased Small Intestine and takes bi-weekly injections of Humira for her Lifel0ong Crohn’s.

#1844 Doc. #30: pg.27-28, pg.47, 56, pg.112: pg. 118, “Damages awarded for Intentional Exposure of a Contacted Infectious Disease: sick for 1 week with C-Diff, due to Agency Failure to perform a Terminal Cleaning per Policy.”

QUESTION #4A: STATEMENT OF THE CASE:

#22-1844 Doc.30 pgs. 276-282 “agency Lawyer states they only removed anything to do with the AIB or 3 reassignments.”

#22-1844 Doc#30 Pg. 305: Id., Tab 3. “The agency further argues that the appellant’s request for a “clean record” and changes to her performance appraisal are outside the scope of this appeal. Id. pg. 306: First, as to any request by the appellant that the agency be ordered to expunge records in her OPF that are unrelated to the reassignments found to be retaliatory, including references to any investigations other than the February 2017 AIB, **I agree with the agency and find that such relief would not flow from the Board’s final order in this case.**”

#22-1844; doc. #30 pg. 299: pleading to MSPB judge. “Your Honor, I have so many court briefs, between all of the MSPB different dockets, to the Civil case docket. I am doing my best to keep up with all the dates required for responses, as a pro se Appellant, with some briefs taking me weeks to prepare, while working a job, trying to care for my child, a house, myself, counseling, doctor appts”

#22-1844 Doc.#30 pg. 299 “**pre- investigations right before I was fired, I request a Discovery of all the Pretext investigations placed on me. I am requesting proof of my OPM SF-50 records submitted from the Agency to this docket. I just want proper protection and prevent anything from coming back to haunt me, from this entire Trauma.**”

22-1844 Doc#30pg. 332: my Response about NON COMPLIANCE

22-1844 Doc#30Pg. 340 to 387: to COA Ms. Doyle submits her Performance Appraisal evidence.”

QUESTIONS #4, #4A, #4B: STATEMENT OF THE CASE:

#22-1844 Doc. #11-2 pg.20: "I Explain All My Claim of Consequential Damages" Loss of Accumulation Benefits."

#22-1844 Doc. 30 pg. 127: "I Request: Back Pay Accumulation Sick/Annual/Holiday Corrections below from timeframe of 2/2017 to present"

#22- 1844 Doc. #30 pg.42: "I request damages of loss of Interest & accumulation Formulation."

22-1844 Doc.30 pg.39: "I request my OPM start date to be July 26, 2015 with no lapse showing present on SF-50."

#22-1844 doc #30 Pg.43-44 & Pg.299 & pg. 377: "I want my SF-50 Corrected with REMOVING the 714 removal. I want my SF-50 Corrected Continuous EOD 6/27/2016 to Present Day."

PERFORMANCE RATING CORRECTED:

#22-1844 doc. 25 pg. 15 "Less than deserved performance Rating, I want Corrected to "OUTSTANDING."

#22-1844 DOC. #30 Pg.44-46: "Performance AWARD BONUS TOTALED LOSS: from 2017 to present \$9000.00"

1844 Doc. 30 pg. 127: "I REQUEST: YEARS 2016 to 2021, Performance evaluation Rating STATED to "OUTSTANDING" with an Award Bonus Totaled Loss: of \$6250.00 \$1250 yearly x 5 years"

#22-1844 Doc. 30 Pg. 299-366:Performance Appraisal Explanation for "Outstanding

#22-1844 doc.25 Pg. 15 "MY REQUEST for all years 2016-2022: (app.#1pg.19) Performance Appraisal to reflect a rating of "Outstanding" awarded Back-Pay award bonus benefit of \$1250.00 each year. and correction to my SF-50, with NO LAPSE in service."

#22-1844 doc. 25 pg.12: "Ms. Parsons fails to perform her required critical elements:(See ap#1 pg. 73)by NOT providing a Mid-year performance until after I was proposed for Termination and (App.#1pg.58, 79) due to she was busy accusing and abusing and placing charges on a Whistleblower."

#22-1844 doc. 25 pg.15: MY REQUEST (see app#1pg.23) all defamation reports be DESTROYED. Evidence shows Judge BERG failed to consider retaliatory evidence of less than deserved performance evaluation ratings in 2016, 2017, 2018. (app#1pg.56-58) with awful, toxic written reports of Defamation against my good character:(4c pg.28-30) due to my disclosures. Compared to evidence of my Above and Beyond actions in process improvements see (app#1pgs.57 & 69): CFC most Valuable Player, and my three I-CARE Awards. process improvement, within the Domiciliary and Cat-5.

#23-1311: Doc. # 21 Pg. 9:“PLEASE NOTE: I allege, if I was NOT demoted in Aug. 2017 from “excellent” to now “fully Successful” and I would have stayed with Rating of “excellent” when Ms. Parsons proposed termination charges in April 2018, when Ms. Parsons dropped my rating month later in May 2018 to “needs improvement to be “fully Successful” after the proposed 714 termination already against me.”

#23-1311: Doc. # 21 Pg. 9: “I make a non-frivolous allegation claims #9, 10, 11: violation under 714 law, an agency violation, that I would have had to be dropped first before the proposed termination charges. Under Ms. Parsons, states “unable to rate for 90 days” in retaliation, I was made to think these were my Critical Job elements. When in reality my critical job elements were on given to me in May 2018.” “When Vanessa sent in my proposed charges I was not even given a mid-year performance appraisal from her. I had no idea I was even doing anything wrong. See (Exhibit L & L2 I had to file a 2nd OSC case, for my Performance Appraisal, Toxic/Hostile, retaliatory environment, I succumbed to in 3rd re-assignment see OSC closure. “

QUESTION #5 and Question 3B: STATEMENT OF CASE:

#22-1844 DOC #11-2 Pg.17 and 1844 Doc.#11-3 Pg.34:

“pharmacy medication Log” DATE 3/10/2017 START OF MENTAL HEALTH MEDICATION: ALPRAZOLAM”. “MS. DOYLE PROVIDED of Pharmacy Dispersed Medication Logs for Petitioner, proving NEVER being Prescribed Mental Health Meds in Yr. 2016. HER appointments with my Doctor, show NEVER Mental Health needs, prior to AIB Investigation.”

MS. DOYLE Provided COA : P-1 TAB 7: “DIAGNOSIS: ANXIETY DOS: 2/17/2017. Medical Appointment notes submitted “PATIENT: Jocelyn Doyle: DATE OF SERVICE: 02/17/2017_ “38 yr. here for WWE. LPS 2014. Has been under significant stress at work and is in litigation. Pt not sleeping, feels emotional and feels she has been unable to enjoy her family. Is very reluctant to start meds as she doesn't want it used against her. Pt is tearful during discussion . Does have a good support system at home.” Assessment: Anxiety Diagnosis (F41.9). After additional 15 min discussion and counseling, decided to start Lexapro 1 Omg 1 /2 tab qd x 6 days then increase to 1 tab qd. Will f/u in 1 month.”Ms. Doyle to COA:

#22- #1844 DOC #11-2 Pg.20: showing where the COA can find the evidence submitted to prove a DIRECT Result of the retaliation.

#22-1844 doc.#11-2 pg.21 SEE “Petitioner’s DAUGHTER JAD: P-2 TAB #3: pg. 29-37: speaks upon evidence of claims, and my I request of Damages for daughter JAD and the huge significance and loss of Educational and future needs due to her Disability and how the AIB directly hindered my ability to provide proper care and advocacy for her needs as a mother. also See Ms. Doyle Claims to COA: #22-1844 Doc.11-3 Pg.34.

#22-1844 #11-2 pg.21: "Petitioner's DAUGHTER JLP "Evidence of Medical/Mental Claims: for Petitioner and Two Daughter's: Ins. Claims Paid: for Cigna, United Healthcare claims, Maryland State Medical Insurance, Pg. 18-53: Shows amounts of claims and statement of Mental Health Account Claims."

#22-1844 Doc 25 Pg.3: "If was to submit P-1 to P-2 Docket redundantly?? Judge never stated, I needed to."

#22-1844 Document 30 pg. 42: " I REQUEST AWARD of TRAVEL EXPENSES to Doctors appointments since FEBRUARY 2017 West Virginia to Hagerstown: 33 miles 45 min. CIGNA INSURANCE_Calculated Trips: Jocelyn 36 trips Medical and 54 Mental trips= total of 90 Travel Times UNITED_HEALTHCARE CALCULATED TRIPS: NOT CALCULATED YET. MEDICAID MARYLAND PHYSICIANS CALCULATED CARE TRIPS: NOT CALCULATED YET Still currently attending: JD MEDICAL TRIPS: 20-Trips for Mental Health and 30- JD Medical Speech Therapy (still attending) JP MEDICAL TRIPS: 10- 20 Trips for Mental Health."

#22-1844 doc #30 Pg.41: "I REQUEST AWARD of TRAVEL EXPENSES: Travel Doctors' appointments since FEBRUARY 2017 West Virginia to Hagerstown: 33 miles_45 min. CIGNA INSURANCE Calculated Trips"

#22-1844 Doc #30 pg.27: COMPESENATORY it is still UNDECIDED. "Your Honor, I researched both Compensatory and Consequential, I get confused as to what would fall under what" _"I also did not know, as preparing it would have me submit separate filings, so my preparation is all inclusive to Both Compensatory, Consequential & Liquidated Damages."

#22-1844 #30 pg. 46: "Medical Documentation & List of Diagnosis"

#22-1844 #30 pg. 48-57: "Evidence of \$100,000.00 in medical claims"

#22- 1844 Doc. 25 Pg. 13; "During the AIB investigation and reassignments and my mental health diagnoses, I was not able to concentrate solely on my child's Disability. I hired an IEP Attorney see (app#1pg. 52) See transaction \$1500.00 (app#1.pg.37) I am still paying her till this very day. See (app#2 pg. 10) Denied SICK LEAVE by Dental Supervisor 12/30/2016: see (app.#1pg. 59). Then my mental health was exacerbated a year later (app#2pg.11) when denied sick leave again to care for daughter's speech disability. (app.#1pg.76-77) Issue: #3"

22-1844 Doc. #30 Pg. 49: "I request Damages for my daughter's EDUCATIONAL LOSS & FUTURE NEEDS" "Due to the Retaliatory AIB and Reassignment enabled me to mentally assist in her learning basic educational, to the most precious time a parent is needed to assist the school with nightly, learning the proper sounds of letters, basic nightly reading, writing letters, sitting and

concentrating solely on JAD and her basic educational learning, BUT FOR: deliberated by Fear, anxiety, depression, loss of sleep all due to an Retaliatory AIB investigation and multiple Retaliatory reassignments, during the most important time of a child's learning basic skills of speech pronouncing letters and sounds, reading, writing to ensuring that the school was providing the best care for her speech disability. I failed my child, who is below grade level till this present day, due to my lack of support and focus on her special needs."

#23-1204 doc. 16 pg.15: (EXHIBIT #15: pg.2) #19 "I allege a non-frivolous allegation that Judge Syska deleted substantial evidence pertaining to my daughter who had a speech disability. Judge Syska, then used it against me (see EXHIBIT 5A pg. 30) in his final decision. My testimony to Judge Syska (see EXHIBIT 4: Pg. 419 line 15 thru pg. 421) Exhibit 4 Pg.449)"

#22-1844 Doc. 30 Pg. 50: "I request damage awards of repayment of 1500.00 for IEP Lawyer fee, I needed to assist and focus on my child's needs, due to my failure and the Department of VA's denial of sick leave to do so, critically harming my child's learning, to Judge Syska, who removed documentation I placed on my MSPB case docket, pertaining to the failure of me supporting my child's needs, the VA denying me sick leave to attend a meeting about her medical speech IEP, that needed very close attention from her parent,"

"BUT FOR: Judge SYSKA hindered this FACT, by removing critical documents, I placed on the docket to prove the harm, as it critically affected me assisting and Focusing on my child's learning and IEP, Judge Syska, removed these from the docket without my permission, telling me the next day, after he already removed, to then telling me "he could see me as a Patient advocate" to butter me up, as his very next statement was: "we need to de-consolidate the cases, this is too big of a case for a Pro Se Appellant" which critically harmed my cases of Judge Syska removing the Adverse Action if the TERMINATION, from the Whistleblowing Retaliation Case."

"At the time, all I thought about was Judge Syska's statement, "I could see you as a Patient advocate", I let my guard down as a pro se appellant, due to, I thought Judge Syska believed in me, as he led me to believe he, himself believed in me, by his statement, "I could see you as a Pt. advocate", I thought he, was telling me, not to worry, that he, could see what the VA did thus far, making me believe, he knew how beneficial I was for the advocacy of our Veterans. BUT FOR: was just a ploy by Judge Syska to get my approval, for him to de-consolidate the cases, as he knew already, he was going to rule against me, I allege that he then planned a Conspiracy against me with the Agency Lawyer, FOR: two months later he could rule against me, allowing these court case to continue for 3 more years of continuing to critically and severely harm me and my child's education."

#22-1844 Doc. 25 Pg. 8 “Evidence to a Home Alarm System: My bank accounts statements in P-2 show evidence to the start of payments in Dec 2017 for an alarm system, I have never had in my life.”

“My Fear of being found and harmed. I removed my driveway numbers. (app#1pg.32) in 12/2017 when I NEVER even used to lock my doors. My home is not a home anymore, I hate coming home it triggers my PTSD, depression and fear. (app.#1pg.55)” It’s an awful feeling to live in fear. I have extreme anxiety and fear, I am being watched at home, home and scared he will come after my children.”

“I live in a constant state of fear and paranoia. I worry he will find out, where I am re-assigned to a job and target me again. I really would like Judge to award me my request #13b: protection in a Name Change, I have looked it up and a Judge would need to award it. I feel it will help my mental state for a fresh start. (app#1pg.19.)”

#22-1844 doc. 25 pg. 14: “ISSUE 5: Mold explanation: (app.#1pg.55). “This exacerbated my extreme FEAR, and depression, anxiety, ill thoughts, leading to not caring about myself, my marriage, or paying bills. My stress, fear, lack of providing, emotionally, mentally and physically, took a huge toll on my marriage, starting during the AIB and retaliatory reassignments, started with my excessive spending, leading to not paying bills, running up credit cards, Credit Card Debt, damaged credit score, Debt Consolidation, Loan Denial.”

#22-1844 doc. 25 pg. 14: “ISSUE 7: DIVORCE: see (app.#1pg. 52-56) I hated myself, and did not want to be me anymore. I became unfaithful, became promiscuous, taking on risky, unhealthy behavior. I endured Domestic Violence: (app#1 pg.52), as he grabbed my throat. (pg. 53) I now have to pay 30,000 to Ex husband to buy out my property. I now live alone in fear, with no protection and a loss of companionship, and a huge loss of medical Insurance, having to go onto State insurance and Food Stamps.”

QUESTION 5D: STATEMENT OF THE CASE Future medical Cost:

22-1844 Doc. #30 pg.52-54 “#14 REQUEST: “FUTURE cost of long term Damaging effects of 11 different medications, dementia, heart disease, cancers, kidney failure”

#22-1844 Doc. #30: pg. 54: #14e: “FUTURE PRIVATE MEDICAL COST: of Life, long medical Insurance, I would need. (Neg. if I am awarded my govt. career back)”

#22-1844 Doc. #30 Pg.52-54 “I REQUEST FUTURE COST, Long term effects of required Diagnosis.”

22-1844 Doc. 30 pg.52-57: “Explanation & Request 14: future Cost”

22-1844 Doc. 30 pg.127-129: “I REQUEST: FUTURE MEDICAL COST: Cost of Private Medical Ins. For Life (if Mental Health/PTSD Therapy: Horseback Riding, Yoga, Mediation, Breathing, Swim Spa Equipment for Medical Condition Fibromyalgia”

QUESTION #6: STATEMENT OF THE CASE: Attorney Fees:

#23-1204 DOC. #26 Pg. #20 "I Make a non-frivolous allegation of Judge Syska's Statement: Case #23-1204 Document: 16 Page: 14: I PAID \$10,000 to Lawyers Tully Rinky for Judge Syska to state: "FOR THAT POORLY WRITTEN ADMISSION" (EXHIBIT 4 PAGE 378 LINE 12) 'We've got two problems here. Number one, it's just a poorly written admission. Number two, he proposed the removal. He doesn't need a separate recommendation."

1901 Doc.#42-9 pg.4-7: Tully Rinky \$10,400.00 services during Initial Hearing

1901 Doc #43 pg.32 Tully Rinky

1901 Doc. 43 Pg.33-35; payments

1901 Doc. 43 pg.36 Peter Jefferies 12/2018 I paid out and Additional \$750.00

1901 DOC 43 pg. 138-139: for 11/12/2018

1901 Doc. 43 pgs 259-266: Hours/statement 10/11/2018

23-1204 DOC. #26 Pg. #20 "I Make a non-frivolous allegation of Judge Syska's Statement: Case #23-1204 Document: 16 Page: 14: "I PAID \$10,000 to Lawyers Tully Rinky for Judge Syska to state: "FOR THAT POORLY WRITTEN ADMISSION" (EXHIBIT 4 PAGE 378 LINE 12) 'We've got two problems here. Number one, it's just a poorly written admission. Number two, he proposed the removal. He doesn't need a separate recommendation."

#23-1204 Doc. 15 pg. 10: The Attorney Fees' I incurred were from Tuhelly Rinky, Jeffrey Law Group, Framme Thrush law Group, and a Group I paid to have an Attorney on hand for a couple years, starting in 2018, I paid a monthly fee for. I just can't think at this

#23-1204 Doc. 15 pg.10: The Attorney Fees' I incurred were from Tully Rinky, Jeffrey Law Group, Framme Thrush law Group, and a Group I paid to have an Attorney on hand for a couple years, starting in 2018, I paid a monthly fee for. I just can't think at this time of their Group name, but have evidence to prove. I also have a few other ,consultation fee's I paid Attorney's during the course of this Case. I just want to be clear, that the Attorney Fee's, I will be claiming in this case, were from Attorney's that did not have any handling in my appeal to the EJA in case #1901 solely using "The Federal Practice Group" That case, is a whole separate ball game.

QUESTION #6A: What Ms. D'Agostino submitted to the EJA was Fraudulent I

provided an Abundance of evidence to the legal support for why I am entitled to

“recover additional attorney’s fees from the government: DUE to My attorney

submitting FALSE /FRAUDULENT Information to the EJA Petition with a False

Itemized Statement and Declaration below:

see 1901 42-3 Pg. 27-37 a Fraudulent False “Itemized statement”

see 1901 42-3 Pg. 20-23 Declaration of Debra D’Agostino to the EJA:

“requesting a rate of \$213.15 per hour for legal services in accordance with the EAJA. The market rate for my services would be greater than \$500 per hour.”

1901 doc 42-3 Pg.5

FOR EACH AMOUNT CLAIMED, PLEASE ATTACH ITEMIZATION INFORMATION INDICATING SERVICE PROVIDED, DATE, HOURS, AND RATE (28 U.S.C. § 2412(d)(i)(B)):

1901doc.#42-3 pg.13: Petitioner’s Counsel Is Providing Herein a Statement of Attorney Hours and Fees as Required Under 28 U.S.C. §2412(d)(1)(B). A claim of attorneys’ fees and recoverable expenses under EAJA must include a statement for any attorney indicating the actual time expended and the rate at which the fees and recoverable expenses were computed. 28 U.S.C. § 2412(d)(1)(B).

Doc. 42-9 pg. 8-10: Fee Avidavit sent to BERG States:

“My regular billing rate for the Appellant and other public sector clients of the Federal Practice Group for 2021 was \$475 an hour.”

I DID NOT STATE “my attorney provided me with “fraudulent /falsif[ied] invoices”

THE COA states INCORRECT STATEMENTS below

“COA Decision: “Ms. Doyle, however, provides no explanation or legal support for why she is entitled to recover additional attorney’s fees from the government for allegedly fraudulent charges she paid to her attorney.”

“COA Decision: “Doyle argues that the Board’s attorney’s fees decision is flawed because Ms. Doyle’s former attorney provided her with “fraudulent[] /falsif[ied]” invoices and otherwise failed to adequately represent her interests.”

GRANTING THE PETITION:

I look to the U.S. Supreme Court on these IMPORTANT federal question's and for the BEST INTEREST of the PUBLIC eye under the LAW of Protecting Whistleblowers, to know they are fully protected.

I am a Pro SE Whistleblower, who was fired since, Sept. 20, 2018.

As a KNOWN WHISTLEBLOWER, I hate hesitating and saying, if asked, I honestly CANNOT, tell a person, not to be scared to disclose important information, that you will be protected under the WPEA/WPA law.

I feel have not been.

I apologize, for so many questions, I understand, not every question may be able to answered, but it has taken me 8 years, to get to a Court who can answer them.

As, I stand here and cry, writing this, all I can think about is, how I ruined, failed, and loss so much in these last 8 yrs. since 12/2016, of what I thought was just speaking truth / "blowing the Whistle." I had no idea what blowing the whistle or Retaliation even was. Well, I can tell you, now, exactly what Retaliation, is, and I do not wish it on anyone, if you have ever had defamation of your Good Character, been accused of FALSE charges, that WOULD ruin your entire career, for something, you would never do to anyone, and know deep in your heart is NOT true, with people screaming in your face, that you ruined the dental clinic.

After 8 yrs., of writing briefs, over and over again, mentally & physically draining me, I at times wish, I never made a Disclosure. Honestly, it has ruined my life, family, health, government career, taken away precious moments, I can never get

back. I have ruined my health, my marriage, my family, my family's health, my most loved career and self-accomplishment, of working for the Federal Government and serving Veterans, that reminded me of caring for my late Veteran father, till his last moment.

Even though I won a remand, it's not the settlement that matters the most, I STILL am fighting for my Government Career, my lifelong medical benefits, my 401k Retirement, Job Stability, all reasons, I wanted to work for the Federal Government, both my parents retired from Government. It has always been important to me, made me feel good.

For the Last 8 yrs., I have been in a constant state of feeling hopeless, embarrassed, fearful, depressed, nightmares, panic attacks, isolated, suicidal and I am so scared, I was even told by the Agency Lawyer, I would never get my GOVT. career back. I honestly, am so scared, of what my Mental state, will do to myself, if I have lost my career forever due to speaking up, and making a disclosure.

I have fought for 8 long years, I have put my daughters on the back burner, jeopardized their health, by exposing my youngest age 7, with C-Dif, due to I was Infected while at work, due to the VA retaliated and would not remove me from the Known Infected area. Made me stand in a Hallway for months. My lawyer, even stated, to the Chilling effect it left in that VA, no one wants to speak up.

All I wanted was Protection, all I got was more Retaliation.

I went from being super healthy, no mental health or physical diagnoses, to now having lifelong Medical Diagnosis of Migraines, Fibromyalgia, PTSD, Depression,

Anxiety, constant crying spells , all NEW Diagnoses from last 8 YRS of Constant Stress, worry, fear, paranoia. All very well documented in each docket and medical Records. I do not wish retaliation on anyone.

I went from Employee & Mother of the Year, to just staring at them with a blank stare, because, I was so distraught, mentally exhausted, Fearful of False charges for 8 months, that would have ruined my entire career of ever working in a medical Facility again. To enduring another year of Hostile, Toxic work environment. I spent all my own retirement on lawyers, to not even get it all back. I have been begging, for someone to please just follow the WPEA/WPA Law.

The non-decision from the US Court of Appeals, places barriers to protection and clarifying the law's intent, Disempowers whistleblowers to come forward without fear of retaliation from their Agency.

I ask myself, all the time, What did I win? I can't even get future medical benefits, for the Medical Diagnosis, that I would have never had, if I had not blown the Whistle. I as the Whistleblower, am the ONLY ONE that was held Accountable.

The MSPB judge, could have stopped this in 2017-2018, no, he retaliated against me too, in 2017, he made it harder, deconsolidating my cases, and he knew it.

He once was on my side after the Finding of the AIB showed retaliation and Cohesion, then I allege and can only assume, he was paid off. Hoping, his deceitful unlawful, bias, abuse of Power would make me just go away. At Trial, he even basically stated, I did not have to speak up or say anything.

START OF CONCLUSION:

I love the Supreme Court's MISSION statement: "Petitioner respectfully prays that a writ of certiorari issue to review the judgment". Honestly, Hope, Faith, Trust & Prayer, is only thing that has got me thru, Trusting, he has a bigger purpose of using my strength for these last 8 yrs., to help others.

I hope, I did ok, in this Petition, it has taken me a month, and I tried my very best, I honestly, feel this case Is and can be an Ideal Vehicle To Resolve Exceptionally Important Issues of the WPEA/WPA, and the Effect it has on individuals coming forward and proving Whistleblowers are Protected, the WPEA/WPA Statue is of national importance.

This case is profoundly important on multiple levels for whistleblowers to feel protected and safe to speak truth and to know they are protected. When two or more different Circuit Courts of appeals provide conflicting rulings, dismissals, opinions on the same legal issue, This is problematic because it can cause vastly different outcomes in similar cases depending on where the case is heard.

This Petition, hopefully can provide some incentive to grant certiorari in order to ensure uniformity among the lower courts and Law against Retaliation upon a Whistleblower. could more effectively, efficiently, and fairly administer Laws. Please address if any questions remain and can be decided by this Court, I hope they can help.

The petition for a writ of certiorari should be allowed.