

Deborah Harrison Khatana, *petitioner*

Vs.

No. 17-7418

Washington Metropolitan Area

Transit Authority, *respondent*

PETITION FOR REHEARING

This matter is to bring to light and seek resolution and/or restitution for several violations committed by the Washington Metropolitan Area Transit Authority, hereinafter (METRO) that resulted in the wrongful termination of Harrison Khatana) hereinafter, the Complainant. Specifically, METRO violated the Rehabilitation Act of 1973 (as amended), and the Americans with Disabilities Act Amendments Act (ADAAA) based on the Complainants sex (female), disability (physical), and retaliation (participation in union activity and opposing discriminatory acts due to her disability) thus subjecting her to disparate treatment and ongoing hostile work environment harassment when:

She was wrongfully terminated on six occasions of which the most recent termination was not appropriately justified, nor did management provide sufficient evidence to support the termination:

1. Management treated the Complainant disparately and retaliated against her in relation to comparable employees outside of her protected class when:
 - a. She was denied due process or progressive discipline as male employees; and
 - b. Management and the Human Resources Office failed to follow protocol by submitting incident report(s), and reviewing and considering all pertinent and

relevant information necessary in making disciplinary decisions for the complainant.

- c. Management failed to follow its own policies in deciding to terminate the Complainant.
2. Management failed to compensate Complainant for lost pay and benefits after being reappointed from prior wrongful terminations.
 3. The Complainant was treated disparately and retaliated against in relation to comparable employees outside of her protected class when:
 - a. She was not provided the same employment opportunities because of her physical disability; and
 - b. When management failed to provide the Complainant an effective reasonable accommodation for her disability on several occasions; and
 4. Management did not compensate the Complainant for ten (10) years backpay as other comparable employees.

Harrison Khatana seeks the court to remedy the issue at hand with several requests:

1. Khatana would like the WMATA to compensate for pain and suffering for the mental anguish and financial hardships that WMATA had put her through. She has been evaluated for bouts of depression and thoughts of suicide since the issue had been made apparent.
2. Khatana requested financial compensation for her deserved retirement benefits (Formerly employee with WMATA for a total of 28 years; 10 years unjustly accounted for).
3. She would also like to be compensated for the harassment she had endured against male employee counterparts and management.

4. As well as retaliation from management for winning a prior case involving WMATA and releasing private information online and other employees at the site.

As stated in Khatana, petitioner, stated in previous forma pauperis WMATA failed to use proper and sufficient protocol with their own rules and regulation to effectively and efficiently make proper decisions. The courts shall look over and analyze proper and correct information that was not presented before in lower courts. In conclusion, the court shall rule in the favor of the petitioner because of substantial evidence that was failed to be presented.

Beyond prohibited personnel practices that violate statutes and District regulations, the Agency here also ran afoul of a serious equitable principle protected in the Constitution. On-point Supreme Court authority makes clear that *not* holding the Agency accountable to its anti-retaliation policies and *not* requiring the Agency to abide by its own regulations on dismissal runs afoul of the Fifth Amendment of the Federal Constitution as effected through the Administrative Procedure Act. *Service v. Dulles*, 354 U.S. 363 (1957).

Relatedly, wherever there is timely alleged harmful error and/or denial of due process by a governmental Agency, reversal of its decision is required, and the precedential authority is quite clear: Harmful error is error by the agency in the application of its procedure that is likely to have caused the agency to reach a conclusion different from the one it would have reached in the absence or cure of the error. *See, e.g., Scott v. Dep't of Justice*, 69 M.S.P.R. 211, 242 (1995), *aff'd*, 99 F.3d 1160 (Fed. Cir. 1996) (Table). The prohibited personnel practices challenged here were clearly and carefully established in the documentary record before the Agency. The Agency's removal of Appellant failed to abide by these laws.