



U.S. Immigration  
and Customs  
Enforcement

[REDACTED]

AUG 01 2012

Re: Request for Clarification of Formal Complaint of Discrimination  
[REDACTED] v. Janet Napolitano, Secretary  
Department of Homeland Security  
Agency Case No.: HS-ICE [REDACTED]-2012

Dear [REDACTED]:

This letter is in regard to the above referenced formal complaint of discrimination filed by your client, [REDACTED] on May 3, 2012. Please include the above referenced case number on all future correspondence or other documents regarding this complaint.

In his formal complaint of discrimination, your client alleges discrimination from June 2007 to August 2011 on the bases of sex, when the Assistant Director/Chief of Staff took the following actions:

1. Provided career enhancing opportunities to female staff members during an office reorganization;
2. Selected female employees for career enhancing temporary assignments;
3. Temporarily assigned a female Unit Chief when your client was well qualified to supervise the unit;
4. On or about August 29, 2011, denied you a supervisory position formerly held by your immediate supervisor.

Your client alleges discrimination from November 2011 to March 2012 on the basis of retaliation (contacting an EEO Counselor on October 5, 2011), when

1. Your immediate supervisor took the following actions:
  - a. Unjustifiably criticized your work by email and forwarded those emails to others before you had an opportunity to respond;

- b. Reassigned work to you when others failed their assignments and implied she would hold you responsible for their failures;
  - c. Did not respond to your request for leave to attend an uncle's funeral; and
  - d. Did not respond to your requests for career enhancing temporary assignments;
2. The Deputy Chief of Staff took the following actions:
- a. Denied you consideration for a one year detail to a special assistant position; and
  - b. Encouraged an employee to make false accusations against you and encouraged others to spread a rumor about the false accusation.

In order to process your client's complaint, we need more specific information for the above listed incidents. For example, when your client says "the Assistant Director/Chief of Staff provided career enhancing opportunities to female staff members," we need to know the name of the opportunity, assignment, or TDY each employee received. We need to know the date(s) on which the incident occurred or your client learned about it. What specific career enhancing opportunities or details did your client apply for and was denied? On what dates did he learn of the denial? Please have your client provide us with the missing information, including dates, for each enumerated allegation.

Pursuant to 29 C.F.R. §1614.107(a)(6) and (7), an agency may dismiss a complaint for failure of the Complainant to prosecute or cooperate after giving fifteen (15) days' notice. Please provide us the information requested above within 15 days of receipt of this letter. After that, we will process your client's formal complaint accordingly.

If you have any questions regarding this matter, please contact Maria Jackson, the designated EEO point of contact, at (202) 732-0041.

Sincerely,

  
Janet D. White  
Supervisor, Complaint Management Branch  
Office of Diversity and Civil Rights

cc: [REDACTED]