

“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”



APPENDIXES

**ATTACHED TO THE PETITION FOR A WRIT OF CERTIORARI IN THE SUPREME
COURT OF THE UNITED STATES FOR MR. WASCHULL’S, MR. CLOVER’S, GEN
O’REILLY’S, AND MDA’S UNLAWFUL ABUSE OF POWER AND OBSTRUCTION OF
JUSTICE BY HIDING EVIDENCE IN A DISCRIMINATION CASE 2023-1695**

- A Oct 3, 2023, CAFC Decision for 2023-1695 Adams v. Defense
- B Feb 3, 2023, MSPB Decision for 2023-1695 Adams v. Defense
- C Original MSPB Administrative Appeal DC-0752-20-0303-I-1 Mr. Waschull’s, Mr. Clover’s, Gen O’Reilly’s, and MDA’s Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital Evidence In A Discrimination Case
- D Things That Don’t Make Sense Unless You Take Mr. Waschull’s, Mr. Clover’s, Gen O’Reilly’s, and MDA’s Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital Evidence and MDA’s Employer Discrimination Into Consideration!
- E Adverse Actions Chart – a mountain of evidence that proves Mr. Waschull’s, Mr. Clover’s, Gen O’Reilly’s, and MDA’s Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital Evidence and MDA’s Employer Discrimination!
- F Pain and Suffering Caused by MDA’s Discrimination Document – Real injuries and damages to more than one person
- G Before and After the Discrimination - What Their Discrimination Cost Me and My Family
- H The True Impact of Discrimination (MDA’s Discrimination Costs and Damages)
- I Summary and Statement of Facts for the US Supreme Court
- J Why you need to subpoena the 7 missing pieces of evidence not currently in the record - The evidence MDA never provided, even when ordered to by an Administrative Judge
- K What’s on the Harddrive - Why we need an uncensored copy of the entire unclassified harddrive
- L Reasons Why We Need An Independent Investigator And Investigation

“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”

- M Red Flags of Disparate Treatment, Discrimination and Retaliation
- N I Had Escaped MDA’s Discrimination, But the Bigots at MDA Pulled Me Right Back into It!
- O My Former Employer's Most Blatant Discriminatory Actions
- P MDA has A Pattern of Disparate Treatment (MDA Disparate Treatment Is Not An Isolated Incident)
- Q MDA has A Pattern of Misusing the Clearance Revocation System to Discriminate against their Black Employees
- R Official Outprocessing Paperwork

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX A

Oct 3, 2023, CAFC Decision for 2023-1695 Adams v. Defense

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

CHARLES DERECK ADAMS,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2023-1695

Petition for review of the Merit Systems Protection Board in No. DC-0752-20-0303-I-1.

ON MOTION

Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.
PER CURIAM.

O R D E R

In response to the court's order to show cause, the Merit Systems Protection Board ("Board") moves to dismiss. Charles Dereck Adams opposes dismissal.

This court previously affirmed the Department of Defense's decision to remove Mr. Adams from his position after his security clearance was revoked. *See Adams v. Dep't*

of *Def.*, 688 F.3d 1330, 1336 (Fed. Cir. 2012). Years later, he filed the underlying appeal at the Board asserting that members of the agency committed an “Abuse of Power and Obstruction of Evidence[] [and] discrimination” by allegedly wrongfully removing him. App. 29. The administrative judge dismissed for lack of jurisdiction. Mr. Adams filed a petition for review from that decision to the Board, but that petition was dismissed as untimely. Mr. Adams then filed this petition for review and has indicated in his filings that he does not wish to abandon his discrimination claims.

Under 28 U.S.C. § 1295(a)(9), this court has jurisdiction to review a final order or final decision of the Board except in “[c]ases of discrimination subject to the provisions of [5 U.S.C. §] 7702.” 5 U.S.C. § 7703(b)(1)(A), (b)(2). Although under *Perry v. Merit Systems Protection Board*, 582 U.S. 420, 431–32 (2017), we must ordinarily transfer so-called mixed cases to federal district court even when the Board dismisses for lack of jurisdiction, such cases must involve (1) a non-frivolous allegation of “an action which the employee . . . may appeal to the” Board and (2) “that a basis for the action was [covered] discrimination.” 5 U.S.C. § 7702(a)(1); see *Perry*, 582 U.S. at 431. We need not reach any definitive resolution as to whether this is a mixed case because we would dismiss regardless of how we would answer that question.

If we were to look at Mr. Adams’ allegations before the Board as naked allegations of “abuse of power” and “obstruction of justice,” divorced from any personnel action plausibly appealable to the Board, we would conclude that this is not a mixed case but that dismissal is still appropriate because Mr. Adams has failed to allege that he was affected by an action appealable to the Board. See, e.g., 5 U.S.C. § 7512 (“Actions covered”). We would reach the same outcome if we were to alternatively take the view that Mr. Adams was attempting to relitigate his prior removal, rendering this a mixed case, as it would not be in the

ADAMS v. MSPB

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interest of justice to transfer such a frivolous challenge that was adjudicated more than a decade ago.

Accordingly,

IT IS ORDERED THAT:

- (1) The Board's motion is granted. This case is dismissed.
- (2) Any pending motions are denied as moot.
- (3) Each side shall bear its own costs.

FOR THE COURT

October 3, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court

“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”



APPENDIX B

Feb 3, 2023, MSPB Decision for 2023-1695 Adams v. Defense

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD**

CHARLES DERECK ADAMS,
Appellant,

DOCKET NUMBER
DC-0752-20-0303-I-1

v.

DEPARTMENT OF DEFENSE,
Agency.

DATE: February 3, 2023

THIS FINAL ORDER IS NONPRECEDENTIAL¹

Charles Dereck Adams, Herndon, Virginia, pro se.

Paul Y. Kim, Esquire, Redstone Arsenal, Alabama, for the agency.

BEFORE

Cathy A. Harris, Vice Chairman
Raymond A. Limon, Member
Tristan L. Leavitt, Member

FINAL ORDER

¶1 The appellant has filed a petition for review of the initial decision, which dismissed the appeal for lack of jurisdiction. For the reasons set forth below, the appellant's petition for review is DISMISSED as untimely filed without good cause shown. 5 C.F.R. § 1201.114(e), (g).

¹ A nonprecedential order is one that the Board has determined does not add significantly to the body of MSPB case law. Parties may cite nonprecedential orders, but such orders have no precedential value; the Board and administrative judges are not required to follow or distinguish them in any future decisions. In contrast, a precedential decision issued as an Opinion and Order has been identified by the Board as significantly contributing to the Board's case law. See 5 C.F.R. § 1201.117(c).

BACKGROUND

¶2 The appellant filed an appeal in which he alleged that certain named agency officials had abused their power and obstructed justice when they chose to “look[] the other way” while the agency mistreated him in 2010. Initial Appeal File (IAF), Tab 2 at 4. He requested a hearing. *Id.* at 2. In support of his claim, he submitted 94 pages of documents. IAF, Tab 3. The administrative judge issued a jurisdictional show cause order, IAF, Tab 4, to which the appellant did not respond.

¶3 On February 4, 2020,² the administrative judge issued an initial decision on the written record in which he dismissed the appeal for lack of jurisdiction. IAF, Tab 5, Initial Decision (ID) at 1, 3. The administrative judge notified the parties that the initial decision would become final on March 10, 2020, if neither party filed a petition for review. ID at 3.

¶4 On January 14, 2021, the appellant filed a petition for review in which he challenged the administrative judge’s jurisdictional finding, arguing that the Board has adjudicated many of his previous “discrimination complaints” and that, if this matter is dismissed, there will be no other relief possible for him. Petition for Review (PFR) File, Tab 1 at 4. With his petition, he submitted a list of the many cases he has pursued before the Board. *Id.* at 6-8.

¶5 The Clerk of the Board notified the appellant that the petition for review appeared to be untimely filed because the initial decision was issued on February 4, 2020, but the petition for review was not postmarked or received on or before March 10, 2020. PFR File, Tab 2. The Clerk afforded the appellant an opportunity to file a motion to accept his filing as timely and/or to waive the time

² The initial decision is dated January 4, 2020, IAF, Tab 5, but the accompanying certificate shows that the decision was served on the parties on February 4, 2010. IAF, Tab 6. For reasons set forth in this decision, we believe that the January date is incorrect but that this apparent error did not prejudice the appellant’s rights. *Karapinka v. Department of Energy*, 6 M.S.P.R. 124, 127 (1981).

limit for good cause, and stated that such a motion must be accompanied by a statement signed under penalty of perjury, or an affidavit, postmarked, if mailed, or sent by facsimile on or before January 29, 2021. *Id.* at 2. The appellant did not respond.

ANALYSIS

¶6 The Board's regulations require that a petition for review be filed within 35 days after the date of issuance of the initial decision, or, if a party shows that he received the initial decision more than 5 days after it was issued, within 30 days after his receipt of the initial decision. *Palermo v. Department of the Navy*, 120 M.S.P.R. 694, ¶ 3 (2014); 5 C.F.R. § 1201.114(e). The appellant does not indicate that he received the February 4, 2020 initial decision more than 5 days after it was issued. Therefore, as stated in the initial decision, the petition for review was due 35 days later, on March 10, 2020. ID at 3-4. Therefore, the appellant's petition for review, filed on January 14, 2021, was 10 months late. PFR File, Tab 1.

¶7 The Board will waive the filing deadline for a petition for review upon a showing of good cause for the untimely filing. *Palermo*, 120 M.S.P.R. 694, ¶ 4; 5 C.F.R. § 1201.114(g). The party who submits an untimely petition for review has the burden of establishing good cause for the untimely filing by showing that he exercised due diligence or ordinary prudence under the particular circumstances of the case. *Palermo*, 120 M.S.P.R. 694, ¶ 4; *Alonzo v. Department of the Air Force*, 4 M.S.P.R. 180, 184 (1980). To determine whether a party has shown good cause, the Board will consider the length of the delay, the reasonableness of his excuse and his showing of due diligence, whether he is proceeding pro se, and whether he has presented evidence of the existence of circumstances beyond his control that affected his ability to comply with the time limit or unavoidable casualty or misfortune that similarly shows a causal relationship to his ability to timely file his petition. *Moorman v. Department of*

the Army, 68 M.S.P.R. 60, 62-63 (1995), *aff'd*, 79 F.3d 1167 (Fed. Cir. 1996) (Table).

¶8 Applying these factors, we find that the appellant has not shown good cause for his filing delay. Despite his pro se status, his 10-month delay in filing his petition for review is significant. *Dow v. Department of Homeland Security*, 109 M.S.P.R. 633, ¶ 9 (2008) (finding a delay of more than 1 month to be significant, despite an appellant's pro se status). As noted, the appellant did not respond to the Clerk of the Board's notice of his need to establish good cause for his untimely filing and did not otherwise attempt to explain his filing delay. PFR File, Tab 1. Therefore, we conclude that the appellant has set forth no grounds for finding good cause for a waiver of the filing deadline. *Bell v. Department of Homeland Security*, 112 M.S.P.R. 33, ¶ 8 (2009) (dismissing a petition for review as untimely filed because a pro se appellant failed to respond to the Clerk's order on timeliness or otherwise demonstrate good cause for the delay).

¶9 Accordingly, we dismiss the petition for review as untimely filed. This is the final decision of the Merit Systems Protection Board regarding the timeliness of the petition for review. The initial decision remains the final decision of the Board regarding the Board's lack of jurisdiction over the underlying appeal.

NOTICE OF APPEAL RIGHTS³

You may obtain review of this final decision. 5 U.S.C. § 7703(a)(1). By statute, the nature of your claims determines the time limit for seeking such review and the appropriate forum with which to file. 5 U.S.C. § 7703(b). Although we offer the following summary of available appeal rights, the Merit Systems Protection Board does not provide legal advice on which option is most appropriate for your situation and the rights described below do not represent a

³ Since the issuance of the initial decision in this matter, the Board may have updated the notice of review rights included in final decisions. As indicated in the notice, the Board cannot advise which option is most appropriate in any matter.

statement of how courts will rule regarding which cases fall within their jurisdiction. If you wish to seek review of this final decision, you should immediately review the law applicable to your claims and carefully follow all filing time limits and requirements. Failure to file within the applicable time limit may result in the dismissal of your case by your chosen forum.

Please read carefully each of the three main possible choices of review below to decide which one applies to your particular case. If you have questions about whether a particular forum is the appropriate one to review your case, you should contact that forum for more information.

(1) Judicial review in general. As a general rule, an appellant seeking judicial review of a final Board order must file a petition for review with the U.S. Court of Appeals for the Federal Circuit, which must be received by the court within **60 calendar days** of the date of issuance of this decision. 5 U.S.C. § 7703(b)(1)(A).

If you submit a petition for review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The

Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

(2) Judicial or EEOC review of cases involving a claim of discrimination. This option applies to you only if you have claimed that you were affected by an action that is appealable to the Board and that such action was based, in whole or in part, on unlawful discrimination. If so, you may obtain judicial review of this decision—including a disposition of your discrimination claims—by filing a civil action with an appropriate U.S. district court (*not* the U.S. Court of Appeals for the Federal Circuit), within **30 calendar days** after you receive this decision. 5 U.S.C. § 7703(b)(2); see *Perry v. Merit Systems Protection Board*, 582 U.S. ____ , 137 S. Ct. 1975 (2017). If you have a representative in this case, and your representative receives this decision before you do, then you must file with the district court no later than **30 calendar days** after your representative receives this decision. If the action involves a claim of discrimination based on race, color, religion, sex, national origin, or a disabling condition, you may be entitled to representation by a court-appointed lawyer and to waiver of any requirement of prepayment of fees, costs, or other security. *See* 42 U.S.C. § 2000e-5(f) and 29 U.S.C. § 794a.

Contact information for U.S. district courts can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

Alternatively, you may request review by the Equal Employment Opportunity Commission (EEOC) of your discrimination claims only, excluding all other issues. 5 U.S.C. § 7702(b)(1). You must file any such request with the EEOC's Office of Federal Operations within **30 calendar days** after you receive this decision. 5 U.S.C. § 7702(b)(1). If you have a representative in this case, and your representative receives this decision before you do, then you must file

with the EEOC no later than **30 calendar days** after your representative receives this decision.

If you submit a request for review to the EEOC by regular U.S. mail, the address of the EEOC is:

Office of Federal Operations
Equal Employment Opportunity Commission
P.O. Box 77960
Washington, D.C. 20013

If you submit a request for review to the EEOC via commercial delivery or by a method requiring a signature, it must be addressed to:

Office of Federal Operations
Equal Employment Opportunity Commission
131 M Street, N.E.
Suite 5SW12G
Washington, D.C. 20507

(3) Judicial review pursuant to the Whistleblower Protection Enhancement Act of 2012. This option applies to you only if you have raised claims of reprisal for whistleblowing disclosures under 5 U.S.C. § 2302(b)(8) or other protected activities listed in 5 U.S.C. § 2302(b)(9)(A)(i), (B), (C), or (D). If so, and your judicial petition for review “raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D),” then you may file a petition for judicial review either with the U.S. Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.⁴ The court of appeals must receive your petition for

⁴ The original statutory provision that provided for judicial review of certain whistleblower claims by any court of appeals of competent jurisdiction expired on December 27, 2017. The All Circuit Review Act, signed into law by the President on July 7, 2018, permanently allows appellants to file petitions for judicial review of MSPB decisions in certain whistleblower reprisal cases with the U.S. Court of Appeals for the Federal Circuit or any other circuit court of appeals of competent jurisdiction.

review within **60 days** of the date of issuance of this decision. 5 U.S.C. § 7703(b)(1)(B).

If you submit a petition for judicial review to the U.S. Court of Appeals for the Federal Circuit, you must submit your petition to the court at the following address:

U.S. Court of Appeals
for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Additional information about the U.S. Court of Appeals for the Federal Circuit is available at the court's website, www.cafc.uscourts.gov. Of particular relevance is the court's "Guide for Pro Se Petitioners and Appellants," which is contained within the court's Rules of Practice, and Forms 5, 6, 10, and 11.

If you are interested in securing pro bono representation for an appeal to the U.S. Court of Appeals for the Federal Circuit, you may visit our website at <http://www.mspb.gov/probono> for information regarding pro bono representation for Merit Systems Protection Board appellants before the Federal Circuit. The Board neither endorses the services provided by any attorney nor warrants that any attorney will accept representation in a given case.

Contact information for the courts of appeals can be found at their respective websites, which can be accessed through the link below:

http://www.uscourts.gov/Court_Locator/CourtWebsites.aspx.

FOR THE BOARD:

/s/ for

Jennifer Everling
Acting Clerk of the Board

Washington, D.C.

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX C

**Original MSPB Administrative Appeal DC-0752-20-0303-I-1 Mr. Washull’s, Mr. Clover's, Gen
O'Reilly's, and MDA's Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital
Evidence In An Adverse Action Motivated By Discrimination Case**



MERIT SYSTEMS PROTECTION BOARD

Appeal Form--Appellant and Agency Information

Please type or print legibly.

HEARING: You may have a right to a hearing before an administrative judge. If you elect not to have a hearing, the administrative judge will make a decision on the basis of the submissions of the parties. Do you want a hearing?

12. Do you want a hearing? Yes No

E-Filing: Registration as an e-filer enables you to file any or all of your pleadings with the Board in electronic form. Registration also means you consent to accept service of all pleadings filed by other registered e-filers and all documents issued by the Board in electronic form. You will receive these as PDF documents at the e-mail address you provided the Board. If registered as an e-filer, you may file any pleading, or portion of a pleading, by non-electronic means. You can withdraw your registration as an e-filer at any time.

13. Do you wish to register as an E-Filer in this appeal?

I elect to E-File I decline to E-File

14. I certify that all of the statements made in this form and all attached forms are true, complete, and correct to the best of my knowledge and belief.

Charles Dereck Adams, Appellant

Date:

Appeal Number: **202000150**

Submission Date: **1/12/2020 4:08:23 PM**

Confirmation Number: **206494**

MSPB Form 185-1, Page 2 (i/13/201;)
5 CFR Parts 1201, 1208, and 1209

e-Appeal Attachment Transmittal

Appeal Number: 202000150
Appellant Name: Charles Dereck Adams
Agency Name: Department of Defense

Please check the box for each document included with this transmittal.

<input checked="" type="checkbox"/>	Name of Attachment	Attachment Processing Status	File Name/Delivery Method
<input checked="" type="checkbox"/>	Drafted Appeal File	Upload with e-Appeal	Updated MSPB Administrative Appeal of Mr. Waschull's, Mr. Clover's, Gen O'Reilly's, and MDA's Unlawful Abuse of Power and Obstruction of Evidence 2.pdf

2 copies must be submitted of all documents submitted in hardcopy.

Send documents to be submitted in paper form to:

Washington DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, Virginia 22202
United States of America

Phone: (703) 756-6250

Fax: (703) 756-7112

**MSPB Administrative Appeal of Mr. Washcull's, Mr. Clover's,
Gen O'Reilly's, and MDA's Unlawful Abuse of Power and
Obstruction of Evidence**

Dear Merit Systems Protection Board (MSPB):

Hey, I just found out from watching the news (CNN Impeachment Hearing) that it is against the law to do what Mr. Washcull, Mr. Clover, Gen. O'Reilly, and MDA did. If you use The Judiciary Committee Special Oversight Counsel Barry Berke's definition of Abuse of Power which says "Use Power of office to obtain an improper personal benefit that injures the national interest," then Mr. Washcull, Mr. Clover, Gen. O'Reilly, and even MDA and their Chain of Command abused the power of their offices when they wrongfully terminated a critical need (Cybersecurity Subject Matter Expert or SME) career civil service employee and military veteran. The personal benefit was to get rid of an employee they didn't like because of the OCONUS Telecom Link and the Mandatory Hostile Work Environment Training for MDA's Senior Staff embarrassments and discrimination. The injury to national security was in costing the US Government a valuable highly decorated critical need military veteran! Consequently, **I would like to appeal their unlawful and unethical Abuse of Power and Obstruction of Evidence.**

Let me put it another way. I am filing an MSPB Appeal because I just found out that my bosses broke the law when they abused their power/offices by using/abusing the power of their offices to obtain improper personal benefits that injured the national interest by wrongfully terminating a critical need (their Deputy Director for Special Access Programs and Security Cybersecurity SME) career civil service employee and military veteran. And by doing so, they broke the law and violated OPM rules and should be held accountable by MSPB!

Remedy: Give me the Cybersecurity Job and Civil Service Career back (that was wrongfully taken from me). Reinstatement (and unspecified compensatory and non-compensatory, consequential and non-consequential, and other damages caused by their Abuse of Power and Obstruction of Evidence, discrimination, retaliation and cover-up, to include the lost wages/income and earning capacity, back pay, future income if not reinstated, mental anguish, pain and suffering for my entire family, alienation of affection/loss of consortium, etc.)! And I still have my CISSP which makes reinstatement credible (and it will save the Government \$3M in future earnings if we avoid going to US Tort Court).

Filing Requirements:

1. **Agency Action I Am Appealing:** MDA's unlawful and unethical Abuse of Power and Obstruction of Evidence (and DoD's decision to look the other way and allow it to happen).
2. **Effective Date:** Dec 25, 2019

Thank you for your time and consideration (and help).

Respectfully,



Charles Adams
12994 Park Crescent Circle, Herndon, VA 20171
703-708-9077
melindaEadams@verizon.net
Attachments:

1. Abuse of Power

- a. Charles Adams' DD214
- b. CISSP Certification
- c. Exceptional Civilian Service Award from DISA
- d. Why I Think I'm A Victim of Management Abuse of Power
- e. Abuse of Power and Conflict Of Interests List
- f. Mr. Washull's and MDA's Most Blatant Abuses Of Power Clearly Shows Their Ulterior Motives
- g. MDA's Attempts To Disguise Their Abuse of Power, Obstruction of Evidence and Discrimination Via Various Pretexts
- h. List of Rules Mr. Washull and SAPCO Bent Or Broke
- i. List of People to Contact for Information Regarding Management Abuse of Power
- j. Things That Don't Make Sense (Unless You Take Abuse of Power Into Consideration)
- k. The Unclassified Scoop On The OCONUS Telecom Link And Going Behind The Pentagon's Back (An example of Mr. Washull's Abuse of Power)
- l. Similarities Between MDA And LAPD
- m. How DOS Gets Rid Of People
- n. MDA Has A Pattern (Not An Isolated Incident) Of Abuse Of Power, Obstruction Of Evidence and Disparate Treatment And Hostile Work Environment; And It Is Documented On The Unclassified H: Drive (Evidence MDA Is Withholding)

2. Obstruction of Evidence

- a. May 12, 2010 EEOC Decision Reversing MDA's Decision To Exclude or Limit Evidence
- b. Collaborating Evidence for Obstruction, Discrimination and Retaliation
- c. Why You Need A Complete Uncensored Bit-By-Bit Copy Of The Unclassified H:Drive
- d. Why You Need To Subpoena the 7 Missing Pieces of Evidence Not Currently In the Record
- e. MDA Form 16 Copy of H: Harddrive Request for Charles Adams
- f. Employment, EEO, and Clearance Application, Denial and Revocation Data/Statistics Broken Down By Race and Age Request List

- g. Why I'm Planning To Sue The Government Via The Federal Tort Claims Act If My Administrative Appeals Fail and Torts Court State, Federal and Constitutional Law Violations and Standard Operating Procedures, Rules and Regulations and Policies and Procedures Violations Notes
- h. Motion Requesting A Subpoena For EEO Records Of Doug Clover and Mr. Michael Waschull and General Patrick O'Reilly
- i. Motion Requesting A Subpoena For MDA's Organizational EEO Records, including the ones from WHS when they were maintaining MDA's EEO Records
- j. Motion to Request the Entire Harddrive and Not Just the Parts MDA Wants to Provide
- k. Motion to Subpoena All Emails To And From charles.adams@mda.mil (my unclassified harddrive)
- l. Motion to Subpoena The Missing Pieces Of Evidence
- m. Motion to Subpoena FBI Files Regarding FBI Investigation Into MDA's Espionage Allegations And Whether MDA Was Involved (Recommended-Colluded In) Destroying Files In 2010
- n. Motion to Subpoena MDA's Copy Of The FBI Espionage Investigation
- o. Motion to Subpoena My History Of Drug Tests At The Pentagon



U.S. MERIT SYSTEMS PROTECTION BOARD

Washington Regional Office
1901 South Bell Street, Suite 950
Arlington, VA 22202

Phone: (703) 756-6250; Fax: (703) 756-7112

December 30, 2019

Charles D. Adams
12994 Park Crescent Circle
Herndon, VA 20171

Dear Mr. Adams:

We have received your Department of Defense appeal filed on December 24, 2019. We are returning it to you because it does not meet our filing requirements, for the following reason(s):

- You did not clearly indicate what agency action you are attempting to appeal and the effective date.

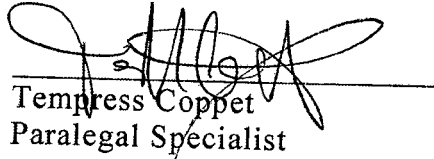
If the rejected document was served on the Board electronically, it has been deleted from the MSPB Repository and will not be made a part of the appeal record in this matter.

You must refile your appeal, with the above noted deficiencies corrected, within 10 calendar days (25 days for overseas locations) after the date you receive this notice. If you refile it by mail, the date of refiling is the postmark date. If you refile it by personal delivery, the date of refiling is the date it is received in the regional office. If you refile it by facsimile (fax), the date of refiling is the date of the fax. If you refile it by commercial delivery, the date of refiling is the date the document was delivered to the commercial delivery service. If you refile it using the Board's internet filing procedure (e-Appeal), the date of filing is the date of the electronic submission. If you do not refile your appeal, no further action will be taken in this matter. If you refile it late, the appeal will be dismissed unless you show good cause for the late refiling. Please note that the parties to Board appeals, including appellants, whether represented or not, are expected to comply in a timely manner with all orders issued by Board administrative judges, and that if they do not, they are subject to sanctions,

Page - 2 -

including dismissal of their appeal. *See Mendoza v. Merit Systems Protection Board*, 966 F.2d 650, 653 (Fed. Cir. 1992) (en banc).

Sincerely,



Tempress Coppet
Paralegal Specialist

Enclosure

12/26/2019

Mail - WASHINGTON REGIONAL OFFICE - Outlook

Appeal Filed in Adams, Charles Dereck - Initial Appeal

e-appeal@mspb.gov <e-appeal@mspb.gov>

Tue 12/24/2019 10:37 PM

To: WASHINGTON REGIONAL OFFICE <WASHINGTONREGIONALOFFICE@mspb.gov>

A new appeal has been submitted in the case Adams, Charles Dereck - Initial Appeal.
Information on the submitted appeal follows.

Case Title: Adams, Charles Dereck - Initial Appeal
Appeal Title: Agency Personnel Action or Decision
Appeal Number: 201906013
Appellant Name: Charles Dereck Adams
Agency Name: Department of Defense
DMS ID : 1686809

Please click on the link below to View/Download the initial appeal.

[http://hqvp-app1/viewsecuredocs/viewsecuredocs.aspx?
docnumber=1686809&version=1692738&application=ACROBAT](http://hqvp-app1/viewsecuredocs/viewsecuredocs.aspx?docnumber=1686809&version=1692738&application=ACROBAT)



MERIT SYSTEMS PROTECTION BOARD

Appeal Form--Appellant and Agency Information

OMB No. 3124-0009

Please type or print legibly.

1. Name (last, first, middle initial)

Adams, Charles, D.

2. Present Address (number and street, city, state, and zip code)

Address: 12994 Park Crescent Cr.

City, State, Zip Code: Herndon, Virginia, 20171, United States of America

3. Telephone numbers (include area code) and E-Mail Address

You must notify the Board in writing of any change in your telephone number(s) or e-mail address while your appeal is pending.

Home: (703) 708-9077

Work:

Fax:

Cell:

E-mail Address: melindaeadams@verizon.net

Other Phone Type:

4. Do you wish to designate an individual or organization to represent you in this proceeding before the Board? (You may designate a representative at any time. However, the processing of your appeal will not normally be delayed because of any difficulty you may have in obtaining a representative.)

Yes

No

5. Name, address, and telephone number of the agency that took the action or made the decisions you are appealing (include bureau or division, street address, city, State and Zip code)

Agency Name: Department of Defense
Bureau: MISSILE DEFENSE AGENCY
Address: 7100 Defense Pentagon

City, State, Zip code: Washington, District of Columbia, 20301, United States of America

Agency Phone:

6. Your Federal employment status at the time of the decision or action you are appealing:

Temporary Permanent Applicant
 Term Retired Seasonal
 None

7. Type of appointment (if applicable):

Competitive SES Excepted
 Postal Service Other

8. Your occupational series, position title, grade, and duty station at the time of the decision or action you are appealing (if applicable):

Occupational Series GS-0334-15 Step 4 Position Title: Supervisory IT Specialist
or Cluster: Duty Station:
Grade or Pay Band: 15

9. Are you entitled to veteran's preference? See 5 U.S.C. 2108.

Yes No

10. Length of Government Service (if applicable):

33 Years 0 Months

11. Were you serving a probationary, trial, or initial service period at the time of the action or decision you are appealing?

Yes No



MERIT SYSTEMS PROTECTION BOARD

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12. Do you want a hearing? Yes No

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13. Do you wish to register as an E-Filer in this appeal?

I elect to E-File I decline to E-File

14. I certify that all of the statements made in this form and all attached forms are true, complete, and correct to the best of my knowledge and belief.

Charles Dereck Adams, Appellant

Date:

Appeal Number: 201906013

MSPB Form 185-1, Page 2 (i/13/201:)

Submission Date: 12/24/2019 10:35:12 PM 5 CFR Parts 1201, 1208, and 1209

e-Appeal Attachment Transmittal

Appeal Number: 201906013
Appellant Name: Charles Dereck Adams
Agency Name: Department of Defense

Please check the box for each document included with this transmittal.

<input type="checkbox"/>	Name of Attachment	Attachment Processing Status	File Name/Delivery Method
<input checked="" type="checkbox"/>	Drafted Appeal File	Upload with e-Appeal	MSPB Appeal of Mr. Waschull's Mr. Clover's Gen O'Reilly's and MDA's Unlawful Abuse of Power and Obstruction of Evidence 1 of 6.pdf

2 copies must be submitted of all documents submitted in hardcopy.
Send documents to be submitted in paper form to:
Washington DC Regional Office
1901 S. Bell Street, Suite 950
Arlington, Virginia 22202
United States of America

Phone: (703) 756-6250
Fax: (703) 756-7112

**Dec 19, 2019 MSPB Appeal of Mr. Washcull's, Mr. Clover's, Gen O'Reilly's, and
MDA's Unlawful Abuse of Power and Obstruction of Evidence**

Dear Merit Systems Protection Board (MSPB):


I just found out from watching the news (CNN Impeachment Hearing) that it is against the law to do what Mr. Washcull, Mr. Clover, Gen. O'Reilly, and MDA did. If you use The Judiciary Committee Special Oversight Counsel Barry Berke's definition of Abuse of Power which says "Use Power of office to obtain an improper personal benefit that injures the national interest," then Mr. Washcull, Mr. Clover, Gen. O'Reilly, and even MDA and their Chain of Command abused the power of their offices when they wrongfully terminated a critical need (Cybersecurity Subject Matter Expert or SME) career civil service employee and military veteran. The personal benefit was to get rid of an employee they didn't like because of the OCONUS Telecom Link and the Mandatory-Hostile Work Environment Training for MDA's Senior-Staff embarrassments and discrimination. The injury to national security was in costing the US Government a valuable highly decorated critical need military veteran! Consequently, **I would like to appeal their unlawful and unethical Abuse of Power and Obstruction of Evidence.**

Bottom Line: I am filing an MSPB Appeal because I just found out that my bosses broke the law when they abused their power/offices by using/abusing the power of their offices to obtain improper personal benefits that injured the national interest by wrongfully terminating a critical need (their Deputy Director for Special Access Programs and Security Cybersecurity SME) career civil service employee and military veteran. And by doing so, they broke the law and violated OPM rules and should be held accountable by MSPB!

Remedy: Cybersecurity Job and Civil Service Career Back. Reinstatement (and unspecified compensatory and non-compensatory, consequential and non-consequential, and other damages caused by their Abuse of Power and Obstruction of Evidence, discrimination, retaliation and cover-up, to include the lost wages/income and earning capacity, back pay, future income if not reinstated, mental anguish, pain and suffering for my entire family, alienation of affection/loss of consortium, etc.)! And I still have my CISSP which makes reinstatement credible (and it will save the Government \$3M in future earnings if we avoid going to US Tort Court).

Thank you for your time and consideration (and help).

Respectfully,



Charles Adams
12994 Park Crescent Circle, Herndon, VA 20171
703-708-9077
melindaEadams@verizon.net

Attachments:

1. Abuse of Power

- a. Charles Adams' DD214
- b. CISSP Certification
- c. Exceptional Civilian Service Award from DISA
- d. Why I Think I'm A Victim of Management Abuse of Power
- e. Abuse of Power and Conflict Of Interests List
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- m. How DOS Gets Rid Of People
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2. Obstruction of Evidence

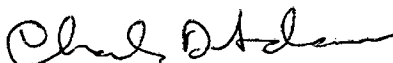
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- g. Why I'm Planning To Sue The Government Via The Federal Tort Claims Act If My Administrative Appeals Fail and Torts Court State, Federal and Constitutional Law Violations and Standard Operating Procedures, Rules and Regulations and Policies and Procedures Violations Notes
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Thank you,



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MERIT SYSTEMS PROTECTION BOARD

Appeal Form--Appellant and Agency Information

OMB No. 3124-0009

Please type or print legibly.

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Adams, Charles, D.

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City, State, Zip Code: Herndon, Virginia, 20171, United States of America

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MERIT SYSTEMS PROTECTION BOARD

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Date:

Appeal Number: 201906013

Submission Date: 12/24/2019 10:35:12 PM

MSPB Form 185-1, Page 2 (1/13/2011)

5 CFR Parts 1201, 1208, and 1209

e-Appeal Attachment Transmittal

Appeal Number: 201906013
Appellant Name: Charles Dereck Adams
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 Washington DC Regional Office
 1901 S. Bell Street, Suite 950
 Arlington, Virginia 22202
 United States of America

 Phone: (703) 756-6250
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**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX D

**Things That Don’t Make Sense Unless You Take Mr. Washull’s, Mr. Clover's, Gen O'Reilly's,
and MDA's Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital Evidence and
MDA’s Employer Discrimination Into Consideration!**

**Things That Don't Make Sense Unless You Take
MDA's Discrimination Into Consideration!**

1. Why didn't DIA Recues themselves from the clearance investigation and revocation process in order to avoid the appearance of impropriety and Conflict of Interest and Lack of Impartiality (due to collusion) since Mr. Michael Washcull worked for DIA immediately before MDA?
2. Why didn't DIA turn the clearance adjudication over to more impartial and less interest conflicted organizations like the Air Force (AFOSI) or the Army (G2) or the Navy (ONI) or the Marine Corps (MCI)?
3. How could Mr. Wschull get all of my clearances revoked for charging my cell phone in my office in his SCIF instead of denial of SCIF access for a minor security incident where no damage destruction or disclosure of classified info occurred without collusion with DIA (Mr. Washcull's immediate former employer)?
4. How could Mr. Washcull use clearances and the clearance system to wrongfully terminate a permanent competitive 33 year civil servant in a critical shortage position (cybersecurity) without collusion with DIA (Mr. Washcull's immediate former employer)?
5. How could Mr. Washcull get away with bigoted behavior with no accountability without collusion with DIA (Mr. Washcull's immediate former employer)?
6. How could they throw me out of the SCIF without resolving their concerns at the lowest level and with the least amount of resources (a stalwart DoD principle) without collusion with DIA (Mr. Washcull's immediate former employer)?
7. How could they get away with pulling me back from the Pentagon Comptroller Job after they formally outprocessed me and after I had started working my new job without collusion with DIA (Mr. Washcull's immediate former employer)?
8. How could they take such extreme measures (revoking all clearances) for a 1st offense (security violation) where no damage was done (the punishment doesn't fit the "crime") without collusion with DIA (Mr. Washcull's immediate former employer)?
9. How can they get rid of a dedicated highly decorated and qualified civil servant because of a single cell phone-charging incident that was a first offense and didn't result in any damage without collusion with DIA (Mr. Washcull's immediate former employer)?
10. Three supposedly "random" drug tests in one year (12 months)? That doesn't make sense without collusion with DIA (Mr. Washcull's immediate former employer)!

11. Why didn't anyone (DIA, MSPB, OSC) take into account MDA's discriminatory motives when it was their turn to adjudicate my case?
12. Why didn't they reinstate me after they determined I wasn't a spy and that no damage was done?
13. Why does MDA's Counterintelligence folks have more weight than the FBI (who found nothing worth pursuing in their investigation)?
14. Why didn't they give me my unclassified profile of emails between me and management if they didn't have anything to hide?
15. How can they persecute me for bending rules when they bend more rules and more significant rules (they didn't classify or wipe the nano, they ignored the DIAP's direction to perform site audits, ST&Es, before issuing ATOs, etc.)?
16. Why didn't they use the cell phone-charging incident as a teachable moment (retrain me) instead of persecuting me?
17. Why did they let my benefits lapse rather than letting me retire?
18. Why did they withhold my 30 year pin and certificate for 12 months (How come it took them over a year to arrange an awards ceremony for me)?
19. Why were they looking the other way when they clearly overreacted and hypocritically bent more rules and more significant rules than I did?
20. Why hide the Unclassified Profile or H: Drive and Witnesses if the evidence they have to provide helps you? MDA's Behavior only makes sense if the evidence they have to provide hurt them! [It doesn't make sense, unless you consider it was because I personally documented discrimination, retaliation and disparate treatment on the H:drive, and it clearly shows how management (the discriminators) ignored my requests for my 30 year pin for over 12 months! Which is one of the reasons they abruptly sent me home without access to my harddrive and never provided a true copy to anyone!]
21. Why did they seek Employment Termination by cancelling ALL clearances and not just the SCI for a "minor security incident" (their own words), especially since they didn't do that with other white similarly situated employees? [it doesn't make sense unless you consider it was because they wanted to bring in their own team to turn a minor security incident into a major security incident so they could revoke all clearances which is the only way to get rid of me - revoking only the SCI would have resulted in me being transferred to another job in MDA or DoD]
22. Whenever there is a pattern of things that don't make sense, there is always something wrong. In this case, it is with the behavior and explanations used to conceal the

discrimination that occurred and the collusion with DIA to revoke clearances needed to wrongfully terminate a permanent competitive 33 year civil servant in a critical shortage position (cybersecurity)!

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX E

Adverse Actions Chart

**Adverse Actions Chart – a mountain of evidence that proves Mr. Waschull’s, Mr. Clover's, Gen
O'Reilly's, and MDA's Unlawful Abuse of Power and Obstruction of Justice by Hiding Vital
Evidence and MDA's Employer Discrimination!**

ADVERSE ACTIONS CHART

(Which in and of itself proves Discrimination, even though EEOC, MSPB and CAFC continually dismisses the cases)

1. Indefinite Suspension Without Pay

Instead of putting me on leave with pay while they investigated the incident which is traditionally done in such instances, MDA discriminatorily suspended me without pay so I could not use my income to fight their discrimination. So I appealed this Adverse Action.

2. Denial of VERA Retirement

Racially motivated and retaliatory denial of my VERA Retirement Request, while simultaneously granting it for another white female employee in my same office. So I appealed this Adverse Action.

3. MDA's Denial of DoD Civilian Retiree ID Card and MDA EEO's Failure to Investigate My 2 Year Old DOD Civilian Retiree ID Card Discrimination Complaint in a Timely Manner

Not only did they Deny my DoD Civilian Retiree ID Card, but they took 2 years to do so! Furthermore, I only worked for one organization my entire 33 year career, the DoD, and they still denied my DoD Civilian Retiree ID Card. It was clearly a Pretense for Discrimination. So I appealed this Adverse Action.

4. MDA's Unlawful and Wrongful Termination

I wasn't terminated for being a national security threat. It was a pretense for Employer Discrimination. They accused me of espionage and being a spy, and when the FBI cleared me of any wrongdoing, they used their own employees to perform a bogus investigation with a predetermined outcome, and colluded with DIA to revoke ALL my clearances (not just SCIF access which is typical) so they could terminate me for not being able to do a classified job. So I appealed this Adverse Action.

5. Violation of Prohibited Personnel Practices (Pulled Me Back From Merit Selected Position)

MDA pulled me back from my competitively attained Pentagon Comptroller job, AFTER they had formally outprocessed me, and AFTER I had already started working at my new position. It was clearly a Prohibited Personnel Practice and one that is unique in the history of both MDA and DoD! So I appealed this Adverse Action.

6. Violation of My Due Process Rights and Violation of My Presumption of Innocence under the US Constitution

In their rush to discriminate and get rid of me, MDA violated Due Process. They performed an investigation with their own people with marching orders to only find evidence that would help revoke clearances, which is a predetermined outcome. And also violates the Presumption of Innocence under the US Constitution. They also denied my requests for oral hearing throughout the process. So I appealed this Adverse Action.

7. MDA's Lowering My Appraisal and Giving Me a 1 Rating Without the Corresponding PIPs

MDA broke with tradition and violated Regulations when they lowered My Appraisal 2 Levels (from Superior to Unacceptable) without giving me the Corresponding PIPs. So I appealed this Adverse Action.

8. MDA's Lowering My Salary and Reducing My Pay

They wrongfully lowered my Salary and Reduced my Pay after pulling me back from my OSD Comptroller job at the Pentagon. I was awarded a 2 step increase when I began working my new job, and MDA did not maintain that level. When they pulled me back, they reduced my salary by 2 steps, back to the level before my new job salary increase. So I appealed this Adverse Action.

9. MDA's Obstruction of Justice by Withholding Vital Evidence, Including EEO Records in a Discrimination Case

They withheld vital evidence that would have changed the outcome of my case! **Mr. Adams' Pentagon Drug Tests** (that were supposed to be Random but weren't) and who requested them (whether MDA tried to cover-up their discrimination by trying to create a drug motive). **Mr. Adams' FBI Investigation** (the one MDA ignored because they didn't like the results that cleared me before proceeding with their own in-house investigation with the predetermined outcome they wanted). **Mr. Adams' Unclassified Personal Harddrive or H: Drive** containing 6 years and 6 months of daily emails and weekly documentation regarding MDA, Unlawful Termination, Prohibited Personnel Actions, and other Disparate Treatment, Disparate Impact, Discrimination and Retaliation I was subjected to while working at MDA. **The EEO Records Of The 3 Discriminators** (Michael Waschull, Douglas Clover and LtG Patrick O'Reilly) and **The EEO Records Of The MDA Organization** (including the EEO records from the WHS who processed MDA EEO complaints during the time I worked at MDA before MDA brought their EEO process in-house to better control and conceal their EEO complaints). **There has never been a discrimination case where the EEO records were never even examined!** So I appealed this Adverse Action.

10. Mr. Waschull's, Mr. Clover's, LtG O'Reilly's, and MDA's Unlawful Failure to Provide EEO Records In A Discrimination Case

MDA withheld all EEO records and convinced the WHS to withhold their MDA EEO records as well. **There has never been a discrimination case where the EEO records were never even examined!** So I appealed this Adverse Action.

11. Mr. Waschull's, Mr. Clover's, Gen O'Reilly's, and MDA's Unlawfully Tampered with Evidence when they Censored the CD Copy of My Unclassified H: Harddrive they were Ordered to Provide me and The Court by Two Different Administrative Judges

MDA, probably at the behest of one or more of the Discriminators, censored the CD Copy of My Unclassified H: Harddrive when they were Ordered to Provide it to me and the Court by two different Administrative Judges, before they gave it to me and the Court. They removed all evidence of Discrimination and Desperate Treatment and Retaliation. All the email communications between me and my management were gone. And so was all of my word documents documenting the Discrimination and Desperate Treatment and Retaliation. So I appealed this Adverse Action.

12. DIA's Admin Judge's Failure to Postpone Clearance Hearing Long Enough for Me to get a Lawyer, And DIA's Admin Judge's Failure to Consider My Legitimate Discrimination, Desperate Treatment and Retaliation Concerns in the Clearance Revocation Hearing

Request for a postponement to get a lawyer was denied. And none of my Legitimate Discrimination, Desperate Treatment and Retaliation Concerns were entered into the Record. So I appealed this Adverse Action.

13. OPM's and MDA's \$909 delayed retirement deduction from my Retirement Annuity Decision in the MDA Discrimination Case

I did not voluntarily leave Civil Service early nor before retirement, as the delayed retirement regulations require for a delayed retirement deduction. My break in service was due to wrongful termination based on discrimination, which did not meet the requirements for a permanent delayed retirement deduction from my retirement annuity. And I said so, but no one would listen. There is a high probability that MDA's Discrimination adversely affected the outcome of this decision. So I appealed this Adverse Action.

14. OPM's and MDA's Decision To Do (Process) An OPM Retirement Instead of A DoD DEERS Retirement in the MDA Discrimination Case

I was wrongfully given an OPM retirement, instead of a DoD DEERS retirement, even though I spent my entire 33 year career working for the DoD (my one and only

employer): And I said so, but no one would listen. There is a high probability that MDA's Discrimination adversely affected the outcome of this decision. So I appealed this Adverse Action.

15. Mr. Waschull's, Mr. Clover's, Gen O'Reilly's, and MDA's Unlawful Abuse of Power and Obstruction of Justice by Hiding Evidence In A Discrimination Case

It's a flagrant and unlawful Abuse of Power to use your position to Hide or Withhold Vital Evidence in any Adverse Action case, and especially EEO records in a Discrimination Case. And it's Obstruction of Justice as well. So I appealed this Adverse Action.

16. MDA and MDA Chain of Command Aided And Abetted Discrimination

By looking the other way and doing nothing when Discrimination is brought to your attention, is Aiding and Abetting the Discrimination! So I appealed this Adverse Action.

17. MDA For Being Accomplices After the Fact In My Supervisor's Abuse Of Power and Discrimination Against Me by Withholding Vital Evidence and Continuing To Do So To This Day

It's a flagrant and unlawful Abuse of Power to use your position to Hide or Withhold Vital Evidence in any Adverse Action case, and especially EEO records in a Discrimination Case. And we still have not received the EEO records of the perpetrators or the EEO records of the MDA organization to this day! So I appealed this Adverse Action.

18. Removing the Last Discriminatory 2 Appraisal Rating from My Records Because They were Motivated by and Based on Discrimination

I was a Superior employee, one of the best and brightest DoD had. And I had 3 consecutive Superior 4 ratings to prove it. Then Mr. Waschull and MDA gave me a 2 Minimally Successful and a 1 Unacceptable rating, both based on Discrimination! So I appealed this Adverse Action.

19. DIA and MDA Wrongfully Revoked My Clearances When Other People Had Cellphones In The SCIF And They're Clearances Weren't Revoked (only the Black Guy's clearances were), which is Unlawful Discrimination

DIA and MDA Wrongfully Revoked All of my Clearances, and did not revoke the clearances of Other People that Had Cellphones in the SCIF. It was discriminatory and All clearances were revoked (instead of SCIF access typical for such a situation) because the discriminators didn't want me to use my superior skill and experience to transfer to another job or organization. It clearly was Unlawful Discrimination! So I appealed this Adverse Action.

20. DIA and MDA Discriminatorily Revoked All My Clearances When Only SCIF Access Was Involved which resulted in me not being able to transfer to another DoD job, which is Unlawful Discrimination

I appealed this Adverse Action because DIA and MDA Discriminatorily Revoked All of my Clearances when only SCIF Access was involved which resulted in me not being able to transfer to another DoD job (which is exactly what my bigoted 2nd Level Supervisor and MDA wanted them to do), which is Unlawful Discrimination. SOP is to do the lowest level action that resolves the problem and not maximize punishment when minimal punishment resolves the problem.

21. Collusion Between MDA, Mr. Waschull, and His Former Buddies at His Former Employer DIA

I appealed this Adverse Action because the **Collusion** Between Mr. Waschull and His Former Employer DIA (DIA got rid of him for discriminatory behavior, yet supported his discriminatory behavior in his subsequent organization) resulted in my Wrongful Termination Based on Race and Age Discrimination (which resulted in MDA getting rid of him too)

22. DIA Failed to Recues themselves from the clearance investigation and revocation process giving the appearance of impropriety and collusion

I appealed this Adverse Action because **DIA did not recues themselves** from the clearance investigation and revocation process in order to avoid the appearance of impropriety and collusion like they should have since Mr. Michael Waschull worked for DIA immediately before MDA and had initiated the clearance investigation and revocation process, which was a blatant and obvious conflict of interest. DIA should have turned the clearance adjudication over the Air Force (AFOSI) or the Army (G2) or the Navy (ONI) or the Marine Corps (MCI)!

23. DIA Wrongfully Dismissed and Ignored My Discrimination Complaint

DIA Wrongfully Dismissed and Ignored my Discrimination Complaint and Failed to Consider Discrimination as the Underlying Motive for their Adverse Actions and MDA's Wrongful Termination! So I appealed this Adverse Action.

24. MDA Failed to Direct Mr. Waschull To Recues Himself When He Refused To Do So From The Clearance Investigation And Revocation Process

Mr. Waschull worked for DIA immediately prior to working for MDA so should have recuesed himself to avoid the appearance of **impropriety and collusion**, but he didn't. So MDA should have directed him to recues himself, but they didn't either. It was a blatant and obvious conflict of interest not to recues himself. And MDA failed in their duty to insure a fair investigation and result. So I appealed this Adverse Action.

25. FBI Misconduct For Losing or Destroying Relevant Records and Vital Evidence

MDA called me a spy (and in a public meeting too). And they called in the FBI to investigate the allegations. Well the FBI cleared me of any and all wrongdoing, saying, "that I was just an IT Specialist bending a rule to get the job done." But that sit well with my bigoted 2nd level supervisor, so he brought in his own people to do a 2nd biased investigation, which gave him the results he wanted, so he could convince his buddies at DIA to revoke my clearances (all of my clearances, not just SCIF Access, so he could terminate me for not being able to do my classified job). Well I went to the FBI to get the espionage investigation, and they said they had lost it and couldn't find it. There is a high probability that Mr. Waschull or someone else in MDA's convinced the FBI to get rid of the records of the 1st investigation that cleared me. So I appealed this Adverse Action.

26. The Pentagon and OSD Misconduct For Losing or Destroying Relevant Records and Vital Evidence

MDA called me a spy (and in a public meeting too). And they called in the FBI to investigate the allegations. Well the FBI cleared me of any and all wrongdoing, saying, "that I was just an IT Specialist bending a rule to get the job done." I went to the FBI to get the espionage investigation, and they said they had lost it and couldn't find it. There is a high probability that Mr. Waschull or someone else in MDA's convinced the FBI to get rid of the records of the 1st investigation that cleared me. So I appealed this Adverse Action.

27. MDA Misconduct For Losing or Destroying Relevant Records and Vital Evidence

MDA Loss or Destroyed vital evidence that would have changed the outcome of my case! This includes: **Mr. Adams' Pentagon Drug Tests** (that were supposed to be Random but weren't) and who requested them (whether MDA tried to cover-up their discrimination by trying to create a drug motive); **Mr. Adams' FBI Investigation** (the one MDA ignored because they didn't like the results that cleared me before proceeding with their own in-house investigation with the predetermined outcome they wanted); **Mr. Adams' Unclassified Personal Harddrive or H: Drive** containing 6 years and 6 months of daily emails and weekly documentation regarding MDA, Unlawful Termination, Prohibited Personnel Actions, and other Disparate Treatment, Disparate Impact, Discrimination and Retaliation I was subjected to while working at MDA; and **The EEO Records Of The 3 Discriminators** (Michael Waschull, Douglas Clover and LtG Patrick O'Reilly) and **The EEO Records Of The MDA Organization** (including the EEO records from the WHS who processed MDA EEO complaints during the time I worked at MDA before MDA brought their EEO process in-house to better control and conceal their EEO complaints). So I appealed this Adverse Action.

28. OSD Comptroller Misconduct for Not Intervening and Protecting Their Employee From Discrimination

I was an employee of the Office of the Secretary of Defense (OSD) Comptroller when MDA pulled me back to further persecute me and discriminate against me. OSD

Comptroller should not have let them do that. They failed to Intervene and Protect their own employee from Discrimination and Retaliation, even after I told them MDA Wanted to pull me back to Further Discriminate Against me! So I appealed this Adverse Action.

29. MDA Misconduct for Making me Unemployable

I have applied for dozens of jobs every month since I was wrongfully terminated for the last 12 years (that's 1800 jobs) and have yet to get a full time job with benefits! MDA's Discrimination has made me unemployable. I had a full time job with benefits that I was great at but because of their discrimination and wrongful termination **my age** has become a factor in preventing me from getting gainfully employed. The fact that I was **wrongfully (discriminatorily) terminated (fired)** from my last job has become a factor in preventing me from getting gainfully employed. The fact that I no longer **no work references** because of their discrimination has become a factor in preventing me from becoming gainfully employed. The fact that I have **no clearances** is a huge factor in preventing me from getting a full time job with benefits. The fact that their discrimination **ruined my credit** has also become a factor in preventing me from getting a full time job with benefits. I actually was provisionally hired for 3 different full time jobs with benefits but when they checked my credit all 3 of them rescinded their job offers. Let me put it another way. I went from a highly decorated critical need GS-15 step 4 Cybersecurity Manager with active SES Interviews to unemployable because of MDA's Discrimination! And I haven't had a full time job/paycheck for over 13 years (4,953 days). Mr. Washcul and MDA ruined my reputation, ruined my credit, and fired me at an advanced age, making me unemployable! So I appealed this Adverse Action.

30. The 2009 MDA Chain of Command for Misconduct for Not Intervening and Protecting Their Employee From Discrimination

I was carefully following the new Washington Commander's lawsuit which says, "Material misstatement that an organization (think MDA) makes to other organizations (in this case DIA) that impacts employees ..." and "Intentional Misrepresentations and deception they made that adversely impacted people and employees ..." Well I was an employee of the Missile Defense Agency (MDA) when they allowed Mr. Washcul to Discriminate against me and Wrongfully Terminate me. I went up my Chain of Command and told them about it. And not only did they practice bad leadership by burying their heads in the sand, they Failed in their most solemn management responsibility to Intervene and Protect their employee from Discrimination, even after I told them about it! It is very sad to see that people and organizations ignore discrimination (or sexual harassment in the case of the Washington Commanders) or believe that it is OK to discriminate against black employees (or harass women in the case of the Washington Commanders)! Accountability for discrimination victims is every bit as important as it is for mass shooting victims. And accountability is critical to prevent any future Employer Discrimination! So I appealed this Adverse Action.

31. MDA Misconduct For Requesting 2 Supposedly Random Pentagon Drug Tests Within 3 Months Instead of the Typical 2 Years

Like all DoD employees, I was susceptible to random drug tests every 2 years. Mr. Washcull or someone else in MDA decided that all black people did drugs so they began using the Pentagon Random Drug Test program to harass and hopefully get rid of me. That's not only Discrimination any way you look at it, it's also Desperate Treatment, Harassment and creating a Hostile Work Environment. I remember them sending me to 4 supposedly random Pentagon Drug Tests and I found 2 receipts that show 2 test 3 months apart instead of the typical 2 years. I have never taken drugs and for MDA to assume that I did because I am Black is Racism! And acting on that bigoted belief by manipulating the Random Pentagon Drug Testing program is Unlawful Discrimination! It also occurred to me that they wanted to use the Random Pentagon Drug Testing program DC-3443-23-0563-I-1 MSPB Administrative Appeal Against MDA For Misconduct For Requesting 2 Supposedly Random Pentagon Drug Tests to Cover Up their other Discriminatory Behavior! So I appealed this Adverse Action.

32. DOJ Misconduct for Failing to Apply Equal Justice to All (Investigating Mr. Trump and not MDA for the Same Offenses)

The Department of Justice (DOJ) went after Mr. Trump for Conspiracy, Collusion, and Making False Statements! Well I told them MDA did the exact same things to me and others on at least 3 occasions (in Dec 2012 and Oct 2015 and Jul 2017), and asked them to investigate. But they did not! That's not a level playing field. That's disparate treatment! That's not applying Justice equally! DOJ even said on TV, "We have one set of laws in this country and they apply to everyone!" But apparently they don't! If they did it to Mr. Trump, then they should have done it to MDA too! So I appealed this Adverse Action.

33. MSPB Administrative Appeal Against The DoD Office of the Secretary Of Defense (DoD OSD) and The DoD Inspector General (DoD IG) For Misconduct For Allowing MDA's Employer Discrimination To Go Unchecked And Unaccountable!

MDA has a Racial Discrimination Problem! And the bigots and racists and white supremacists at MDA are hidden from view! Making it easy for MDA to ignore and conceal their Discrimination problem (and making it easy for DoD IG and DoD OSD to look the other way). And their discriminatory actions are just the tip of the iceberg of the damage they have already caused and are causing daily at MDA! And DoD IG and DoD OSD are allowing MDA's Discrimination to go Unchecked and Unaccountable. And they have watched while DA has chased away at least 4 other top Black IT Experts that I know of, Mr. Marquill Epps, Mr. Landis Harris, Mr. Antione Manson who went to NIMA (now NGA0, and Mr. Wayne Jones who went to the Energy Department (and that doesn't include me, a Cybersecurity SME with a CISSP)! So I appealed this Adverse Action.

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX F

**Pain and Suffering Caused by MDA’s Discrimination Document
Real injuries and damages to more than one person**

Pain and Suffering Caused by MDA's Discrimination for US Tort Court and the Chain Of Command Lawsuits

I shudder at the thought of putting the pain and suffering MDA's Discrimination has caused each member of my family into words. I cringe at the thought that I might but do it Justice. And I worry that a better writer than I is needed to describe it completely. But here goes! Hope it's not for nothing. Writing these things traumatizes me (reminds me of the really bad days we went through).

Life was much harder for my family. Not because they are black but because Mr. Waschull and MDA discriminated against their father and husband and cost me my job and my lifetime savings and OUR HEALTH INSURANCE!

Let me say first that the impact of going from \$120,000 a year to \$0.00 and with no health care, Affects more than just college grades! And that the invisible bigots, closet racists and covert white supremists knew what they were doing when they discriminated against me!

And that I tried to get a lawyer but couldn't. No one wanted to take my case, not when I was going up the COC, not during DIA clearance revocation process, not after they discriminatorily fired me, not during the lengthy administrative EEO and MSPB appeal processes, and not during the 12 years I fought them to get my job back!

And remember I only had 1 more year before I could retire on my own but instead of leaving me alone, Mr. Waschull and MDA decided to persecute and prosecute me and use the fact that I couldn't retire yet as a stick to try and coerce me to drop my discrimination appeals!

Charles II (my autistic son)

With no health insurance we were forced to put our autistic son in a group home after taking care of him ourselves for 25 years. That's on MDA and their discrimination! And bad things happened to him while he was in the group home, **things that would not have happened if he was still at home. And that's on MDA and their discrimination too!** He was unhappy! They would overmedicate him so he was easier to take care of. **And he died from falling out of a transportation van while under their care! And we had to cremate Charles because we didn't have the money to bury him. And that's on MDA and their discrimination too!** So much for the summary, now for the excruciatingly agonizing details!

The greatest adverse impact of MDA's Discrimination was on my autistic son Charles. It in fact killed him! Yes Charles would be alive today if it wasn't for Mr. Waschull's and MDA's Discrimination! Their discrimination forced us to put Charles in a group home! We had a wonderful family and a wonderful life until Mr. Waschull's, Mr. Clover's, LTG O'Reilly's and MDA's Discrimination destroyed it. There was me, my wife Melinda, my 3 sons, Charles, John and James, and our purebred golden retriever named Billy. We had an idyllic life. We had love, we had enough money, and we had cars and owned a house. We took really cool vacations every year. We were living the American dream. And Charles, who was nonverbal and Autistic, was

doing very well living with his family until Mr. Waschull's and MDA's Discrimination cost us our healthcare and forced us to put Charles in a group home! About twice a month Charles' autistic nature short-circuited and he would physically assault one or more of us. He couldn't help it. And his psychologist regularly adjusted his medications to prevent the attacks from being more frequent. But Charles was an Angel the rest of the time and we were blessed to have him. **And when Charles did attack us we had our health insurance to repair any damage done, mostly cuts and bruises and sprained joints and muscles and tendons and headaches, until MDA's Discrimination took away our Health Care!** We needed and relied on and frequently used our health care and took our FEHB benefit for granted! As a matter of fact, one of us went to a health care provider 48 times a year (as documented in our tax returns), half of that a direct result of our little Angel assaulting us. So when Mr. Waschull's and MDA's Discrimination cost us our healthcare, and forced us to put Charles in a group home, Charles' idyllic life quickly turned into a nightmare (as did the lives of the rest of us)! **We could no longer comfort Charles or be comforted by Charles on a daily basis, which we agonizingly felt each and every day! We could no longer watch out for Charles or protect him from harm! We could no longer see him smile as we took him for walks or to the movie or for a drive (his favorite thing to do). MDA and Mr. Waschull essentially split up our family just as effectively as the white southerners did to our ancestors during slavery!** Our family was broken and it was Mr. Waschull's and MDA's fault!

Our son Charles was nonverbal autistic and a lot of decisions we made as a family were based on or were made to help Charles. **We decided to move to Fairfax County because of Charles' Autism and because of their great history with Special Ed and Special Needs, even if we had to live in the poorest area in Fairfax County, Herndon.** So rather than getting a single family house in Loudoun or Prince William county, we got a town house in Herndon in Fairfax County. And MDA's Discrimination short-circuited that. Discriminatorily firing me instead of letting me transfer to serve out my remaining years (**yes Mr. Waschull and MDA and DIA let him revoke all of my clearances instead of just SCIF access so I couldn't transfer to another job in MDA or DoD and used it as justification to fire me!**) and retire with Charles at home in Fairfax county still using Fairfax county facilities and benefits. **Mr. Waschull and MDA and DIA Discrimination forced us to put Charles in a group home in Prince William County (so he wouldn't hurt us when we had no health care)** because of Fairfax County's long waiting list. Had they not discriminated against us and let us retire We would have had time to wait out the Fairfax county waitlist and secure a much better group home in Fairfax county with much better support services which is why we move to and lived in Fairfax county in the first place (so like I said Mr. Waschull's and MDA's Discrimination short-circuited that). We were forced to pull Charles out of the MVLE (daily daywork facility where Charles earned \$2.00/hr stuffing boxes and had modern transportation with door safety locks and always an aide in the vehicle) to put him in CCI Horizons daycare facility in Loudoun County 13.2 miles further away where he earned \$0.00 and was put on an old transportation vehicle without door safety locks and without a daily aide. Charles would be alive today if MDA's Discrimination hadn't forced us to put Charles in CCI's group home and its lesser quality lesser safe daycare center!

But it wasn't just the unsafe transportation that killed Charles. It was about all the substandard (read less than Fairfax County) Special Daycare Facility and Special Needs Program and group home actions that Charles had to suffer through or do without because of Mr. Waschull's and

MDA's Discrimination (and their forcing us to put Charles in a group home in the first place and a substandard (lesser than Fairfax County) group home and special needs daycare! Mr. Waschull's and MDA's Discrimination Forced us to take Charles out of his world class Fairfax county daycare facility which he loved and was lived and put him in a Loudoun county daycare facility where he was no longer cherished by the staff or paid \$2.00 an hour stuffing boxes or transported to work with an aide in the van which would have prevented him from falling out of the van on that horrible Tuesday! **All because of Mr. Waschull's and MDA's Discrimination we could no longer take care of Charles at home, and he was taken out of world class world renowned Fairfax county special needs programs and facilities (lost his psychologist that he had been with 10 years, lost his day care where he was loved and cherished and his day care job where he was paid and felt a sense of accomplishment and worth, lost his secure and safe transportation where he had an aide and up to date vehicles - Prince William group home used old vans without rear childcare locks and no aides in the van to save money - both of which directly caused Charles death!)**

Every day he was in the group home he had to endure lesser special needs care than he would have gotten at Fairfax county group home. He eloped often and was lucky nothing happened to him sooner than the negligent Van accident. They over medicated him to make it easier to handle him. And there wasn't a thing we could do. Fairfax County had a waiting list. And we had no job or health care to help him. We couldn't bring him back home because of Mr. Waschull's and MDA's Discrimination! We took great care of Charles because we loved him and weren't being paid to take care of him for over 25 years. Mr. Waschull's and MDA's Discrimination forced us to turn his care over to strangers (mercenaries) and ones that weren't nearly as good as Fairfax county.

Having said that let's go step by step through all the pain and suffering Mr. Waschull's and MDA's Discrimination put Charles through!

Charles was happy and healthy and safe and living at home when Mr. Waschull and MDA and others (MDA COC, DIA, etc.) decided to discriminatorily terminate his dad's job and health insurance!

By the way, we told MDA about Charles' special needs and the hardship it would cause him and us if they didn't let us retire with our healthcare intact (just 12 months away), but they did not listen!

After Charles graduated from FCPS Fairfax County put him in a marvelous day program at Mt Vernon-Lee Enterprises or MVLE on 3855 Centerview Drive Suite 100, Chantilly, VA 20151 ("individuals with disabilities face an unemployment rate over 80%. Are you ready to change that statistic? Join MVLE as we Work with Purpose to employ and support individuals living with disabilities!") Where he was happy and healthy and safe and had a job earning \$2.00 an hour stuffing boxes. He went 5 days a week and was transported the same way he was at FCPS in a bus with a harness and aide beside him (no way he could have fell out of a moving vehicle and died like he did at Prince William group home while going to their daycare!). we would even pop in and take Charles to lunch at KFC (he loved KFC) once a week because MVLE was only 5 miles 10 minutes away from our home (and a much shorter commute to day

care for Charles than the Prince William group home and day center which were 21 miles and 1 hour commute twice a day)!

So our beloved son Charles ended up in a CCI group home called Richmond house because of Mr. Washull's and MDA's Discrimination! It had an immediate adverse impact on Charles. He was used to us taking care of him, taking him for walks, and drives with his buddy Billy our golden, on a daily basis. With him 21 miles and 1 hour commute away they were limited to once a week on weekends when traffic was light. The first thing we noticed is that none of the other parents would visit their special needs children. There were 5 other young adults, all male, staying at the Richmond house and they appeared to be abandoned there. It was nothing like Fairfax County special needs program! The staff did what they could but their resources were greatly limited compared to Fairfax County's program. The waiting list was over 12 months so we also did the best we could. But with no money for gas (thanks to MDA's discrimination and discrimination-based termination, we had no money nor any health care), Charles would elope because he wasn't use to strangers fulfilling his needs. We would get a call from the sheriff on a regular basis telling us he eloped and reports were written and they would find him in other people's cars and in the middle of the street and it scared us to death. When we went to visit on Saturdays and Sundays he seemed unhappy. We would take him to the local parks which cheered him up for a couple of hours but the next weekend when we showed up he was unhappy again. We brought him new toys and his old movies to watch on TV but apparently they weren't showing him them when we were not there. After a while we noticed they were overmedicating him because he was groggy when we showed up. We would complain but we couldn't really do anything about it because of our vastly reduced circumstances and resources. And when we brought him home he didn't want to leave and would fight to stay there. So we had to stop bringing him home. It was a sad situation and we were all depressed about it, especially Charles.

And when they found him a daycare in Loudoun County (as opposed to the day work center he had in Fairfax County) things weren't much better. He would just sit there isolated all day because he had no regular job to do. We would take him to KFC for lunch and to the giant turtle park once a week and would drive in the other direction to his group home in Manassas on the weekends. But it wasn't like being at home or being in Fairfax County's day work center. As weeks dragged on by we could see he was more depressed than he used to be. **We felt sorry for him because we couldn't help as much as we use to when we had our civil service job. We were supposed to have guaranteed job security but we learned that didn't apply in the case of discrimination.** Like their blatant discrimination they found a way around that rule and the law too! **So Charles suffered and suffered. And we had no idea that things could get worst. But they did!**

One day we got a call from Reston hospital telling us that Charles had been in a bad accident on his way to his daycare center, and was at the emergency room. My wife and I rushed over to Reston Hospital ER to find him sedated. They said he was acting up and wouldn't listen to them. So they sedated him which you aren't supposed to do to brain-injured patients. Had they called us right away (they waited an hour), we could have calmed him down and Communicated with him and explained to him what had happened and what he needed to do in terms he would understand. The most terrifying thing about it all was the nuerostorms, and the violent shaking, everyone could tell he was in extreme pain and there was nothing we could do

about it except pray. We visited him every day for 100 days straight and I would read to him from the Bible. We brought him his cuddliest stuffed animals and a battery radio with soft soothing music to comfort him.

After 100 days and they got him off of the ventilator they sent him to the Moss Rehab rehabilitation hospital in Pennsylvania (which was our doing). I went to the US News and World Reports magazine like I often did when looking for the best colleges for our children and in this case the best rehabilitation hospitals in the country. Moss Rehab was the highest rated one within driving distance (it was #7)! So we drove 3 hours one way to visit him for 3-1/2 days a week every Tuesday evening after work, Wednesday Thursday and Friday. Because MDA's Discrimination nearly bankrupted us and deprived us of healthcare, the hospital not only gave us a hospital room to stay for 3 nights a week (Tuesday Wednesday and Thursday night) but ended up footing most of the \$800,000 bill (likewise Reston Hospital footed their \$400,000 bill). And you cannot imagine how stressful it was convincing the hospitals to do that for our son Charles and to have a \$1,200,000 medical bill hanging over our heads like a guillotine. And that was in addition to the \$600,000 college PLUS loans we had incurred sending our 2 other sons to out of state colleges!

Well Charles ended up catching a staph infection and blood poisoning during his rehabilitation and died. And don't forget it's all because of Mr. Waschull's and MDA's Discrimination! Had they not discriminated against me, Charles would still be at home and none of this would ever have happened! **We couldn't even bury him (no money) so he was cremated instead. And we still owe the funeral bills to this day. It's not an exaggeration when we say Mr. Waschull and MDA and DIA destroyed our lives! And permanently and irreparably traumatized every member of my family!**

I don't know how Charles felt about all the things that were happening to him because of Mr. Waschull and MDA's Discrimination. All I know is that he was scared and didn't understand why it was happening. And I'm afraid he might have thought we didn't love him anymore, which wasn't the case at all. Mr. Waschull's and MDA's untimely Discrimination forced our hand! And I'll never forgive them for that and the enormous adverse impact it had on our son Charles! He suffered probably more than any of us. Because he was autistic and couldn't take care of himself and couldn't understand what was happening and wasn't good at dealing with change. And it's crystal clear that No amount of damages will make up for the pain and suffering Charles had to endure because of Mr. Waschull's and MDA's Discrimination!

John

With no job or retirement savings, John couldn't take the pilot courses he went to Embry-Riddle Aeronautical University to take in order to be a Commercial Airline Pilot. As a result MDA and their discrimination cost him his dream. In addition to that he had to work after classes and his grades suffered. And he lost his truck to save the house and had to walk everywhere or beg friends for rides. And like his older brother Charles, John was in a traffic accident, not fatal but near fatal and unbelievably traumatizing, to the point where he still suffers from PTSD.

So much for the summary, now for the excruciatingly agonizing details!

Let me say first that the impact of going from \$120,000 a year to \$0.00 and with no health care, Affects more than just college grades!

My son John got into several colleges but **he really wanted to be a commercial pilot so he accepted Embry Riddle Aeronautical University (ERAU). But unfortunately for him and all of us, Mr. Washull's and MDA's Discrimination interfered with his education, and my ability to pay for it.** Before Mr. Washull's and MDA's Discrimination we were saving \$35,000 a year (more than enough to pay for John's flying courses and his rent, health care, food, textbooks, tuition, and other college expenses. Because of Mr. Washull's and MDA's Discrimination, not only did I lose my job and exhaust our savings (TSP and IRA) right when John began College. But we also had to get school PLUS loans to pay for John's college expenses which didn't cover pilot flying classes (eventually my wife and I incurred \$600,000 in school loan debt to pay for 4 years of ERAU and 5 years of Penn State College for our boys - both at the much higher out of state tuition rates). The immediate effect of my losing my job and savings was that John had to bring back his truck that we got for him as a HS graduation present (for college transportation) back home and he had to sell it to Carmax for \$10,000 to pay for our living expenses (and the costs of fighting MDA, postage, paper, copying, etc. and supporting a family of 5 in the DMV). We also had to sell the gold coins his grandfather gave him as a HS graduation present for \$3,000. So with no transportation or money, John's College experience turned into a nightmare, **all because of Mr. Washull's and MDA's Discrimination!** He had to get a part time job and his college grades suffered. He had to beg his friends for rides everywhere. He had to take a dorm resident job to help pay for his lodging. And part time jobs on top of that to pay for other expenses. Needless to say there was no money to pay for the commercial pilot courses he went to ERAU to get! So he had to give up his dream of being a commercial pilot, **again all because of Mr. Washull's and MDA's Discrimination!** His college experience was really bad. He couldn't afford to come home holidays or summer. Often he couldn't go out with friends because even though they would provide transportation, he had no money to pay his way. **He had no new clothes for all 4 years! No money for girlfriends or dates. He constantly told us he was miserable and there wasn't anything we could do about it.** I tried but could not get another job. And MDA refused to give us unemployment (I went to court and without a lawyer lost the \$40,000 benefits we should have gotten). We had no way to help our son in college. He was all on his own. **It was agonizing to witness and took an emotional psychological and physical toll on all 5 of us!** And when John scraped up enough money to get a used motorcycle from one of his friends so he could take a better part time job, a distracted driver ran him off the road and nearly killed him. On top of that He couldn't even pay the medical bills (we had no health insurance for 7 years because of Mr. Washull's and MDA's Discrimination which cost us our health care)! And on top of that, we couldn't even afford to go down there to see him when he was in the ER (we had lost our family car - had to sell to CarMax just like John's truck to make ends meet and continue fighting Mr. Washull's and MDA's Discrimination, so had no car to drive to John and no money to fly to John). **Mr. Washull's and MDA's Discrimination put us in quite a fix to be sure!** After 4 years of suffering alone at ERAU (remember he couldn't afford to come home) John got his diploma out of sheer determination but he had a low GPA, massive school loans himself, and no commercial pilot's license to get the pilot job he dreamed of to pay back his loans and take care of himself.

And the nightmare did not end upon graduation! Because of his low GPA and massive school loans and the financial hardship the rest of the family was under and no health care to boot, he had to take a job as a salesman for a Nissan car dealership! **And since no one had a car, he had to take the bus to get to and from work and walk 2 blocks, sometimes in the rain and snow,** because that was as close as the bus got to his job. John worked at Nissan and at Koons Toyota until the national transportation safety board (NTSA) called him. But it was graveyard shift work. So he spent the next 2 years working all night and sleeping during the day and not developing relationships outside of work, all because Mr. Washull and MDA discriminated against his father and directly cost him his commercial pilot career. He would have been living his dream as a commercial pilot if it wasn't for Mr. Washull and MDA discriminating against his father. Well he had no friends, had nightmares of not being a commercial pilot, had to live at home and never had any money because he had to help his unemployed dad buy food and pay utilities. For 2 years he suffered and a year before that as a car salesman at Nissan and Toyota. Since he couldn't meet people the normal way he was forced to use a computer dating site. Finally after 3 years things began to look up when he got a job at Leidos as an account representative. He was finally able to leave home and move in with his girlfriend he met on a dating site and live a reasonably good life. **Nowhere near the life he would have had had Mr. Washull and MDA not discriminated against his father.** He didn't get his dream job because of them. His grades suffered because of them. He had no health insurance because of them. He had significant school debt because of them. They were directly the cause for him living at home and working as a car salesman. And what Mr. Washull and MDA did traumatized him so much, he still has nightmares to this day. **Make no mistake Mr. Washull's and MDA's Discrimination has broad deleterious effects that adversely affected more than just his Dad. It affected his Dad's children, especially John.** And I cannot overemphasize the importance of having enough money to focus on your studies to get good grades and enjoy your college experience and the enormous adverse impact not having enough money has on college grades and getting future jobs, which is what **Mr. Washull's and MDA's Discrimination did by forcing us from middle class to poverty right when our sons were just starting college!** Or the constant excruciating headaches John could not get medical care for, which he (and his brothers) still have today, and the nightmares! And the other long term consequences of Mr. Washull's and MDA's Discrimination!

And John now has PTSD that he didn't use to have (every member of the family does), thanks to Mr. Washull's and MDA's Discrimination, that occasionally bubbles to the surface and causes mayhem. He shattered every bone in his leg because of it (and the lifelong enduring pain that comes with it and reminds him of it). He got in a truck accident because of it. He nearly got in a fight with his father because of it. He will forever be a turbulent spirit having lost his pilot dream, having lost his truck, having lost his first love, almost having lost his leg, and most importantly, having lost his tranquil and trusting spirit. **All because of Mr. Washull's and MDA's Discrimination!** But To his credit he now controls his PTSD and keeps it from bubbling to the surface by running marathons. And he'll have to do that probably the rest of his life because of Mr. Washull's and MDA's Discrimination!

And I cannot overemphasize the impact Mr. Waschull's and MDA's Discrimination had in John's psyche. He now finds it difficult to trust anyone and no longer believes life is fair or people are rewarded for their hard work. Or that the federal government is just and fair or a desirable place to work (both he and his brother said they will never work for the Federal Government). And from firsthand experience he has an outsized belief in the importance of money (and is obsessed with making it, like both his brother and mother, and because of MDA's discrimination they all have become obsessed with money and making it). Because of Mr. Waschull's and MDA's Discrimination, all their victims, including every member of my family, sees Money as a safety net for racism bigotry and discrimination! And has a sour somewhat embittered taste of black people living America. The same hopeless and embittered beliefs that our enslaved forebears had, all because of the employer discrimination perpetrated by Mr. Waschull, MDA and their collaborators in the federal government. And no matter what I do now, I can't persuade him into following in his father's and grandfather's footsteps and going into the military or serving his country working for the federal government (DIA offered him a job and he turned them down because of what happened to his father)! Or the impact that going 7 years without health care had on John physically, mentally, emotionally and psychologically! And Finally because of Mr. Waschull's and MDA's discrimination, John was forced to spend over \$60,000 of his hard-earned money chipping in and helping taking care of the family in the early post termination years (and his brother James 2 years younger spent over \$20,000)!

Billy (our Golden Retriever)

The first time Billy got sick my son John used his \$3,300 savings to fix him. The next time Billy got sick no one had any money to fix him so he just suffered and died! And it was all because of MDA's Discrimination. Like Charles, they didn't shoot him but they're discrimination and job lost put into place the devastating circumstances that cost Billy his life (or more accurately removed vital resources that could have prevented much suffering and saved Billy's life)! We couldn't afford pet vet insurance and we had no money for vet bills. Billy lost his hair because of MDA's discrimination. Everyone noticed and commented on the ugly bald spots and I'm sure it adversely impacted Billy's mental state too. And we couldn't get his tick meds every month meaning each of us often got ticks, and poor Melinda got the Lyme disease ones. Lucky for her we were able to get the antibiotics to cure it (One MDA bullet that missed us, among many many others that did not miss us)! I say again **Mr. Waschull and MDA knew what they were doing. They were experts at discriminating against black employees. They knew how to maximize the pain and suffering and they knew how to get away with it and cover it up!**

James

Melinda

Melinda had to go to NIH for her cancer because she didn't have health care.

And Me

I am plagued with feelings of guilt for not being able to avoid the discrimination and for what it has done to my family!

To be continued ...

“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”



APPENDIX G

Before and After the Discrimination
What Their Discrimination Cost Me and My Family

Before and After the Discrimination
What Their Discrimination Cost Me and My Family

You just can't make this stuff up. **Before I was discriminated against**, I was living the American Dream. I was in perfect health having just completed my 5th marathon. I had a six figure job and was saving \$35,363.28 a year with 12 more years to save. I had a nice house in the suburbs. I had two late model cars. I had over \$450,000 in my TSP G fund earning 6% which would double in 12 more years. I had a \$543,718.03 net worth. I took one or two vacations every year (usually to Colonial Williamsburg and Busch Gardens Europe, Walt Disney World, or Universal Studios and Sea World). I had 4 straight years of Superior 4 appraisal ratings. I had 7 SES job interviews and an excellent chance of getting an SES in the remaining 12 years of my career. I had Federal BCBS Health Insurance and \$700,000 life insurance which I could take into retirement. I had saved up 280 hours of leave, 40 of which was use or lose. And I had good credit, credit good enough to finance a \$35,000 car and get a \$700,000 mortgage.

After the discrimination, I am living the American Nightmare. I am no longer in perfect health. I have high blood pressure and high cholesterol and have gained weight due to the stress caused by MDA. I am unemployed and have been for 2 years and can't find a good job because MDA caused my clearances to be revoked and saving \$0 a year or \$35,363 less a year than I did before the discrimination. I am bankrupt having spent my entire life savings that it took 32 years to acquire thanks to MDA. My net worth took a major hit and is down to \$197,267.08, a loss of \$346,450.95. I can no longer afford to take family vacations and haven't taken any for 2 years. I received a 2 and a 1 and a Not Rated appraisal ratings, quite different than the 4 straight years of Superior 4 appraisal ratings because of what MDA did. I have no more SES interviews no job offers for the last 3 years, and the last 2 job interviews were for GS-7 Secretary and GS-7 IT Specialist. I lost my TS-SCI clearance, my job security working for the government, my career in the government. MDA has made it impossible for me to get a comparable position. Of the hundreds of jobs I have applied for over the last 18 months I have only received 6 interviews and the first 6 didn't hire me because I didn't have a clearance and couldn't get a clearance for 7 more months and the last two didn't hire me because they said I was overqualified. My credit dropped to low 300s and I can't even get the time of day. I have had no health insurance for last 6 months, and had to No health care and had to postpone Charles' tooth surgery, wife's dental work, and prescription glasses. And because MDA disapproved my use-or-lose leave request forcing us to cancel her 6 mo checkup which fell within the use-or-lose leave request (and accompanying health benefits).

And add to that the fact that I suffered through excruciating kidney stones with no pain medication, my wife missed her 6 month cancer screening and 6 month breast mammogram, my son missed his annual physical and suffered needlessly with a sinus infection because of no

antibiotics, my other son is suffering with painful wisdom teeth that need to be extracted, my other son missed his fractured leg checkup, and we have had to pay full price for all of our prescriptions since MDA caused us to lose our health care. And because I had no health care my autistic son Charles lost the use of his arms (Because Charles had no health insurance, it took 9 hours to admit him, and because he was in handcuffs the entire 9 hours, he now has nerve damage to both his arms). On top of that, Lynn's dental filling fell out 5 months ago and we have no money or health insurance to replace it so she suffers and uses self help in the form of peroxide splashes. I had a severe case of Gout and with no money or health insurance I had to suffer excruciating throbbing pain in big toe that kept me up at night for several days and used self help in the form of Internet advice such as using Motrin to reduce inflammation. We also owe \$4,190 for Lynn's knee rehabilitation, \$610 for John's ingrown toenail, \$1,144 for Charles' stay at Inova Hospital, \$1,250 to LabCorp, \$517 to BioScript and \$513 to Reston Hospital, all of which was not covered by insurance.

I haven't had life insurance for last 6 months (which I can't get back because of autism and cancer pre-existing conditions and bad credit, no job, high blood pressure and cholesterol because of MDA's actions). I have incurred major tax increases. I haven't been able to buy clothes in last 2 years. We only had 3 presents under the Christmas tree this year (shirts for the boys and a wooden puzzle for Charles). I had to get auto title loans costing thousands of dollars. I have incurred credit card late fees because of what MDA did. I have incurred 2 years copying, faxing, scanning, mailing fees because of the discrimination. My stress levels have increased. I have loss my DAWIA Level III IT Certification because I couldn't get a job and do my continuing learning requirements and probably will cost me my CISSP for the same reason. I had to sell my son's \$3500 gold coin set his grandfather gave him before he died. The discrimination at MDA cost me a lot, and in intangibles too. They cost me my chance to become an SES like 4 of my coworkers at DISA. My self-confidence and professional reputation has taken a major hit, and so has the way my family and friends use to look up to me for inspiration!

And let's not forget the disgrace and shame I had to endure because of MDFA's discrimination. And all the intentional destruction of all of my coworker relationships! And the ruination of my career and future job prospects. And let's not forget the loss of my clearance and job, both based on discriminatory decisions. And on top of that the IRS is threatening me, not for income or money I made, but for taxes on premature withdrawals thanks to MDA. And then there is Alienation of Affection. MDA's actions has created a giant and hopefully not permanent rift between me and my wife. What lawyers call loss of consortium which is the inability of one's spouse to have normal marital relations. Also there is a long list of symptoms (costs) I have endured because of the insensitive and immoral treatment at the hands of MDA, including insomnia, difficulty concentrating, disassociation, bouts of overwhelming depressions and sadness, unexpected crying spells when alone, social isolation, damage to my professional reputation, withdrawal from relationships, short-term memory loss, nightmares (never had

nightmares before), panic, worsening abdominal pain, worsening hypertension, dramatic weight-loss and weight-gain, and various ailments brought on by stress (in my case kidney stones, obesity, migraines, gout, etc.).

And on top of that, MDA has left me mentally scarred for life unable to trust people anymore. They left me disillusioned with DoD, my congressmen, the white house, my government, and the administrative appeal processes of OPM, MSPB, VEC, EEOC, the courts, etc.. **And last but not least (and arguably most important of all), MDA took away my dream to make a difference in people's lives through public service.** There was a reason I went to work for the government (instead of using my electrical engineering degree in the more lucrative private industry) and spent my entire career as a civil servant. I tried to reason with them by telling them I was a Subject Matter Expert (SME) and knew what I was doing. And I reminded them that there was no damage done and that it was a first offense. But they were determined to use it to get rid of me and deny me my dream. The sky was the limit, with my clean record and numerous accolades and awards and certifications and outstanding skills abilities experience and education. **I had planned ahead ... and I was ready for everything ... except racism!**

MDA should be ashamed of themselves for forcing my family to endure such stress and for circumventing justice just to avoid admitting they made a mistake (looked the other way while one of their senior managers abused his power and discriminated against one of his employees). The racial discrimination by Mr. Washull and MDA has had disastrous consequences on my life and that of my family and extended family. And there's no question that the discrimination by MDA and one of its managers has cost me a lot, almost everything. Furthermore, there were no legitimate reasons for the Harassment, Disparate Treatment, Disparate Impact, and adverse actions, other than the fact that I am black and they are all white. And MDA's reasons for doing all the horrible things they did to me and my family were not the legitimate reasons they said they were. They were just a pretext to cover their discrimination. And the biggest statistic/fact of all is the fact that out of 33 SESs during the 5 years or 60 months I worked for MDA they did have a single black SES (a prima facie case for institutionalized racism).

Postscript: **One of the biggest damages (costs) resulting from MDA's discrimination is the Alienation of Affection it has caused in my marriage.** Number of days sleeping alone = 712! Number of times been intimate in last 862 days = 4! (or once every 216 days!) Last day of intimacy = 782 days ago! And longest period of non-intimacy in 29 year marriage (more than 18 times as long as any other period)! And Still Counting! And for the first time ever, we weren't together on My Birthday or Her Birthday or Our 28th Anniversary or our 3 son's birthdays! And we weren't together on Thanksgiving or Christmas or New Years Day or Memorial Day or Easter or Independence Day or Labor Day or Columbus Day or Veteran's Day!

Another is the loss of health care when I have 2 uninsurable family members (cancer and Autism)! My family and I have had no health insurance for 1,402 days or 200 weeks! And we haven't been to the doctor in over 3 years and 307 days because of MDA's Discrimination! And we had to put our Autistic son Charles in a group home because of MDA. And no full-time paycheck for 1,924 days or 275 weeks! And no life insurance for 1,304 days or 187 weeks.

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX H

The True Impact of Discrimination (MDA’s Discrimination Costs and Damages)

THE TRUE IMPACT OF DISCRIMINATION
(MDA's Discrimination Costs and Damages)

Hostile Work Environment	= Beloved CIO job lost = animosity of senior mgmt	
Disparate Treatment	= 1 yr delay of 30yr pin = No Government cell phone = No job-related college = No VERA Award	= charging dead cell phone in office = Ph.D. stalled = \$25K VSIP Lost = No DoD Retiree ID Card = \$835/mo reduced Annuity = \$40,901 reduced & full annuity difference to Date = \$69,866 from Termination to Retirement Date = \$123,292 from Denial to Retirement Date
Retaliation	= OSD Comptroller Pullback	
Appraisals	= 2 bad ratings after 4 superior 4 ratings	
Clearances	= TS-SCI Poly Lost	= \$150K job offer rescinded
Leave without Pay	= \$4,525 DFAS Bill	
Termination	= Health Care Lost	= missed prescription drugs = 5 yrs missed physicals = prolonged illness suffering = no meds for kidney stones & gout = no meds for flu & bronchitis = no meds for migraines = no meds for vertigo = no meds for stomach virus = no meds for acid reflux = no meds for enlarged prostate

- = \$700K Life Ins Lost
- = \$66K IRA Lost

- = \$455K TSP Lost

- = \$1.4M Net Worth Lost
- = 280 Accrued A/L Lost
- = ? Accrued S/L Lost
- = Beloved CS Career Lost
- = No Income (\$120K job lost)

- = no meds for Hi BP & Cholesterol
- = no meds for tooth aches
- = 5 yrs no cancer screenings
- = no meds for missing thyroid
- = no meds for menopause
- = no meds for hot flashes
- = no fractured leg follow-up appointments
- = no dental filling replacements
- = massive medical bills (\$77.8K+)
- = diabetes
- = insomnia
- = worsening abdominal pain
- = worsening hypertension
- = nerve damage
- = wearing 5 yr old glasses

- = Early withdrawal penalties
- = \$66K loss stock market opportunity
- = Early withdrawal penalties
- = \$455K loss C fund opportunity

- = Massive College Loans
- = No Pilot Money
- = PT jobs & Bad Grades
- = collections destroyed
- = missed annual vacations
- = \$35,363.28/yr savings lost
- = \$230K+ retirement savings lost
- = Family Car (Sequoia) lost
- = Son's Car (Tundra) lost
- = Son's Graduation Gift Lost (\$3500 gold coins)
- = Wife's \$100K life insurance lost

- = \$6,910 Pawn Costs
- = \$4,300 Pay Day Loan Costs
- = ? Title Loan Costs

- = Bad Credit (700 to 380)
- = Bad References
- = 60 yr CS Record Lost
- = No SES
- = \$3M future earnings Lost
- = \$783K back pay lost
- = alienation of affection
- = loss of consortium
- = American Dream lost
- = dream to make a difference in people's lives through public service lost
- = forced to put Autistic son in group home after taking care of him 26yrs

Fighting Discrimination

- = ? supplies cost (copying, scanning, faxing, mailing fees)
- = ? parking fees
- = ? court costs
- = 1000 hours of my life lost

Emotional Scars

- = unable to trust people anymore
- = self confidence damaged
- = professional reputation damaged
- = coworker relationships destroyed
- = difficulty concentrating
- = insomnia & disassociation
- = bouts of depression & sadness
- = social isolation
- = withdrawal from relationships
- = short-term memory loss
- = nightmares & anxiety attacks

To Be Continued ...

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX I

Summary and Statement of Facts for the US Supreme Court

Summary And Statement Of Facts

The suspension and termination by MDA (and denial of my unemployment benefits) was not because of misconduct (it was because of discrimination, retaliation, and a host of other motives and hidden agendas).

A. WHAT THEY ACCUSED ME OF

They accused me of: 1) Charging cell phone in my office in a SCIF; 2) Sneakernetting from low to high; 3) Possessing CDs that weren't virus scanned by librarian; and 4) Spying and killing babies (without any red flags). Why so many accusations? Why blow things out of proportion? Because they needed to convince the Defense Intelligence Agency (DIA) to revoke all of my clearances so they would be home free in getting rid of me by forcing me to retire or terminating me (so long as they followed the proper termination procedures). Furthermore, they needed to terminate all of my clearances so I couldn't be transferred to anywhere else in MDA. But there's more to it than following proper procedures. Did you do the right thing? Did you do it for the right reasons? Were your motives pure? Did the punishment fit the crime? Does revocation of all clearances and termination for a 1st time cellphone charging offense where no damage destruction or disclosure was done make sense? Did you take into account extenuating circumstances? Did they properly take into account the value of the employee to DoD (CyberSecurity skills are a critical need)? Or the accomplishments of the employee? Or the character of the employee? Bottom Line: There was no misconduct, just ulterior motives and a hidden agenda (discrimination).

B. THE FACTS

First off, this is not a case of bad judgment or lack of character when no one was watching, as MDA would have you believe. This is a case of planned risk assessment and mitigation in order to better accomplish the mission (which is why it was an isolated incident that only happened once in 32 years). Second, I have had my SCI for almost my entire 32-year career and have had a perfect security record. And I passed a lifestyle polygraph administered by the CIA where I answered hours of security questions. Third, The DIA Report places me in the worst possible light. It is full half-truths, leaves out critical information and facts, including mitigating factors, and is obviously biased in favor of MDA. They make it seem like I was being sneaky or deceptive and I wasn't. I told the truth when I was asked (I did not lie or try to deceive anyone). I was stranded at 2 metro stations in past 3 weeks with a dead cell phone and no way of contacting home, the most recent being a week ago at East Falls Church Metro for 2 hours because of fallen trees and derailed trains. When I realized my cell was dead I decided to charge it so I wouldn't be stranded again (I explained this to everyone that asked, my Boss Doug and the Counterintelligence folks). There was no one in the lobby and I really needed to get some work done (bent the rules in order to accomplish the mission), so I as a 32 year DoD veteran with the last 20 years as a Computer Security SME [And their senior IA/Risk Mitigation Manager], I decided the I could mitigate the risk to acceptable levels by implementing the following mitigations. The cell phone itself mitigated risk in that it was a 1st

generation cell phone given to new Verizon customers for free and as such didn't have a camera, no WiFi, no memory to speak of - could only save a few phone numbers, couldn't upload or download or manipulate data, no internet, no recording features, no USB port, etc. (basic 1st generation cell phone which is why neither the scanning team or the counterintelligence people confiscated it). Other risk mitigating things I did to mitigate the risk before charging (and was taken into account

when I measured the risk when I decided to charge it) was placing it on the floor 4 feet from the classified terminals (I measured it), turning off the classified terminals, not opening the safe (securing all classified materials), not making any phone calls during the charging and not receiving any guests during the charging and not working on any classified material while charging and working with my door closed. Also remember that the cell phone was off – dead – before I began charging it [also closing the office door and I also did the System Security Plan for the classified system and along with all the security it had, including a compartmented file system (only could read and write to my folder), felt the risk was negligible (and was ultimately proven correct)!]



Figure 1 - cell phone charged in office

The archaic cell phone (given free to customers) had No Camera, No Wireless Interface, No Blue tooth, No Data Transfer Capabilities (no USB Connector), No Internet Capability, No Instant Messaging, No music capability, No email capability, No speakerphone, and wasn't the threat the made it out to be. No wonder the FBI didn't see a threat (nor did the MDA signal analysis team or counterintelligence teams confiscate the phone) – MDA just used it as justification to perform another more extensive investigation, one whose motivation is suspect (orders were to find anything we can use against the individual). Also my mitigations obviously worked because no classified information was damaged, destroyed, or disclosed!



Figure 2 - DISA Gold Disks (certified virus free by DISA Field Security Ops or FSO)

Notice they didn't itemize the disks. They never do, just make the inaccurate and incomplete accusation in order to push their agenda (revoke my clearance to get rid of me). What they're not telling you is that the "hundreds" of unauthorized disks found in my desk were "Gold Disks" (like the picture above) made by DISA and FEDEXed to me over the past 5 years and used to do my job! Gold Disks are CDs that contain STIG (Security Technical Implementation Guide) based configurations of operating systems that identify vulnerabilities in your configuration and tell you

how to correct them (IA/INFOSEC stuff). I would get a FEDEX every month or so containing a dozen updated versions of Win XP Gold Disk, Win XP Domain Controller Gold Disk, Win 2000 Gold Disk, Win 2000 Domain Controller Gold Disk, Win 2000 Member Server Gold Disk, Desktop Gold Disk, Win 2K3 Domain Controller Gold Disk, etc. (there's about 20 different ones and I had several versions of each). Oh, what a tangled web we weave when first we practice to deceive. This is just one of the misleading "facts" MDA is using to support their case. Which is why DIA really needs to question MDA's "facts" as well all their motives in this case. And by the way, DISA Read-Only Gold Disks are government issued work products and are authorized by local policy. **Again, the reason they never itemize the disks every time they make the accusation (it's worth repeating) is because everyone would know that they are a non-issue (not the threat they make them out to be).** They tried their hardest to find something they could use (build a case) against me, and this is all they could find. So they exaggerated the issue and used it as justification for a clearance revocation, administrative suspension and stop pay order. Once you look at the flimsy evidence against me you have to question their motives and reverse or set aside the clearance revocation decision.



Figure 3 - Nano used to jog at gym

The Nano (used to store and play music when jogging) had No Radio, No Camera, No Wireless or Blue Tooth Connection, No Internet Capability, No email capability, No speakers, and wasn't the threat the made it out to be. Also I did the System Security Plan for the classified system and along with all the security it had, including a compartmented file system (only could read and write to my folder), felt the risk was negligible (and was ultimately proven correct)! I am an expert at identifying and mitigating risks. And my job involves doing it every day. For example, I regularly waive password enforcement rules (and other security rules) when legacy systems are involved, to accomplish the mission. First we identify the risk and then we mitigate the risk via policy and procedures and then we accept the residual risk. And almost always we do a good enough job where no damage, destruction or disclosure of classified information occurs. I did the same thing here, identified, mitigated and accepted the negligible residual risk (which is why no damage, destruction or disclosure of classified information occurred). Remember I get paid as a GS-15 to make computer security decisions, especially risk mitigation decisions (I daily assess risk for data and computer systems and networks and recommend additional mitigation procedures to minimize risk or bring it within acceptable levels so we can grant accreditation of the systems and networks).

Furthermore, They intentionally neglect to tell you that I regularly waived security risks everyday as part of my job. **Risks We Regularly Waived (I recommended waivers for) include:** (1) Missing/Didn't Know ISSM/IAM and ISSO/IAO information if mission essential; (2) Non existing user's guides or missing documentation if mission essential; (3) Password Lengths, PW History Requirements, PW Change Requirements, PW Timeout Requirements, Strong PW Enforcement Requirements (typically for legacy systems); (4) Invalid Logon Attempts Lockout Requirements (typically for legacy systems); (5) Antivirus SW if mission essential and legacy OS prevented it; (6)

Privileged users with same admin UserIDs and PWs, which violated accountability regulations, if mission essential and legacy OS prevented it; (7) System Security Features and Assurance Requirements such as DAC requirements for PL2 systems; (8) Missing Confidentiality, Integrity and Availability Levels of Control (LOCs); (9) Certain Missing information and missing attachments if mission essential; (10) Contradicting information, such as text says no group accounts but the group accounts box is checked or equipment list includes Fax or STU and system diagram doesn't, if mission essential (11) Insufficient System Audits, such as success and failure of logons, if mission essential; (12) DAA approval if involved SAP (PAA would approve) - But mgmt would override my recommendations to send nonSAP systems to DAA despite DoD regulations; (13) Never recommended waiving mandatory ST&E Site Audits - But mgmt would waive them despite DIAP written direction; and (14) Generally, if customer fixed most of our security concerns we'd recommend an IATO with remaining concerns listed as follow-up actions.

Mr. Washcull had a choice. The SOP gave him options. He didn't have to chose Maximum punishment but he did. And when he realized I wasn't a spy or that no damage was done, he still insisted on Maximum Punishment. Also, each person in the COC had a choice. They could have done something about it but didn't. They chose to look the other way.

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APPENDIX J

**Why you need to subpoena the 7 missing pieces of evidence not currently in the record
The evidence MDA never provided, even when ordered to by an Administrative Judge**

The Evidence MDA Never Provided - Why You Need To Subpoena the 7 Missing Pieces of Evidence Not Currently In the Record

I don't understand why MDA hasn't cooperated with me in getting to the truth of the disparate treatment, discrimination, and retaliation complaints. By intentionally withholding evidence, namely the EEO records of the discriminators and the harddrive containing evidence of the disparate treatment, discrimination, and retaliation, it makes them look like they have no sympathy for victims of crimes! Ditto for implementing a cover-up regarding these issues!

Nor do I understand why the courts haven't used their subpoena powers to make them release them release/provide the evidence, namely the EEO records of the discriminators and the harddrive containing evidence of the disparate treatment, discrimination, and retaliation, they have in their possession but are intentionally withholding, to get to the truth of truth of the disparate treatment, discrimination, and retaliation complaints.

Release the evidence, namely the EEO records of the discriminators and the harddrive containing evidence of the disparate treatment, discrimination, and retaliation, and let the facts determine their guilt or innocence!

Having said that, pretty much all of the evidence we have now has always been there. I've presented it to the chain of command and practically everybody else I have appealed the case to. But the evidence I haven't been able to get is:

1. **My complete Uncensored Unclassified Profile or H: drive** (containing 6 years and 6 months or 1,690 days of emails and word documents documenting the MDA Disparate Treatment, Disparate Impact, Discrimination, Retaliation and Hostile Work Environment – which is why they refused to provide it to me or the DoD IRD or the EEOC AJ when they requested it)
2. **The FBI Espionage investigation which cleared me of any wrongdoing** (which mysteriously vanished from the FBI records – but MDA still has their copy).
3. **The supposedly Random Pentagon Drug Tests.**
4. **The List of Attendees (and meeting notes) at the Ultimatum Meeting** where the MDA Leadership threatened to revoke my clearances and terminate me if I didn't leave quietly (and dropped my complaints about the disparate treatment, discrimination, retaliation, and hostile work environment I was subjected to).
5. **Testimony from Eye-Witnesses** such as Reggie Hansen, Antione Manson, Capt Devanie Bridges, and others.
6. **The EEO Records concerning the Discriminators and the Key Decision-maker in this case, and the EEO Statistics of the Organization** that looked the other way when the Disparate Treatment, Disparate Impact, Discrimination, Retaliation and Hostile Work Environment was occurring (and when they were intentionally withholding vital relevant evidence in their possession that clearly would have changed the outcome of the hearings and administrative judges' decisions).

Subpoena The Evidence – And Justice Will Take Care Of Itself!

7. The clearance denial and clearance revocation and termination statistics of black employees in the MDA and DoD Clearance Systems.

This evidence will conclusively prove my case/appeal and I need the administrative judge to subpoena this evidence so we can bring this case to a just and final conclusion. And there is no question that is what this evidence will do, which is why MDA has gone over-and-above to prevent this evidence from seeing the light of day or being entered into the record. **You need to subpoena these 6 sets of evidence so they don't get away with it due to a lack of evidence that they themselves created!**

Once again, all of the evidence presented to date has been presented before. What we don't have, and what we need for justice to prevail, is the evidence they refuse to present! They refused to give it to me (who formally requested it). They refused to give it to their own investigators at the DoD IRD (who formally requested it). And they refused to give it to the Administrative Judge at EEOC (who formally requested it). And that evidence is the complete unedited Unclassified profile or H: drive, their EEO statistics from MDA and WHS, particularly those pertaining to the discriminators and the key decision-maker, and the testimony from eye-witnesses (and the records from the FBI Espionage investigation), none of which has ever been recorded into the record! You have to ask yourself why. They have done everything they could (technicalities, dragging their feet, outright noncooperation), whatever it took, to keep these records out sight and out of the record. Again you need to ask yourself why! The answer is clear as the nose on my face. **The missing evidence (the elephant in the room) will show beyond any doubt that there was disparate treatment and disparate impact! That there was retaliation! That there was a cover-up! And that there was undeniable race and age discrimination!**
Subpoena the evidence, and justice will take care of itself!

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APPENDIX K

What’s on the Harddrive
Why we need an uncensored copy of the entire unclassified harddrive

What's On the Unclassified Harddrive?

My unclassified profile or harddrive contained all of the emails and documented incidents of Disparate Treatment, Discrimination, Retaliation, Collusion, and Wrongful Nonrecusals on the unclassified H: Harddrive, containing 6 years and 6 months or 1,690 days of daily emails and weekly documentation regarding Unlawful Termination, Prohibited Personnel Actions, and other Disparate Treatment, Disparate Impact, Discrimination and Retaliation I was subjected to while working at MDA. There are emails and word documents documenting and detailing the people involved and the times and dates of MDA's Disparate Treatment, Disparate Impact, Discrimination, Retaliation and Cover-up on the harddrive. There are emails between management and me validating all of my claims of discrimination, let alone the people involved and the times and dates of the events on the harddrive. There are emails requesting 30 year pin (about 12) and their responses and non-responses on the harddrive. There are emails complaining about disparate treatment and their responses and non-responses on the harddrive. There are emails requesting government cell, STE, and corner office and their responses and non-responses on the harddrive. There are emails to myself documenting discrimination and retaliation or emails complaining about disparate treatment and their responses and non-responses on the harddrive. There are belligerent/discriminatory emails from the discriminator, Mr. Waschull, on the harddrive. There are emails requesting job-related training and grad courses, CISSP fees reimbursement, and their denials on the harddrive. There are references to discrimination at MDA, people that were discriminated against at MDA, references to the EEO records kept by the Washington HQs Services (WHS) that did their managed their EEO program before they took control of it to make themselves look better. Also references to the not-so-random pentagon drug tests on the harddrive including the dates I went which verifies its non-randomness. A description of the intimidation meeting where the 3 letters from HR and DOS, threatened me with clearance revocation and termination if I didn't leave quietly (if I didn't fight the discrimination and abuse of power) is on the harddrive. Also the hostile work environment that caused the director to mandate senior level hostile work environment training agency-wide, as well as the disparate treatment they subjected me to. And their approving VERA to people in my office (and throughout MDA) and not approving it (denying it) to me is also on the harddrive. All evidence and proof that verifies MDA's discrimination and retaliation and why we need a copy of the harddrive MDA is concealing/hiding.

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APPENDIX L

Reasons Why We Need An Independent Investigator And Investigation

Reasons Why We Need An Independent Investigator And Investigation

1. The DoD IRD investigation was **fundamentally flawed** in order to protect MDA's vested interests.
2. MDA only interviewed people working for MDA who have a vested interest in agreeing with MDA in order to avoid retribution.
3. They didn't interview the witnesses who didn't agree with them - they only interviewed people who still work for them and have a vested interest in towing the company line (agreeing with MDA in order to avoid retribution).
4. They didn't interview the witnesses or asked the questions I recommended (I gave them a list of 48 witnesses and a list of 167 questions).
5. They only questioned 1 black person out of 18 on my list and didn't question 94% (45 out of 48) of the people on my list.
6. They didn't bother to interview any of the top 7 witnesses on the prioritized list they ask me to make because of the incriminating things they would have to attest to.
7. They told me they would interview people anonymously to prevent MDA intimidation and retaliation but they didn't do that (Tuesday, December 07, 2010 8:52 AM, From: katherine.ross@cpms.osd.mil).
8. They didn't question Thelma Mason, Doug Clover's black secretary, who was in on everything that happened.
9. They didn't question Wayne Jones or Antione Manson, black senior managers who left MDA under acrimonious circumstances (most likely discrimination and disparate treatment).
10. They didn't even question the DoD Comptroller people and WHS HR people who could explain how MDA was able to pull me back to MDA after MDA had formally released me and I had reported to my new job at the Pentagon, which is almost certainly a prohibited personnel practice violation.
11. They didn't provide the unclassified profile containing the emails between me and my management.
12. They didn't provide the statistics regarding the turnover rates and length of stay for black employees, particularly senior black employees and black technical employees.
13. They didn't provide the statistics regarding how many black appraisal appeals were in that group of 29 they turned down.
14. They didn't provide the statistics regarding the black appraisal appeals for the other years.
15. They didn't provide the statistics regarding the black turnover rates and the techies who left prematurely.
16. They didn't bother to address one of the strangest and most important incidents (MDA somehow pulling me back after I had already formally outprocessed and reported to my new organization at the Pentagon) and whether it was a prohibited personnel practice.
17. When we tried to get to the truth by subpoenaing witnesses and evidence, MDA **hid behind their guards and gates**, just like they did before when they hid behind

procedures and national security (aka Obstruction of Justice)! You don't need dirty trick if you're the good guys.

18. The investigator should have asked herself, not what was in the best interests of DoD, but if what happened to me would have happened if I were white!
19. The answer is no because what happened to me (all clearances revoked for 1st time cellphone charging incident where no damage was done) never happened to a single white employee!
20. Their investigation looks like a **cover-up (cellphone-gate)** where DoD is trying to cover-up MDA's discrimination by hand-selecting witnesses most likely to agree with the MDA position.
21. Clearly the way MDA handled this situation is fundamentally flawed and the way DoD IRD handled the investigation is also fundamentally flawed.
22. And all of the revisionist history and all the following proper procedures for termination and clearance revocation can't overcome the indisputable facts that MDA has no black SES (out of 33) and that no black employee who appealed his or her appraisal when I did was granted justice or reconsideration.
23. Thus we need to get you to do a proper investigation and interview/question the people who really know what happened and can verify that disparate treatment, discrimination, and retaliation actually took place and cut through the **pretexts for discrimination**.
24. And we need you to **subpoena my unclassified profile** or order MDA process the Form 16 request (so we can finally get the emails between my management and myself during the time the discrimination occurred).
25. Mr. Washcull had a choice. The SOP gave him options. He didn't have to chose Maximum punishment but he did. And when he realized I wasn't a spy or that no damage was done, he still insisted on Maximum Punishment.
26. Each person in the COC had a choice. They could have done something about it but didn't. They chose to look the other way.
27. Bottom Line, we need a new fairer unbiased more comprehensive investigation in order for justice to be served. **And given the above, not getting an independent investigator to do an unbiased (non-DoD) investigation is tantamount to you sanctioning discrimination!**

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APPENDIX M

Red Flags of Disparate Treatment, Discrimination and Retaliation

Red Flags of Disparate Treatment, Discrimination and Retaliation

1. **MDA actually admitted to disparate treatment on Tuesday, Nov 12, 2013** when Admin Judge Velasquez asked about VERA, CISSP Dues. and Form 128 Work Related Training and the MDA lawyer admitted to offering VERA to others in the office where I worked, and reimbursing other employees elsewhere in MDA for CISSP Dues and Form 128 Work Related Training! And remember the motives for them refusing to offer me VERA. MDA refused to authorize VERA to force me to drop my MSPB and EEO complaints (which cost me and my family our health care when they knew my wife had cancer and I had an autistic son). **For justice to prevail, we have to have a hearing and proceed with this appeal!**
2. MDA refused to authorize VERA Retirement in an effort to force me to drop my MSPB and EEO complaints, **which cost me and my family our health care when they knew my wife had cancer and I had an autistic son (See email on H: Drive)!**
3. MDA pulled me back from a merit selected position after formally outprocessing me and after I had started working new job! MDA also pulled me back to the hostile work environment full of discrimination and retaliation I escaped from by competing for and earning (being competitively selected for) the DoD Comptroller job! [See the DoD Comptroller Job Offer for Charles Adams and the Outprocessing Documents for Charles Adams Documents in the Record]
4. MDA refused to give me my 30 year service pin and certificate for more than 12 months! [See the 30-year pin emails Document in the Record]
5. MDA refused to authorize my use-or-lose leave request when no mission-essential work was involved to deny me needed resources to fight their discrimination. And they did without sufficient justification and against regulations which say you can only do that in crisis situations.) And their actions also cost my family and I our health care (which we have been without for 1437 days or almost 4 years!), when they knew I had 2 uninsurable family members (autistic son and wife with cancer). [See the Jun 18, 2009 email denying use or lose leave Document in the Record]
6. MDA sent me to **3 supposedly random drug tests** (supposed to be 1 every 2 or 3 years) at the Pentagon **in a 6 to 9 month period** trying to get rid of me for failing a drug test (sent letter to Pentagon requesting the Pentagon to explain it and whether or not MDA requested any of them). [See the OSD Letter requesting they provide me the dates for all of my Pentagon Drug tests and whether MDA requested them Document in the Record]
7. **MDA refused to approve my CISSP fees!** I asked management to approve my CISSP fees on multiple occasions. As a matter of fact I asked them verbally and submitted emails asking them to approve my CIISP fees, with the justification that it was DoD SOP and other employees in MDA CISSP fees were being approved, every year I was there (see Unclassified Profile or H: Drive emails)! **And I formally requested a copy of the Unclassified Profile or H: Drive to prove it, but MDA denied all requests (mine and**

others) for the Unclassified Profile or H: Drive (no doubt to prevent this proof from being entered into the record as evidence). [See the MDA Form 16 Copy of Profile Request and Discovery Request for Unclassified Profile or H: Drive and the Tuesday, Nov 12, 2013 Teleconference Notes with Admin Judge Velasquez, MDA Lawyer and Appellant where MDA Lawyer admitted to MDA paying CISSP fees for other similarly situated employees and admitting to Doug Clover's approval of DAIWIA courses Documents in the Record]

8. **MDA refused to approve any of the SF-182 forms I submitted for work related studies INFOSEC!** I asked management to approve multiple SF-182s on multiple occasions. As a matter of fact I asked them verbally and submitted emails asking them to approve them, with the justification that it was DoD SOP and other employees in MDA SF-182s were being approved, every year I was there (see Unclassified Profile or H: Drive emails)! And I formally requested a copy of the Unclassified Profile or H: Drive to prove it. But MDA denied all requests (mine and others) for the Unclassified Profile or H: Drive (no doubt to prevent this proof from being entered into the record as evidence. But no matter how well MDA's lawyers have used legal technicalities to cover up the evidence and hide the witnesses, no matter how well MDA tried to avoid and hide the discriminatory events and facts, the truth is going to eventually come out! And by the way, **all emails to and from management (the discriminators) on the Unclassified Profile or H: Drive are unclassified (hence the name "unclassified profile" or "unclassified H: Drive") and does not impact national security, like they led you to believe (in order to justify concealing them or censoring them or not turning them over)!** [See the MDA Form 16 Copy of Profile Request and Discovery Request for Unclassified Profile or H: Drive and the Apr 25, 2008 email containing SF182 Documents in the Record]
9. MDA isolated me by moving me to an empty office with no computer no phone and no LAN and not moving my stuff. Then moved me to an already occupied office (Army Colonel's office while on TDY). Both of which were disparate treatment and retaliation.
10. MDA refused to issued me a government cell phone, a STE, DAWIA Level 3 PM training, payment for work-related evening courses and payment of my CISSP dues while paying other employees CISSP dues, when requested on multiple occasions (and I was the only 15 in the organization without those resources necessary to do my job)!
11. **MDA refused to give me the empty-for-a-year corner office when asked (most senior person without a corner office at the time) and later gave it to someone else knowing I had asked for it first (essentially holding it empty until a senior white employee showed up)!** [See email on H: Drive]
12. MDA changed rules that only applied to me. [See the Rules mgmt changed just for me Document in the Record]
13. And there are literally dozens more cases. **I could go on and on about the disparate treatment and discrimination and retaliation I was forced to endure, but you get the**

idea. I have a prima fascia case for both race and age discrimination, but their lawyers are dragging things out (as lawyers are taught to do) hoping I'll quit or die, since I'm Pro Se and have no back up, like a law firm would. And avoiding all hearings where more evidence and discriminatory behavior will come to light. [See the list of disparate treatment events Document in the Record]

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APPENDIX N

I Had Escaped MDA’s Discrimination, But the Bigots at MDA Pulled Me Right Back into It!

Hold MDA Accountable For Their Unlawful and Unethical Actions!

**I Was Gone! I Had Escaped The Disparate Treatment And
Discrimination, But The Bigots At MDA Pulled Me Right Back Into It!**

One thing says it all in a nutshell (MDA's Mens Rea in a nutshell). I was gone! I had escaped the disparate treatment, discrimination and retaliation and the hostile work environment! Gone!. Away from it. Away from MDA. Started a new job and a new work life. With MDA's blessing authorization and formal outprocessing. But the bigots found where I went and came and got me and pulled me right back into it! So they could further retaliate and discriminate with the ultimate goal of destroying my future by terminating all of my clearances (not just my access to the SCIF) and my job and my health care, and setting a crystal clear example to anyone else thinking about complaining about the hostile and discriminatory work environment at MDA (or their misuse and abuse of the DoD Clearance System/Process to discriminate against minorities)!

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APPENDIX O

My Former Employer's Most Blatant Discriminatory Actions

Mr. Waschull's And MDA's Most Blatant Abuses Of Power
Clearly Shows Their Ulterior Motives

1. **My former employer discriminated against me based on not one but two protected classes, Race and Age!**
2. **My former employer actually admitted to disparate treatment on Tuesday, 11/12/13 and admitted to offering others in the office where I worked VERA and not offering it to me!**
3. **There were no black SESes (out of 22) the entire 5 years I worked for my former employer!**
4. **My former employer pulled me back from a merit selected position after formally outprocessing me and after I had started working new job!**
5. **My former employer refused to give me my 30 year service pin and certificate for more than 12 months!**
6. **After the FBI cleared me, my former employer implemented a second investigation using their own in-house investigators with orders to "find anything that we can use against him." [MDA had the FBI to do an espionage investigation and when they didn't like the results, they ignored them and did their own biased in-house investigation to get the results they wanted.]**
7. **My former employer is still relying on biased investigations and many fabrications, half-truths and outright falsehoods (lies), which have been previously discredited many times!**
8. **The Agency Director, an Army LtGen and the #1 decision maker in my case was fired for abusive behavior and publicly showing/exhibiting disdain and lack of respect for both his people and the rules!**
9. **I already have 8 favorable rulings from MDA Director, MDA Executive Director, EEOC, US Court of Appeals, Federal Circuit, Dept of Defense and DFAS!**
10. **My former employer violated 7 Prohibited Personnel Actions!**
11. **My former employer demonstrated a pattern, yes pattern, of creating Hostile Work Environments and practicing Disparate Treatment. And the pattern of abuse was so significant and so severe that the Agency Director himself had to implement mandatory Hostile Work Environment training for his Executives and Senior Managers (the Air Force Director before the Army Director that was fired for misconduct)!**
12. **My former employer's behavior isn't the behavior of an innocent person or organization. Why would innocent people or organizations conceal or refuse to provide evidence and witnesses that would prove their innocence? Why would innocent people or organizations tamper with evidence or censor H; Drives that would prove their innocence? Why would innocent people or organizations have to fabricate evidence to get the verdict they wanted?**

13. My former employer **had a high turnover of blacks in general, and black SMEs with skills that get them other jobs in particular because of the discrimination, disparate treatment, and hostile work environment.**
14. My former management sent me to **3 supposedly random drug tests** (essentially extra drug tests) at the Pentagon **in a 6 to 9 month period** hoping to get rid of me for failing a drug test (sent letter to Pentagon requesting the dates for all of my Pentagon Drug tests to prove how un-random they really were and whether or not they were requested by MDA).
15. **My former management refused to issued me a government cell phone, a STE, DAWIA Level 3 PM training, payment for work-related evening courses and payment of my CISSP dues while paying other employees CISSP dues, when requested on multiple occasions (and I was the only 15 in the organization without those resources necessary to do my job)!**
16. My SES Supervisor called me a "baby killer" and a "spy" one 2 separate occasions and in public while I was working for MDA!
17. My former employer terminated me for charging a cell phone in my office (and sneakernetting from low to high) while doing their mission-essential work when no damage disclosure or destruction occurred (punishment far exceeded a first offense, typical of discrimination) and when I was authorized to waive such rules as part of my routine job duties! They essentially terminated me for doing my job because I was working while black (discriminated against me)!
18. My former management refused to give me the empty-for-a-year corner office when asked (most senior person without a corner office at the time) and later gave it to someone else knowing I had asked for it first (essentially holding it empty until a senior white employee showed up)!
19. I received belligerent and disparaging and very unprofessional emails from my former management (all documented on the unclassified profile or H: Drive my former organization refuses to provide to anyone - not me via a formal request and again through discovery and not even the Administrative Judge who requested it)!
20. My former employer refused to authorize my use-or-lose leave request when no mission-essential work was involved to deny me needed resources to fight the discrimination!
21. My former employer refused to authorize VERA Retirement in an effort to force me to drop my MSPB and EEO complaints (which cost me and my family our health care when they knew my wife had cancer and I had an autistic son)!
22. My former employer practiced disparate treatment that included refusing to pay my job-mandated CISSP fees while paying other (white) employees CISSP fees and my after work job-related (info assurance) college courses while paying other (white) employees college courses!
23. **I could go on and on about why we will eventually win, but you get the idea. I'm going to win and MDA and DoD know it too. But their lawyers are simply dragging things out (as lawyers are taught to do) hoping I'll quit or die, since I'm Pro Se and have no back up, like a law firm would.**

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APPENDIX P

**MDA has A Pattern of Disparate Treatment
(MDA Disparate Treatment Is Not An Isolated Incident)**

MDA Has A Pattern (Not An Isolated Incident) Of Abuse Of Power, Obstruction Of Evidence and Disparate Treatment And Hostile Work Environment; And It Is Documented On The Unclassified H: Drive (Evidence MDA Is Withholding)

1. **OSD Comptroller Job Pullback** - they didn't pull other people they outprocessed back [See email on H: Drive]
2. **VERA** - they didn't refuse to award VERA to other people in or out of my directorate [See documentation on H: Drive]
3. **30 Year Pin** - they didn't delay other people's awards for a year [See emails on H: Drive]
4. **Use-Or-Lose Leave** - they didn't deny other employee's use-or-lose leave requests [See email on H: Drive]
5. **CISSP Fees and Job-Related Training** - they didn't refuse to pay other employee's professional certification fees and after-work job-related college courses (GMU INFOSEC courses in my case) [See documentation on H: Drive]
6. **Hostile Work Environment** - they didn't subject other employees to such an environment [See emails and documentation on H: Drive]
7. **3 supposedly random drug tests at the Pentagon in a 6 to 9 month period** (supposed to be 1 every 2 or 3 years) - No one else had so many supposedly random drug tests in such a short time period [See documentation on H: Drive]
8. **SF-182 forms I submitted for work-related INFOSEC studies** - they didn't refuse to pay other employee's after-work job-related college courses [See emails and documentation on H: Drive]
9. **Recommending DIA revoke all clearances** for a minor first offense (charging cell phone in SCIF) where no damage disclosure or destruction of classified info or systems was done, instead of recommending retraining, reprimand, or denial of access to SCIF per Custom and SOP - They didn't do this to other employees under similar circumstances. [See documentation on H: Drive]
10. **MDA isolated me** (so no one would know about their discrimination) by moving me to an empty office with no computer no phone and no LAN and not moving my stuff. Then they moved me to an already occupied office (Army Colonel's office while he was on TDY) which caused problems when the owner returned and wanted it back. Both of which were disparate treatment and retaliation. Again, they didn't do this to other employees under similar circumstances. [See documentation on H: Drive]
11. **MDA refused to issued me a government cell phone, a STE, and DAWIA Level 3 PM training.** Not only was I the only 15 in the organization without those resources, they were necessary to do my job! Needless to say, they didn't do this to other employees under similar circumstances. [See documentation on H: Drive]
12. **MDA refused to give me the empty-for-a-year corner office** when asked (most senior person without a corner office at the time) **and later gave it to another white GS-15** knowing I had asked for it first (essentially holding it empty until a white GS-15 showed up)! [See documentation on H: Drive]

13. **MDA changed rules that only applied to me.** [See emails and documentation on H: Drive]

- a. They changed a long-standing rule to send policies to Policy Working Group (PWG) for comment to IT Team (apparently so they could say they put on the appraisal that they had to rewrite my stuff).
- b. They changed a second long-standing rule (behind my back) that I was to review all System Security Plans (SSPs) and send my analysis to Doug (apparently before they realized I had already done twice as many as last year so they could make a negative remark about it on my appraisal).
- c. They changed a third long-standing policy by picking an ISA/ISSM for SAP systems from the read-on government staff. When they went looking for one for the new SAPWAN system they decided not to pick a person internal to DOSP and already read on to administer IAM/ISSM duties for the SAP system. When I asked Doug about it, he said Mr. Waschull didn't want to pick me, even though I was the only government worker qualified to do it, and that he was told to pick someone else even though they would not be read on – it would be up to the read-on staff to tell them what they need to know to do their job.
- d. They changed a fourth long-standing policy when they changed the classification of the IATO letters. The long-standing policy was to draft an unclassified IATO/ATO that could be done by DOCV or reviewed by anyone. At the same time, another SAP document was created by PSOs and PMs detailing what could be put on the accredited system. They changed this long-standing rule by adding the SAP info to the unclassified IATOs/ATOs in order to keep them out of the public domain (restrict them to read-on people) and protect themselves from prying eyes, especially the folks at DOCV. To ensure this they ordered me to not interact with DOCV for any reason, not even tell them we were processing everything, even collateral, in-house (which was bending/changing regulations too, since they are the DAA Reps). This also caused duplication of effort problems because they were not even told to stop processing the systems we had already accredited in-house (and when I told them they didn't care).
- e. They changed a fifth long-standing policy when they stopped allowing me to switch my CWS day in order to better accomplish the mission (get an extra 9 hours of work production that would be lost if a sick day were taken) after 3 years of letting me do so (and they only did it after I appealed my appraisal rating and asked for an admin transfer - coincident or retaliation?).
- f. **And here's the really important part. All the rules were changed just for me and me alone (not anyone else in my office or in my directorate), with the goal of chasing me away by making my work less challenging, less interesting, and less substantial, and for appraisal purposes (allowed them to question my work on the appraisal)!**

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MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**



APPENDIX Q

**MDA has A Pattern of Misusing the Clearance Revocation System to Discriminate
Against their Black Employees**

Pattern Of Misusing The Clearance Revocation System To Discriminate Against Black Employees

I strongly believe there was collusion between Mr. Washull and other at MDA and DIA in the revocation of all of my clearances instead of denial of access (revocation of the SCI) as recommended by Custom and DoD Policy. Thus I highly recommend the IG interview all members that were on the adjudication board as well as support personnel who had anything to do with the clearance revocation, especially those that interacted with MDA officials preparing the documentation. The secret agreement to revoke all of my clearances cost me my job (could have worked elsewhere in MDA or DoD had they only denied me access to the SCIF. And when rules are broken in a way that affects the credibility of the system, as they are when collusion is involved, we have an obligation to act in a way that rectifies the problem (because the problem goes beyond revoking my clearances - there is a pattern of misusing the clearance revocation system to discriminate against black employees and that's discrimination - and a statistical analysis of revoked clearances, and denied clearances, will prove it - and that's where the IG comes in because they are denying me access to that data).

**“Equal Justice Under The Law”
“DoD’s Clearance System is Discriminatory and Must Be Fixed And
MDA’s Adverse Actions Against Me And Others Are Pretexts For Employer Discrimination”**






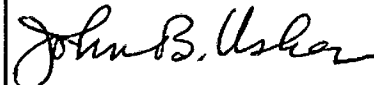
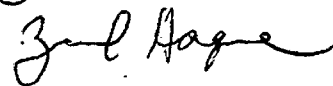
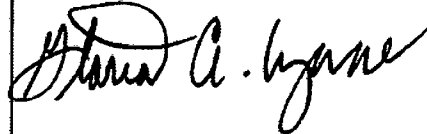
APPENDIX R

Official Outprocessing Paperwork

MISSILE DEFENSE AGENCY OUT PROCESSING CHECKLIST

<input checked="" type="checkbox"/> Government	<input type="checkbox"/> Contractor	<input type="checkbox"/> Military
<input checked="" type="checkbox"/> National Capital Region	<input type="checkbox"/> Huntsville	<input type="checkbox"/> Other
1. Name Charles Adams		2. Rank/Grade YA-3 (GS-15)
3. Out-Processing Date 01-30-2009	4. Organization DOSP	5. Room Assigned to 02C02
Prime Contractor n/a		Contract Number n/a

All personnel assigned to the Missile Defense Agency (MDA) are required to out process and obtain signatures and/or initials from the following activities before leaving the Agency.

Activity	Location/Phone Number	Signature/Initials
MOVE COORDINATOR - Initiates move message, which triggers the pickup of your computer hard pack, deactivates the network account and terminates network access.	As assigned by the appropriate 2LTR.	
HUMAN RESOURCES - Training Close Out - Incentives Validation - Student Loan Repayment - Relocation - Recruitment - Retention - Leave Credit - Transportation Agreement  - Morale, Welfare, and Recreation Card - Turn-In - Exit Interview <i>Completed on line 1030 1/27/09</i> - Pick up Physical Fitness Records - Select branch of service: n/a	FOB2 Room 1717A / 703-695-8048 Out processing conducted telephonically / 256-313-9941, 256-313-9896. Local Human Resources personnel will sign/initial. FOB2 Room 17192A / 703-693-1638 FOB2 Room 4129F / 703-693-1575	    _____
CHIEF OF STAFF		
TRAVEL OFFICE - Turn in government travel card and government passport	FOB2 Room G7051 / 703-697-9090	

GENERAL COUNSEL - Post employment ethics counseling / procurement integrity briefing	FOB2 Room 1074A / 703-697-7890	<i>Signature on See attached page</i>
COMPUTER INFORMATION CENTER - Turn in all software, hardpacks, modems, CD-ROM drives, etc. <i>Laptop</i>	Suffolk Rm 05D30 / 703-695-9000	<i>B see from USSC for signature</i>
MANAGEMENT SERVICES AND ADMINISTRATION - Turn in telephone credit card, cell phone, BlackBerry, PhoneBerry, laptop computer, etc. <i>printer</i> - Records Management disposal - Reset voicemail password - Write voicemail password here →	<i>Jim 1/30/09</i> Sequoia A118 / 703-486-6961/6960 Suffolk Rm 03A19 / 703-882-6734 Suffolk Rm 05D21A / 703-882-6228 726880	<i>Jim Thelma MASON</i> <i>JB</i> <i>←</i>
INFRASTRUCTURE AND ENVIRONMENT - Turn in parking pass	n/a	_____
SECURITY - Check all appropriate clearances/accesses SCI <input type="checkbox"/> SAP <input type="checkbox"/> SF-312, NATO, CNWDI <input type="checkbox"/> <i>6 U A 2</i> - Anti-Terrorism debrief	<i>n/a declassified 6/13/08</i> <i>debriefed per Dave</i> Suffolk 04B20A / 703-882-6480	<i>Jim</i> <i>JB</i>
SECURITY OPERATIONS CENTER - Collect MDA badge, Courier card, Common Access Card, and Emergency Escape mask	FOB2 Room 17111 / 703-693-1575	<i>see signature on page</i>
COMSEC	Suffolk Rm 00D69 / 703-681-3585 Ron Evans 703-882-6767	<i>see signature on attached page</i>
OSD MILITARY PERSONNEL	n/a	_____

FORWARDING ADDRESS

Address 12994 Park Crescent Circle

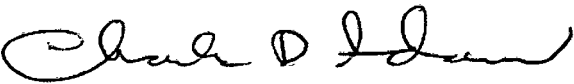
City Herndon	State Virginia	ZIP Code 20171
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Home Phone Number +1 (703) 708-9077

Forwarding Organization/Company Name OUSD(Comptroller), 7100 Defense Pentagon, Washington, DC 20301-7100

Forwarding Organization/Company Phone Number TBD

I certify that I do not have in my possession any classified, proprietary or sensitive information. Upon departure from the facility, I will take with me only my personal possession. I understand the MDA security forces may inspect any items that I attempt to remove from the facility.

Departing Employee Signature  Date 01-30-2009

Employee Supervisor or Move Coordinator Signature Date 01-30-2009

Program Manager Signature Date 01-30-2009

Contracting Officer's Representative (COR) Signature Date 01-30-2009

RETURN COMPLETED FORM TO:

Human Resources Directorate
FOB2 Room 1711B

RETURN COMPLETED FORM TO:

Human Resources Directorate
FOB2 Room 1711B

RETURN COMPLETED FORM TO:

Human Resources Directorate
Building 5222 Martin Road
Redstone Arsenal, AL 35898

RETURN COMPLETED FORM TO:

Respective Program Manager for signature: Program Manager will forward signed form to the COR.

RETURN COMPLETED FORM TO:

Appropriate Program Manager or Supervisor.

Post employment ethics counseling / procurement integrity briefing

WJA

COMPUTER INFORMATION CENTER
- Turn in all software, hardpads, modems, CD-ROM drives, etc.

Suffolk Rm 05D30 / 703-695-9000

MANAGEMENT SERVICES AND ADMINISTRATION

- Turn in telephone credit card, cell phone, BlackBerry, PhoneBerry, laptop computer, etc.

Sequoia A118 / 703-486-6961/6960

- Records Management disposal

Suffolk Rm 03A19 / 703-882-6734

- Reset voicemail password

Suffolk Rm 05D21A / 703-882-6228

- Write voicemail password here ->

INFRASTRUCTURE AND ENVIRONMENT

- Turn in parking pass

n/a

SECURITY

- Check all appropriate clearances/accesses

n/a declassified 6/13/08

SCI SAP SF-312, NATO, CNWDI

- Anti-Terrorism debrief

Suffolk 04B20A / 703-882-6480

SECURITY OPERATIONS CENTER

- Collect MDA badge, Courier card, Common Access Card, and Emergency Escape mask

FOB2 Room 17111 / 703-693-1575

COMSEC

Suffolk Rm 00D69 / 703-681-3585
Rm Evans 703-882-6767

OSD MILITARY PERSONNEL

n/a

FORWARDING ADDRESS

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City Herndon

State Virginia

ZIP Code 20171

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GENERAL COUNSEL - Post employment ethics counseling / procurement integrity briefing	FOB2 Room 1074A / 703-697-7890	
COMPUTER INFORMATION CENTER - Turn in all software, hardpacks, modems, CD-ROM drives, etc.	Suffolk Rm 05D30 / 703-695-9000	
MANAGEMENT SERVICES AND ADMINISTRATION <i>2nd to last</i>		
- Turn in telephone credit card, cell phone, <u>pager</u> , BlackBerry, PhoneBerry, laptop computer, etc.	Sequoia A118 / 703-486-6961/6960	
- Records Management disposal	Suffolk Rm 03A19 / 703-882-6734	
- Reset voicemail password	Suffolk Rm 05D21A / 703-882-6228	
- Write voicemail password here ----->		
INFRASTRUCTURE AND ENVIRONMENT - Turn in parking pass	n/a	_____
SECURITY - Check all appropriate clearances/accesses a security debriefed SCI <input checked="" type="checkbox"/> SAP <input checked="" type="checkbox"/> SF-312, NATO, CNWDI <input type="checkbox"/> <i>6/13/08</i>	n/a	_____
- Anti-Terrorism debrief	Suffolk 04B20A / 703-882-6480	
SECURITY OPERATIONS CENTER <i>Last</i> - Collect MDA badge, Courier card, Common Access Card, and Emergency Escape mask	FOB2 Room 17111 / 703-693-1575	
COMSEC	Suffolk Rm 00D69 / 703-681-3585 Ron Evans 703-882-6767 <i>Ronald Evans 1/16/09</i>	
OSD MILITARY PERSONNEL	n/a	_____
FORWARDING ADDRESS		
Address 12994 Park Crescent Circle		
City Herndon	State Virginia	ZIP Code 20171
Home Phone Number +1 (703) 708-9077		
Forwarding Organization/Company Name OUSD(Comptroller), 7100 Defense Pentagon, Washington, DC 20301-7100		
Forwarding Organization/Company Phone Number TBD		

REQUEST FOR ISSUE OR TURN-IN		ISSUE	SHEET NO.	NO. OF SHEETS	8. REQUEST NUMBER				
		TURN-IN							
1. FROM: Charles Adams		6. DATE MATERIEL REQUIRED		7. PRIORITY					
2. TO: MDA Service Desk		8. VOUCHER NUMBER		9. POSTED	DATE	BY			
				DATE	DATE	BY			
3. ACCOUNTING AND FUNDING DATA									
4. END ITEM IDENTIFICATION		a. NAME AND MANUFACTURER		b. MODEL	c. SERIAL NUMBER		d. PUBLICATION		
ITEM NO. a	STOCK NUMBER, DESCRIPTION, AND CODING OF MATERIEL AND/OR SERVICES b			* CODE c	UNIT OF ISSUE d	QUANTITY e	SUPPLY ACTION f	UNIT PRICE g	TOTAL COST h
	IBM TH2 Laptop								1500.00 0.00
	MDA B/c 56701								0.00
	S/N L3RFB22								0.00
									0.00
									0.00
									0.00
									0.00
SHEET TOTAL								1500.00	0.00
GRAND TOTAL								1500.00	
*ISSUE - I - Initial; R - Replacement		TURN-IN - U - Unserviceable; S - Serviceable							
10. (ISSUE OR TURN-IN OF QUANTITIES IN "QUANTITY" COLUMN IS REQUESTED)		DATE	BY	11. RECEIVED QUANTITIES IN "SUPPLY ACTION" COLUMN		DATE	BY		
		11/20/09	Charles Adams			11/30/09	[Signature]		

DD FORM 1150, OCT 57

REPLACES EDITION OF 1 JUL 56 WHICH MAY BE USED

Adobe Professional 7.0