

No. 24-6206

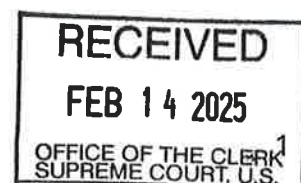
In the Supreme Court of the United States

Anthony Bowden, PETITIONER

v.

Office of Personnel Management

SUPPLEMENTAL BRIEF for PETITIONER



Supplemental Brief in Pursuant to this Court's Rule 15.8, petitioner submits this supplemental brief to provide information that reflects the discriminatory actions toward me due to my mental and physical handicap. My federal employment records are being withheld by federal government. I am writing this supplement to make the Court aware how I am being treated.

I have requested a copy of my entire official personnel records as well as a copy of my leave and earning statements that should have been reflected of my entire 35 years of United States federal government service. I asked for my complete files/records so that I could prove that when I first applied for the forklift operator position at the Smithsonian institution around April of 1984 the job announcement was not for a temporary position but permanent position. The job announcement stated that the position that I applied for was a permanent position which would have allowed me to be cover under Civil Service Retirement System (CSRS) Act retirement system upon the start of my position with the Smithsonian (SI). I already had the required creditable years of service with federal government, I had at least 4.5 years of creditable service before starting my permanent position with Smithsonian in July of 1984. I should have been placed on CSRS retirement system in 1984 upon arrival to my position at SI ; however, the Smithsonian did not put on a retirement system until July 1987 stating I did not qualify because I was in temporary position until July 1987. In July 1987 I was placed on Federal Employee Retirement Systems (FERS). Smithsonian HR later made correction in 2008 and placed me on CSRS Offset which was unknown system to me. I was under the impression that I was being placed on CSRS where I belonged, not CSRS Offset.

I requested a copy of my entire personnel file through the Honorable Congresswoman Eleanor Holmes Norton's office on January 31, 2023, prior to filing my claim with Merit System Protection Board (MSPB) and I was only provided SF-50. The assigned Constituent Liaison to my request from Congresswoman Holmes office was informed by OPM they were only going to provide my SF-50s. This was a way of the OPM to denied me the information I was seeking. I feel they were trying to cover mistakes and hide pertinent information that in my personnel files.

On March 18, 2024, I emailed the National Archives requesting a copy of my complete personnel records as Freedom of Information Act (FOIA) including my payroll records from 1979 to 2015 when I retired. I received some records from National Archives around March 29th, 2024; however, it was not my complete personal records, it was primarily SF-50s and few other miscellaneous documents. I again on November 7th, 2024 I requested my complete personnel file/records from the National Archives to include SF171 and job announcements, see attached. Particularly looking for job announcement for the position I was hired for at Smithsonian in 1984 MP-83-487-F which would reflect that I applied for permanent position, not temporary position. I know I did not apply for temporary position under announcement MP-83-487-F; therefore, SI did not uphold the agreement if they place me in temporary position that didn't all me to qualify for retirement benefits.

The National Archive Supervisor informed me on January 11th that this system reflect that they sent me my records on March 29, 2024, and November 13th, 2024, see attached. I

never received any records on November 13th, 2024, or after. I informed the supervisor R of this and asked how information was sent, and I was ignored and never received a response. I would like to say that after numerous attempts to try and get a copy of my personnel files I believe that I was unsuccessful because SI, OPM, Archives, MSBP, The US Department of Justice and the Court of Appeals all are responsible for my shortfall in this case.

This to me seems like a coup against me through several agencies. Also, The US Labor Department is included in this coup as well. This is why the office of personnel management as well as archives would not release my personnel files! As well as my payroll file. Even after I asked for them under the Freedom of Information act. I asked For my entire payroll files and my entire personnel files And was only sent SF. 50 forms That showed personnel actions such as step increases promotions etc. SF 50s are only a small part of your personnel files.

I would like to know who else have they pulled this personnel files upon my request for this case is one thing, but me asking for the files through the Freedom of Information Act Is jaw-dropping. I tried to give them more time than they deserved hoping that they would do what the law requires them to do. This request was made on several occasions before I filed this case through the Court of Appeals and now the United States Supreme Court. I believe that this case should not have been awarded to OPM due to them not having a representative present for any of the proceedings I am not trying to be disrespectful, but this has been, but I feel is a kangaroo court proceeding. To not do discovery, one would have to wonder what else is in my personnel file That they don't want me to see as well as the courts. scheme on?

I would like to say that the two incidents that the Appeals court agreed with OPM using the two documents. One that I sign thinking that I was being put on what should have been the correct retirement plan, CSRS. I knew nothing about CSRS offset. I trusted In the human resource office of the Smithsonian That they were given me the right information, and that they were putting me on CSRS, without the offset. The second letter that was used by the appeals court I would like to know how you explain Nicole Tyson's letter from the office of personnel management that was sent to me on July 11, 2022, that stated the of that the offset was being removed. What did Nicole Tyson the OPM representative see in my personal files that made her conclude that the offset could be removed, and she wrote me stating it was removed? I believe Ms. Tyson saw the original job announcement that showed that I applied for a permanent job at the Smithsonian institution and that I creditable service which would have qualified me for retirement upon my appointment with SI in July 1984.

I also was diagnosed with several mental disorders caused by an on-the-job injury. I suffered from racial discrimination, harassment, retaliation and physical harm. This case was settled in Federal Court, and Office of Worker's Compensation (OWCP) claim was accepted in July 1993 by the DOL Office of Workers Compensation, for my mental disorders. I have been diagnosed with Post Traumatic Stress Disorder (PTSD) Major Depression Disorder, Panic Disorder with Agoraphobia and Generalize Anxiety Disorder and Insomnia. I would have to say that this has been a very unfair case due to my mental disorders. I was told by my doctor that the long term us of the medication Xanax and maybe

some of the other medications that I have been on at the since 1992 could have effect on my memory which I am experiencing long term and some short-term memory loss as result of taking this medication for approximately 32 years. Not to mention that I have been struggling back and forth with all the OWCP due to them not wanting to pay for medication for my mental disorders that was brought on by the death threats and discrimination at the Smithsonian. I was forced off the medication by office of workers compensation assistant by the Smithsonian for approximately three to four months when they stop paying for my medication at and around \$1000 a month or better.

I feel that laws have been broken throughout this entire case. giving me my when I was forced to retire From the Smithsonian Institution national zoological park in Washington DC due to an Automobile accident while on the job that required two surgeries to my cervical spine The accident Was reported to The US Labor Department office of Workers comp sensation the claim was Accepted In April of 2009. This claim was used to force me out on disability retirement I was told that the Smithsonian could not accommodate me due to an on-the-job injury's I sustained in the automobile accident which included my lumbar spine. Not to mention I had a heart attack and stroke shortly after I was forced out that same year 2015, I retired on disability.

I would hate to say it but knowing Smithsonian and OPM they may have with my personnel file. Every time that I requested a copy up my personnel file, I could see that it fell well short of what should have been in my personnel file. Things such as my performance appraisals my outstanding awards. I had gotten written up due to insubordination because

I could not work outside doing the spring seasons although I had a doctor's excuse for that is an example of Documentation it should have been in my personnel file just to name a few. This write up among others was their way of retaliating against me due to my ongoing complaints that I have filed with the Equal Employment opportunity office at the Smithsonian institution due to my handicap, race, age, retaliation, reprisal, etc.

I believe that my true files have been tampered with and maybe even parts of it may have been destroyed. This puts me at a disadvantage. I also believe that the OPM violated the Freedom of Information Act 5USC Section 552 To gain the advantage over me. This I feel by using tactics like this could affect any and every citizen across the United states of America. If nothing else One would think that me working for the federal government for 35 years that I would have a right to evaluate my own personnel records in its entirety!

Also, I would like to add that I was deemed handicap by a federal judge if I'm not mistaken by allowing me reasonable accommodations in the workplace for my mental disability as well. This took place in a settlement between my attorney and the attorney from the United States Department of Justice that represented the Smithsonian Institution.

I will be sending a letter to President Donald Trump because I believe government is full liars and cheats. I understand with his 90 charges the President had; government official was lying on him. If President had to show up in court. Why was OPM allowed not to participate in any of the MSPB hearing; however, the Judge ruled in their favor and the US Appeal court also upheld that ruling in my appeal. My next step I will be contacting the

media to get full awareness as to what going on in government. With all respect, I may have mental problems, but I am not dumb. I Anthony Bowden hereby request to go through the oral argument process in this case and I am asking for accommodations with that process. Or would you like to provide me with an attorney that handle cases such as this?

Respectfully Submitted,

Anthony Bowden Sr. 2/12/25

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**Additional material
from this filing is
available in the
Clerk's Office.**