

UNITED STATES MARSHALS SERVICE

AFFIDAVIT

STATE OF VIRGINIA

CITY OF Fairfax

I, Matthew Bradley, make the following statement freely and voluntarily without promise or coercion to Patrick Anderson, who has been identified to me as an Equal Employment Opportunity (EEO) Investigator, United States Marshals Service, knowing that this statement may be used in evidence. I understand that the information is given without a pledge of confidentiality and that it may be shown to parties with a need to know. The following statement is made in response to the EEO Complaint of Discrimination filed by A. Ashley Tabaddor against the U.S. Department of Justice, Executive Office for Immigration Review (EOIR) on November 29, 2012.

I have been advised that the claim accepted for investigation is as follows:

Judge Tabaddor alleges that EOIR discriminated against her on the basis of national origin, religion, race, and reprisal related to the issuing of an ethics opinion to recuse herself from immigration cases involving Iranians. Judge Tabaddor further alleges that EOIR has retaliated against her for claiming that ethics opinion is discriminatory.

I hereby solemnly swear or affirm:

National Origin

National Origin Discrimination The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

QUESTION #1: For the record, what is your full name and job title?

ANSWER: **Matthew E. Bradley, Associate General Counsel**

QUESTION #2: Where were you employed at the time the complaint was filed? Please provide the name of the agency, division, and location. How long have you worked in your current position? How long have you worked for the agency?

ANSWER: **Department of Justice, Executive Office for Immigration Review, Office of General Counsel, Employee and Labor Relations (ELR) Unit, Falls Church, VA.**

The effective date of my transfer to EOIR/OGC was in December 2010. I began working here on a continuous basis in January 2011.

QUESTION #3: Who were your 1st and 2nd level supervisors? Please provide their names and job titles.

ANSWER: **Until recently, my first and second line supervisors were Jeff Rosenblum, the Chief of ELR and Jean King, the Acting EOIR General Counsel. Robin Stutman preceded Ms. King as General Counsel. For some of my tenure here, her Deputy was JuanCarlos Hunt. My current first-line supervisor is Rena Scheinkman, Acting Chief of ELR. Jean King is now the Deputy General Counsel and Jeff Rosenblum is the General Counsel.**

QUESTION #4: What is your National Origin?

ANSWER: **I was born in New York in the United States of America. My ancestry is primarily Irish.**

QUESTION #5: To your knowledge, what is Judge Tabaddor's National Origin? When and how did you become aware of her National Origin?

ANSWER: **I believe that Judge Tabaddor is of Iranian descent although I do not know where she was born. I think I learned of this when discussing one of her speaking engagements or outside activities, which involved Iranian issues, with one of my colleagues.**

QUESTION #6: To your knowledge, have other EOIR staff members been required to recuse themselves from cases involving members of their prospective National Origin? If so, who are they and what was their National Origin? When did this action take place?

ANSWER: **I do not know.**

On July 5, 2012, Judge Tabaddor received an email from Mr. Jeff Rosenblum, recommending that she disqualify herself from matters involving individuals from Iran due to her activity in the Iranian American community.

QUESTION #7: Has Judge Tabaddor spoken to you about the contents of this email? If so, why was this request made? Did you speak with anyone about this request?

ANSWER: Not to my recollection.

QUESTION #8: Did you provide guidance to anyone in EOIR with regards to the content of the email? Please provide specifics.

ANSWER: It is possible that her recusal was fleetingly mentioned during a discussion with Jeff about other matters and/or cases. I do not, however, recall having any substantive or significant involvement in this matter and am not an Ethics specialist.

QUESTION #9: Have you discussed or sought advice from anyone else in the EOIR with regards to the recusal request? If so, who did you speak with? What advice or guidance did you receive?

ANSWER: No

On August 28, 2012, in response to Judge Tabaddor 's request for clarification, she alleges that the Mr. Rosenblum's recusal request was changed, and he mandated that she recuse herself from all cases involving respondents from Iran.

QUESTION #10: Has anyone spoken to you about the mandate received from Mr. Rosenblum? If so, did you agree with the mandate from Mr. Rosenblum?

ANSWER: Not a "mandate." When Judge Tabaddor's complaint became known, I may have discussed the issue with one or more of my colleagues but I do not have, nor did I voice an opinion, about the rectitude of the ethics advice.

QUESTION #11: What advice or directive did you provide with regards to the mandate from Mr. Rosenblum? Please provide specifics.

ANSWER: None.

QUESTION #12: Have you discussed or sought advice from anyone else in the EOIR with regards to the recusal request? If so, who did you speak with? What advice or guidance did you receive?

ANSWER: None.

QUESTION #13: To your knowledge, has any other employee been mandated to recuse themselves from cases because of their personnel affiliations as Judge Tabaddor was? If so, please provide their name, affiliation and the person responsible for the mandate.

ANSWER: With a better understanding of what is meant by “personnel affiliations” I am not capable of answering this question.

QUESTION #14: Prior to these events, have you had any conversations with Judge Tabaddor about her social or political affiliations and there possible effect on her position as an Immigration Judge? If so, when did you speak with her?

ANSWER: No

QUESTION #15: To your Knowledge, how many personal speaking engagements has Judge Tabaddor requested prior July 5, 2012, mandate from Mr. Rosenblum? Of those, how many were approved?

ANSWER: I don't know.

QUESTION #16: After receiving the mandate from Mr. Rosenblum, how many times has Judge Tabaddor requested to use her official title on person speaking engagements? Of those, how many have you denied?

ANSWER: I do not recall denying any speaking engagements for Judge Tabaddor. I recently approved her request to speak at the Brentwood School's “Diversity Day.”

Judge Tabaddor alleges that on September 7, 2012, Mr. Rosenblum confirmed the recusal order was the official position of the Office of General Counsel (OGC), and that the order was not reviewable by any other entity.

QUESTION #17: Was the aforementioned statement by Judge Tabaddor brought to your attention? If so, what was your response? To your knowledge, what OGC member was Mr. Rosenblum referring to in this conversation?

ANSWER: Not me. I did not have any involvement in this decision.

QUESTION #18: To your knowledge, does OGC have the final say on matters of this nature or are they reviewable by the EOIR Director?

ANSWER: I do not know.

QUESTION #19: Based upon the recusal order, to your knowledge, how many of Judge Tabaddor's cases were reassigned to other judges? Did Judge Tabaddor object to the cases being reassigned?

ANSWER: I do not know.

QUESTION #20: Prior to these events, have you had any conversations with Judge Tabaddor about her social or political affiliations and there possible effect on her position as an Immigration Judge?

ANSWER: No

QUESTION #21: To your knowledge, has Judge Tabaddor's work or personal association with members of the Iranian American community negatively affected her professional standing with the Agency? If so, please explain how?

ANSWER: Not to my knowledge.

QUESTION #22: Do you have any documentation support the decision to have Judge Tabaddor recused from cases involving Iranian American citizens? If so, please provide a copy for the record?

ANSWER: No

QUESTION #23: Are you aware of the agency's anti-discrimination policy? Was Judge Tabaddor ordered to recuse herself from cases involving Iranian Americans based solely on her National Origin (Iranian)? If not, why was she asked to recuse herself?

ANSWER: I have been an attorney working primarily in the employment discrimination arena for 23 years. I am not capable on answering the second question as I am not privy to the decision-maker's motivation.

QUESTION #24: In the past 2 years, how many requests for personal speaking engagements has Judge Tabaddor been allowed to use her official title? To your knowledge, how many times has Judge Tabaddor been informed that she could not use her official title during these engagements?

ANSWER: I do not know.

On August 27, 2012, Judge Tabaddor states that her request use her official title while speaking at the Iranian Women's Leadership Conference (The "Conference") was denied.

QUESTION #25: To your knowledge, was Judge Tabaddor's request to use her official title denied? If so, who denied the request? Was the denial based on Judge Tabaddor's National Origin (Iranian American)?

ANSWER: I did not handle that speaking request.

Race:

Race discrimination involves treating someone (an applicant or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race

(such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion.

QUESTION #26: What is your race?

ANSWER: Caucasian

QUESTION #27: To your knowledge, what is Judge Tabaddor's race? When and how did you become aware of her race?

ANSWER: I don't know her race.

QUESTION #28: Have other staff members been required to recuse themselves from cases involving members of their prospective race? If so, who are they and what is their race? When did this action take place?

ANSWER: I don't know.

QUESTION #29: To your knowledge, was Judge Tabaddor ordered to recuse herself from cases involving Iranian Americans based solely on her race (Iranian American)?

ANSWER: I don't know. (See also my answer to Question #23 above).

QUESTION #30: Was the decision to not allow Judge Tabaddor to speak at, or use her official title at the Iranian Women's Leadership Conference (The "Conference") denied because of her race?

ANSWER: I don't know. (See also my response to Question #25 above).

Religion

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs.

QUESTION #31: For the record, what is your religion?

ANSWER: I was raised Catholic. I do not regularly attend church.

QUESTION #32: To your knowledge, what is Judge Tabaddor's religion?

ANSWER: I do not know.

QUESTION #33: At the time of the alleged discriminatory event, which is the foundation of this complaint, were you aware of Judge Tabaddor's religious beliefs?

ANSWER: I have no knowledge of Judge Tabaddor's religious beliefs.

QUESTION #34: Did Judge Tabaddor's religious beliefs factor into any decisions or recommendations made by you with regard to her personal appearance requests?

ANSWER: No (and see my response to Question #33).

Reprisal

Reprisal discrimination makes it illegal to fire, demote, harass, or otherwise "retaliate" against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).

QUESTION #35: For the record, do you have any prior EEO activity or have you expressed concerns to management regarding personnel policies or procedures?

ANSWER: I recently was interviewed and completed an affidavit in another EEO complaint filed against the Agency. As someone who has counseled management and defended EEO claims since 2004, it's my job to raise concerns about personnel policies and procedures.

QUESTION #36: To your knowledge, did Judge Tabaddor express opposition to the recusal order she received? Were any actions taken against Judge Tabaddor, by you, based upon her opposition to the recusal order?

ANSWER: I understand that Judge Tabaddor challenged the initial recusal opinion. As noted above, I had no real involvement in the recusal matter.

QUESTION #37: Also, did Judge Tabaddor's opposition to the recusal factor into any decisions or recommendations made by you with regards to her personal appearance requests?

ANSWER: Judge Tabaddor's actions regarding the recusal issue had no impact on my recommendations regarding personal appearances.

QUESTION #37: Do you have anything else to add?

ANSWER: Nothing.

OATH

I have read the above statement consisting of 8 pages, including this page. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that my statement is true, correct, and complete to the best of my knowledge, information and belief. I understand that the information I have given is not to be considered confidential and that it may be shown to individuals with a right to know.

Matt Bradley 3/11/13

(Affiant's Signature and date)

[Signature]

Signed before witness

ON THIS 11th DAY OF March, 2013