

Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Friday, March 22, 2013 5:13 PM
To: Toscano, Richard (JMD); Wright, Tanya (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: Tabaddor EEO Complaint

Mr. Toscano & Ms. Wright:

I am one of the EOUSA attorneys representing the agency in the EEO complaint filed by Ashley Tabaddor with the Executive Office for Immigration Review (EOIR). Because the complaint arose out of the Office of General Counsel at EOIR, that office was recused and our office agreed to provide agency representation. As explained in the February 4 e-mail attached, it was determined that, due conflict of interest concerns, the EOIR EEO Staff was also properly recused from this matter; with the assistance of JMD, it was assigned to US Marshals Service EEO Staff for further processing. Apparently, the EOIR Staff issued both the initial acceptance letter and an amended acceptance letter (both attached) prior to seeking recusal from the matter; those letters are both signed by EEO & Diversity Programs Director Juan Carlos Hunt. Based on information that has recently come to light, EOUSA, after consulting with JMD General Counsel's Office and the JMD ER/LR Chief, is asking that an independent review of the acceptance of this matter be undertaken by JMD or USMS.

As set forth in an e-mail to the investigator in this matter (also copied to Ms. Wright and attached below), EOIR EEO Director Juan Carlos Hunt has indicated his personal belief that he should have been consulted by OGC at the time it issued the legal opinion that forms the basis of this complaint, and that the action at issue in this complaint is *criminatory*. Given the fact that, at least in his opinion, Mr. Hunt is a fact witness in the case, and more importantly the fact that he is clearly not impartial in this matter (having expressly stated his opinion on the merits of the complaint to the investigator), it was not appropriate for him to make the decision as to whether this complaint was properly accepted or dismissed (there are, at a minimum, issues relating both to timeliness and failure to state a claim that should have been considered). I understand that the investigation has already been initiated in this matter, and we are continuing to assist EOIR in providing responses to the investigator, but given the facts here we believe it is critical to the integrity of the EEO process that an independent review be conducted. I would be happy to discuss this with you further at your convenience, and am available any day next week.



RE: EOIR's EEO
Conflict Case (...)



RE: Tabaddor EEO
complaint (EO...



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350966.pdf

A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys

600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
x: (202) 252-1650

Wright, Tanya (USMS)

From: Hunt, JuanCarlos (EOIR) <JuanCarlos.Hunt@usdoj.gov>
Sent: Monday, February 04, 2013 11:56 AM
To: Weissman, Jill (USAEO)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

Hey Jill,

Based on potential conflict of interest concerns, EOIR, EEO formally requested that JMD reassign the processing of this complaint to another DOJ EEO office. To avoid any concerns, I have not contacted the EEO program processing the matter. I presume the EEO program will contact our office as it deems it appropriate. Our office did notify JMD that EOUSA and EOIR, OGC had agreed that EOUSA would represent EOIR, so I presume the EEO program will contact you when necessary. Take care.

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

From: Weissman, Jill (USAEO)
Sent: Thursday, January 31, 2013 3:04 PM
To: Hunt, JuanCarlos (EOIR); Press, Andrew (EOIR); Fesak, Matthew (USAEO)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

Hi JC...can you let me know what the status of this matter is? Thanks.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, December 12, 2012 12:02 PM
To: Weissman, Jill (USAEO); Press, Andrew (EOIR); Fesak, Matthew (USAEO)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

Ok. Thanks for the prompt response.

JuanCarlos M. Hunt
EEO Director
Office of the Director
Executive Office for Immigration Review

United States Department of Justice

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Wednesday, December 12, 2012 11:56 AM
To: Hunt, JuanCarlos (EOIR); Press, Andrew (EOIR); Fesak, Matthew (USAEO)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

Hi JC. The understanding is that we will represent EOIR throughout all stages of this matter, though there has been no "formal" agreement. I have represented ATF and ENRD in similar informal arrangements in the past.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, December 12, 2012 11:43 AM
To: Weissman, Jill (USAEO); Press, Andrew (EOIR); Fesak, Matthew (USAEO)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

Hi Jill, long time no talk. Hope you are doing well.

Jeff informed us that EOUSA would be defending the complaint for EOIR so we presumed that there was some sort of agreement in writing to that effect. Should Complainant, her attorney, JMD, the investigator, management, or the MOs need to contact Agency counsel we want to make sure they are contacting the right attorney and not disclosing or providing any information that could be considered confidential to an individual that is not a party to the complaint.

If this is merely an informal agreement that EOUSA intends to represent EOIR should the Complainant elect to proceed with her complaint following the investigation, then we will simply forward the case to JMD, EEOS. However, we are not sure how that resolves in the interim the potential conflicts of interest concerns that led to ELR requesting that EOUSA handle the complaint for it. If you have previously represented a DOJ Agency other than EOUSA and have done it informally without placing anything in writing, then please let us know. If this is the first time you are doing something like this, you may wish to contact Federal Programs. In our experience, Federal Programs is the component that has previously represented EOIR in EEO cases. Federal Programs can tell you what, if any, documentation was prepared demonstrating an agreement by Federal Programs and EOIR to have the former represent the latter, and it can likely provide you with a sample that you can use as a template, if one exists. Hope this helps.

Take care and happy holidays.

Sincerely,

JuanCarlos M. Hunt
EEO Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Wednesday, December 12, 2012 10:48 AM
To: Press, Andrew (EOIR); Fesak, Matthew (USAEO)

Cc: Hunt, JuanCarlos (EOIR)
Subject: RE: EOIR's EEO Conflict Case (EOI-2013-00081)

What kind of formal documentation are you looking for? Generally, a designation of representation is not prepared until the case is before EEOC.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

From: Press, Andrew (EOIR) [<mailto:Andrew.Press@usdoj.gov>]
Sent: Wednesday, December 12, 2012 10:46 AM
To: Weissman, Jill (USAEO); Fesak, Matthew (USAEO)
Cc: Hunt, JuanCarlos (EOIR)
Subject: EOIR's EEO Conflict Case (EOI-2013-00081)

Good Morning,

Jeff has stated that we should be discussing this complaint with you because you will be defending the complaint on EOIR's behalf. Preliminarily, we presume that you are aware that Jeff is a named Responsible Management Official in this complaint and that you have concluded that no actual or apparent conflicts of interests exist due to his prior employment at EOUSA.

The EEO office intends to forward the complaint to JMD, EEOS to handle the investigation. Can you please provide this office, c/o JuanCarlos M. Hunt, EEO Director, with the formal documentation stating that EOUSA will be representing EOIR regarding this case so that we can include the document in the complaint file that we send to JMD, EEOS?

Thanks,
Andrew
EOIR/OOD/EEO
(703) 605-1285

From: Rosenblum, Jeff (EOIR)
Sent: Wednesday, December 12, 2012 9:05 AM
To: Press, Andrew (EOIR)
Cc: Weissman, Jill (USAEO); Fesak, Matthew (USAEO)
Subject: RE: Amended Notice of Acceptance for Ashley Tabaddor (EOI-2013-00081)

Andrew,

Please note that Jill Weissman and Matthew Fesak from EOUSA's EEO Office will be representing EOIR in relation to this complaint. Thanks.

Jeff

Wright, Tanya (USMS)

From: Anderson, Patrick (USMS) <Patrick.Anderson@usdoj.gov>
Sent: Wednesday, March 20, 2013 3:14 PM
To: Hunt, JuanCarlos (EOIR)
Cc: Weissman, Jill (USAEO); Wright, Tanya (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Mr. Hunt,

I am just the investigator assigned to perform a specific function related to this case. Therefore, all discussions about requested materials and time frame required to obtain said items such be submitted or discussed with Ms. Tanya L. Wright, USMS EEO Complaints Manager.

V/r

*Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity
United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, March 20, 2013 2:58 PM
To: Anderson, Patrick (USMS)
Subject: Tabaddor EEO complaint (EOI-2013-00081)

Good afternoon Mr. Anderson,

I am writing because of a request you made to EOUSA attorney, Jill Weissman, seeking information for your investigation of Immigration Judge Tabaddor's EEO complaint (EOI-2013-00081). Other components within EOIR are providing your requested information to the extent EOIR has it; I intend to provide you information regarding the following:

Prior EEO activity

As I informed attorney Weissman, the EEO Office can gather this information. However, as we started to work on this request, we encountered some questions given the uniqueness of the complaint. If you have a moment we would like to run them by you. Are you available to discuss this afternoon?

Organizational Charts

Attached are the organizational charts for EOIR and the ethics office (the latter of which is how to contact the ethics office). The organizational chart for OCIJ/the Los Angeles immigration court will be provided by another EOIR component. I note that the ethics document is current; however, at the time in question, Mr. Rosenblum was the

Acting EEO Officer and I was the Deputy Designated Agency Ethics Official (DDAEO). Because I am now the EEO Director, I requested that another DOJ, EEO component investigate the case because I was the DDAEO when Mr. Rosenblum sent his responses to IJ Tabaddor. As the DDAEO, I should have been consulted by Mr. Rosenblum; I was not. In my opinion, had Mr. Rosenblum consulted me there would be no complaint, because I would not have approved his response because it is discriminatory. I do not want to submit the attached ethics office document and later be accused or have EOIR be accused of providing misleading information.

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
Equal Employment Opportunity Program

5107 Leashburg Pike, Suite 1904
Falls Church, VA 22041

December 11, 2012

SENT VIA ELECTRONIC MAIL

Ali M.M. Mojdehi, Esq.
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121-1909

**RE: NOTICE OF AMENDED ACCEPTANCE OF COMPLAINT OF
DISCRIMINATION
DOCKET NUMBER: EOI-2013-00081**

Dear Mr. Mojdehi:

The EEO office has received your letter of December 10, 2012, requesting that we clarify and amend the Notice of Acceptance (NOA), dated December 3, 2012. The EEO office agrees that the NOA should be clarified to better identify the retaliation claim. As a result, the EEO office is amending the NOA regarding the formal complaint of discrimination filed by Judge Tabaddor on November 29, 2012, against the United States Department of Justice, Executive Office for Immigration Review (EOIR or the Agency). The investigation will consist of the following claim(s):

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 the ethics opinion is discriminatory.

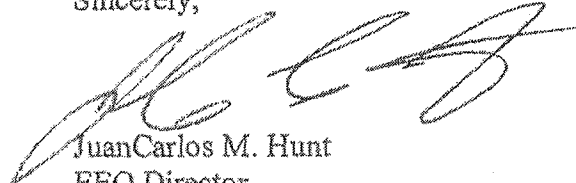
We will assign the complaint to an EEO investigator for investigation. The investigator is authorized to investigate only the above-referenced accepted claim(s). At the conclusion of the investigation, the EEO investigator will file a report of the investigation, and we will provide you with a copy of the complete investigative file.

The EEO investigator will contact you to set a date for the initial interview and investigation. Judge Tabaddor must cooperate with the EEO investigator. Failure to do so may

result in the dismissal of her complaint for failure to proceed. Judge Tabaddor also is responsible for providing the EEO investigator with a list of witnesses, if any, and with additional documentation, if any, to substantiate her complaint.

EEOC regulations also require that Judge Tabaddor notify this office of any prolonged absence from her current address and any change of address or telephone number. If you have any questions regarding the processing of your client's complaint, please contact me at (703) 305-0890.

Sincerely,



Juan Carlos M. Hunt
EEO Director

cc: Ashley Tabaddor
1415 Camden Avenue Apt. 208
Los Angeles, CA 90025



U.S. Department of Justice
Executive Office for Immigration Review
Office of the Director
Equal Employment Opportunity Program

5107 Leesburg Pike, Suite 1904
Falls Church, VA 22041

December 3, 2012

SENT VIA ELECTRONIC MAIL

Ali M.M. Mojdehi, Esq.
Cooley LLP
4401 Eastgate Mall
San Diego, CA 92121-1909

**RE: NOTICE OF ACCEPTANCE OF COMPLAINT OF DISCRIMINATION
DOCKET NUMBER: EO1-2013-00081**

Dear Mr. Mojdehi:

This notice acknowledges the Department of Justice's acceptance of Immigration Judge Ashley Tabaddor's formal complaint of discrimination against the United States Department of Justice, Executive Office for Immigration Review (EOIR or the Agency), which she filed on October 23, 2012. The investigation will consist of the following claim(s):

Judge Tabaddor alleges that EOIR management discriminated against her on the basis of national origin, religion, race, and reprisal when it issued her a legal opinion to recuse herself from immigration cases involving Iranians.

If you do not agree with the proposed scope of this investigation, then, within seven (7) calendar days of receipt of this letter, you must provide this office with a written explanation as to why you disagree.

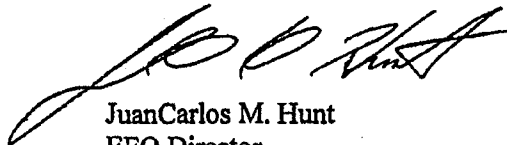
We will assign the complaint to an EEO investigator for investigation. The investigator is authorized to investigate only the above-referenced accepted claim(s). At the conclusion of the investigation, the EEO investigator will file a report of the investigation, and we will provide you with a copy of the complete investigative file.

The EEO investigator will contact you to set a date for the initial interview and investigation. Judge Tabaddor must cooperate with the EEO investigator. Failure to do so may result in the dismissal of her complaint for failure to proceed. Judge Tabaddor also is

responsible for providing the EEO investigator with a list of witnesses, if any, and with additional documentation, if any, to substantiate her complaint.

EEOC regulations also require that Judge Tabaddor notify this office of any prolonged absence from her current address and any change of address or telephone number. If you have any questions regarding the processing of your client's complaint, please contact me at (703) 305-0890.

Sincerely,



Juan Carlos M. Hunt
EEO Director

cc: Ashley Tabaddor
1415 Camden Avenue Apt. 208
Los Angeles, CA 90025

Wright, Tanya (USMS)

Subject: Wright, Tanya (USMS)
RE: Tabaddor EEO Complaint

From: Wright, Tanya (USMS)
Sent: Saturday, March 23, 2013 12:56 PM
To: 'Weissman, Jill (USAEO)'; Toscano, Richard (JMD)
Cc: Fesak, Matthew (USAEO); Williams, Marcus (USMS); Abrahams, Denise M (EEO) (JMD) (Denise.Abrahams@usdoj.gov); Cephas, Charles W (EEO) (JMD)
Subject: RE: Tabaddor EEO Complaint

Ms. Weissman,

I appreciate the fact that you are taking your assignment as Agency Representative very seriously. However, I am a bit surprised that you continue to insert yourself into the middle of the processing of this EEO complaint. The USMS has been assigned to process this case by the Director, JMD EEOs, and as you stated, the complaint is currently under USMS jurisdiction and is currently at the investigation stage of the process. It is completely inappropriate for Agency Counsel to be this involved at the investigation stage; Agency Counsel's role does not really take effect in the process until the complainant elects a hearing before an EEOC Administrative Judge. At that time, Agency Counsel should argue the items you have been raising over the past week, including the appropriateness of the accepted claim, its substance and timeliness, as well as witness testimony. The claim has already been accepted and it would clearly demonstrate "a chilling effect" for anyone to conduct an independent review of the accepted claim at this point.

I have been patiently reading the constant emails you've been sending to my EEO Investigator, instructing him on how to proceed with the processing of this complaint, including whom to interview. I have given my investigator my own instructions to ignore your suggestions and to make his own determinations as to whom should and should not be interviewed based on the information he obtains during witness' testimony. Further, as you've pointed out, this is a conflict complaint; therefore, you should have very minimal, if any, contact with my EEO Investigator about the processing of Ms. Tabaddor's complaint.

I feel it would be quite inappropriate for Mr. Toscano or anyone else on his staff to meet with you to discuss this complaint at any time prior to an EEOC hearing election.

At this point, unless I'm instructed to do otherwise by Mr. Toscano, we will continue to investigate the complaint without your direct assistance, except for the document request. As you've already informed the investigator that you're the point of contact for the documents, we will await receipt of the requested documents for inclusion in the complaint file. I further request that you do not redact the documents before submitting them to the investigator, or send a "clean" copy along with the redacted copies so that we may have one complete set of documents for the Original ROI.

In closing, I thank you for raising your concerns about Mr. Hunt, but I believe the USMS can adequately process this complaint as long as the documents are received and the witnesses provide testimony in a timely manner. However, should you continue to involve yourself in the processing of this investigation, I will have no alternative but to include every email as an exhibit in the ROI.

From: Weissman, Jill (USAEO) [mailto:Jill.Weissman@usdoj.gov]
Sent: Friday, March 22, 2013 5:13 PM

To: Toscano, Richard (JMD); Wright, Tanya (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: Tabaddor EEO Complaint

Mr. Toscano & Ms. Wright:

I am one of the EOUSA attorneys representing the agency in the EEO complaint filed by Ashley Tabaddor with the Executive Office for Immigration Review (EOIR). Because the complaint arose out of the Office of General Counsel at EOIR, that office was recused and our office agreed to provide agency representation. As explained in the February 4 e-mail attached, it was determined that, due conflict of interest concerns, the EOIR EEO Staff was also properly recused from this matter; with the assistance of JMD, it was assigned to US Marshals Service EEO Staff for further processing. Apparently, the EOIR Staff issued both the initial acceptance letter and an amended acceptance letter (both attached) prior to seeking recusal from the matter; those letters are both signed by EEO & Diversity Programs Director Juan Carlos Hunt. Based on information that has recently come to light, EOUSA, after consulting with JMD General Counsel's Office and the JMD ER/LR Chief, is asking that an independent review of the acceptance of this matter be undertaken by JMD or USMS.

As set forth in an e-mail to the investigator in this matter (also copied to Ms. Wright and attached below), EOIR EEO Director Juan Carlos Hunt has indicated his personal belief that he should have been consulted by OGC at the time it issued the legal opinion that forms the basis of this complaint, and that the action at issue in this complaint *is discriminatory*. Given the fact that, at least in his opinion, Mr. Hunt is a fact witness in the case, and more importantly the fact that he is clearly not impartial in this matter (having expressly stated his opinion on the merits of the complaint to the investigator), it was not appropriate for him to make the decision as to whether this complaint was properly accepted or dismissed (there are, at a minimum, issues relating both to timeliness and failure to state a claim that should have been considered). I understand that the investigation has already been initiated in this matter, and we are continuing to assist EOIR in providing responses to the investigator, but given the facts here we believe it is critical to the integrity of the EEO process that an independent review be conducted. I would be happy to discuss this with you further at your convenience, and am available any day next week.

<< Message: RE: EOIR's EEO Conflict Case (EOI-2013-00081) >>

<< Message: RE: Tabaddor EEO complaint (EOI-2013-00081) >> << File: 350965.pdf >>

<< File: 350966.pdf >>

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

Wright, Tanya (USMS)

From: Macklin, Jay (USAEO) <Jay.Macklin@usdoj.gov>
Sent: Wednesday, March 27, 2013 11:25 AM
To: Toscano, Richard (JMD)
Cc: Wright, Tanya (USMS)
Subject: FW: Tabaddor EEO Complaint

Richard,

I thought it necessary that I respond on behalf of Ms. Weissman to Ms. Wright's email below. As you know, the EEOC regulations and the MD-110 require an impartial review of every EEO complaint for legal sufficiency. The purpose of Ms. Weissman's email is to bring to the attention of JMD a potentially significant procedural issue in this matter. Specifically, it seems to us that the apparent lack of impartiality of EOIR's EEO Director, JuanCarlos Hunt, may have had an impact on the processing of this case. We are therefore simply asking for an impartial review as contemplated by the regulations and the MD-110. EOUSA, acting on behalf of the Agency, does not advocate on behalf of a particular result, and only seeks to ensure the integrity of the EEO process in this matter. Since Mr. Hunt was recused from this matter because of a conflict of interest, he should not have made the critical initial decision whether to accept or dismiss this complaint; this is of particular concern now that Mr. Hunt, in his capacity as the EEO Director and *not* as a fact witness, has expressed his personal opinion regarding the merits of this complaint. Thus, we believe an independent review of that decision is both appropriate and necessary to comply with the requirements of MD-110.

To the extent Ms. Wright has concerns with my office's role in the investigation, we respectfully disagree with her assertion that Agency counsel has no role in the investigative process and we will continue to represent the Agency in this matter to ensure that the goals of MD-110 of an impartial and appropriate factual record are met. I'm certain that you and Ms. Wright share that same goal with us. As previously indicated, we have been fully cooperative in the investigative process, all of the witnesses have already submitted their requested questionnaires, and we will continue to make every effort to provide the requested information to the investigator.

Jay

Jay Macklin
General Counsel
Executive Office for U.S. Attorneys
Department of Justice
600 E Street, NW, Ste 5100
Washington, DC 20530
Direct Phone: 202-252-1550
Main Phone: 202-252-1600
Fax: 202-252-1650

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From: Wright, Tanya (USMS) [<mailto:Tanya.Wright@usdoj.gov>]
Sent: Saturday, March 23, 2013 12:56 PM
To: Weissman, Jill (USAEO); Toscano, Richard (JMD)
Cc: Fesak, Matthew (USAEO); Williams, Marcus (USMS); Abrahams, Denise M (EEO) (JMD); Cephas, Charles W (EEO) (JMD)
Subject: RE: Tabaddor EEO Complaint

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To: Toscano, Richard (JMD); Wright, Tanya (USMS)
Cc: Fesak, Matthew (USAEO)
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Mr. Toscano & Ms. Wright:

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Jill A. Weissman

Senior Legal Counsel

General Counsel's Office

Executive Office for United States Attorneys

600 E Street, NW, Ste 5100

Washington, DC 20530

phone: (202) 252-1565

fax: (202) 252-1650

Wright, Tanya (USMS)

From: Anderson, Patrick (USMS)
Sent: Tuesday, March 05, 2013 11:00 AM
To: Wright, Tanya (USMS)
Subject: FW: EOIR EEO Complaint

They should be contacting you or at a minimum keeping you informed of their request.

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, March 05, 2013 10:58 AM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: EOIR EEO Complaint

Hello Patrick...I understand that you are handling the EOIR EEO complaint from Ashley Tabbador. I am the attorney handling the matter due to the EOIR conflict. Can you please let me know the status of the matter? If an acceptance or dismissal letter has been issued, can you please send me a copy? Thanks!

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
30 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Tuesday, March 05, 2013 11:15 AM
To: Wright, Tanya (USMS)
Cc: Anderson, Patrick (USMS); Fesak, Matthew (USAEO)
Subject: RE: EOIR EEO Complaint

Hello Ms. Wright:

Can you please provide me with the status of this matter and a copy of the acceptance letter if one has been issued? Thanks.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

From: Anderson, Patrick (USMS) [<mailto:Patrick.Anderson@usdoj.gov>]
Sent: Tuesday, March 05, 2013 11:14 AM
To: Weissman, Jill (USAEO)
Cc: Wright, Tanya (USMS)
Subject: RE: EOIR EEO Complaint

Ms. Weissman,

I am only assigned to conduct the investigation in the case referenced below . All other inquiries relating to the processing of the complaint should be directed to Ms. Tanya L. Wright, EEO Complaints Manager. Thank you

v/r

*Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity
United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, March 05, 2013 10:58 AM
To: Anderson, Patrick (USMS)

Cc: Fesak, Matthew (USAEO)
Subject: EOIR EEO Complaint

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fax: (202) 252-1650

Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Tuesday, March 05, 2013 11:47 AM
To: Anderson, Patrick (USMS)
Cc: Wright, Tanya (USMS); Fesak, Matthew (USAEO)
Subject: RE: EOIR EEO Complaint

I understand you have already begun the investigation in this matter. As noted earlier, I am the agency's representative, so please direct any request for documents to me and I will coordinate that.

Jill A. Weissman
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From: Anderson, Patrick (USMS) [<mailto:Patrick.Anderson@usdoj.gov>]
Sent: Tuesday, March 05, 2013 11:14 AM
To: Weissman, Jill (USAEO)
Cc: Wright, Tanya (USMS)
Subject: RE: EOIR EEO Complaint

Ms. Weissman,

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v/r

*Patrick Anderson
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United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, March 05, 2013 10:58 AM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: EOIR EEO Complaint

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Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Tuesday, March 05, 2013 11:58 AM
To: Anderson, Patrick (USMS)
Cc: Wright, Tanya (USMS); Fesak, Matthew (USAEO)
Subject: RE: EOIR EEO Complaint

Also, there are a number of EOIR and DOJ witnesses who have information regarding this matter; it's not clear to me whether USMS has that information. If you would like to discuss this, please give me a call at your convenience.

Jill A. Weissman
Senior Legal Counsel
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Washington, DC 20530
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fax: (202) 252-1650

From: Weissman, Jill (USAEO)
Sent: Tuesday, March 05, 2013 11:47 AM
To: Anderson, Patrick (USMS)
Cc: Wright, Tanya (USMS); Fesak, Matthew (USAEO)
Subject: RE: EOIR EEO Complaint

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From: Anderson, Patrick (USMS) [<mailto:Patrick.Anderson@usdoj.gov>]
Sent: Tuesday, March 05, 2013 11:14 AM
To: Weissman, Jill (USAEO)
Cc: Wright, Tanya (USMS)
Subject: RE: EOIR EEO Complaint

Ms. Weissman,

I am only assigned to conduct the investigation in the case referenced below. All other inquiries relating to the processing of the complaint should be directed to Ms. Tanya L. Wright, EEO Complaints Manager. Thank you

v/r

*Patrick Anderson
EEO Counselor/Investigator
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Ph: 202 305-8837
Fax: 703 603-7005*

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, March 05, 2013 10:58 AM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: EOIR EEO Complaint

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fax: (202) 252-1650

Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Wednesday, March 20, 2013 5:32 PM
To: Wright, Tanya (USMS); Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Also, we believe it would be appropriate to get a supplemental affidavit from Mr. Rosenblum, the EOIR General Counsel, regarding Mr. Hunt's claim that he was the DDAEO. It is my understanding that Mr. Hunt is mistaken in his belief that he was the DDAEO at the time this opinion was issued, which is clearly relevant to the issue of whether Mr. Hunt in fact had any role, or should have had any role, in this matter.

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Executive Office for United States Attorneys
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fax: (202) 252-1650

From: Weissman, Jill (USAEO)
Sent: Wednesday, March 20, 2013 3:49 PM
To: Wright, Tanya (USMS)
Cc: Anderson, Patrick (USMS); Fesak, Matthew (USAEO)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Ms. Wright and Mr. Anderson:

Since Mr. Hunt's office was recused from this matter because of a conflict of interest, we would ask that you limit any discussions about the substance of this investigation to myself and Matt Fesak, who are representing EOIR in this matter. If you'd like to send him a questionnaire as a witness, of course we have no concern with your office doing so. However, we would again reiterate request that you send questionnaires to Kathy Silbaugh, of the Department of Justice's Ethics Office, and Brigette Frantz, who was the EOIR Ethics official at the time since both were consulted regarding the issuance of the OGC ethics opinion and can speak to the process and ultimate decision.

Jill A. Weissman
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General Counsel's Office
Executive Office for United States Attorneys
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fax: (202) 252-1650

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, March 20, 2013 3:17 PM
To: Wright, Tanya (USMS)
Cc: Weissman, Jill (USAEO); Anderson, Patrick (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Ms. Wright,

Are you available to discuss questions we have regarding prior EEO activity?

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

From: Anderson, Patrick (USMS)
Sent: Wednesday, March 20, 2013 3:14 PM
To: Hunt, JuanCarlos (EOIR)
Cc: Weissman, Jill (USAEO); Wright, Tanya (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Mr. Hunt,

I am just the investigator assigned to perform a specific function related to this case. Therefore, all discussions about requested materials and time frame required to obtain said items such be submitted or discussed with Ms. Tanya L. Wright, USMS EEO Complaints Manager.

*Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity
United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, March 20, 2013 2:58 PM
To: Anderson, Patrick (USMS)
Subject: Tabaddor EEO complaint (EOI-2013-00081)

Good afternoon Mr. Anderson,

I am writing because of a request you made to EOUSA attorney, Jill Weissman, seeking information for your investigation of Immigration Judge Tabaddor's EEO complaint (EOI-2013-00081). Other components within EOIR are providing your requested information to the extent EOIR has it; I intend to provide you information regarding the following:

Prior EEO activity

As I informed attorney Weissman, the EEO Office can gather this information. However, as we started to work on this request, we encountered some questions given the uniqueness of the complaint. If you have a moment we would like run them by you. Are you available to discuss this afternoon?

Organizational Charts

Attached are the organizational charts for EOIR and the ethics office (the latter of which is how to contact the ethics office). The organizational chart for OCIJ/the Los Angeles immigration court will be provided by another EOIR component. I note that the ethics document is current; however, at the time in question, Mr. Rosenblum was the Acting EEO Officer and I was the Deputy Designated Agency Ethics Official (DDAEO). Because I am now the EEO Director, I requested that another DOJ, EEO component investigate the case because I was the DDAEO when Mr. Rosenblum sent his responses to IJ Tabaddor. As the DDAEO, I should have been consulted by Mr. Rosenblum; I was not. In my opinion, had Mr. Rosenblum consulted me there would be no complaint, because I would not have approved his response because it is discriminatory. I do not want to submit the attached ethics office document and later be accused or have EOIR be accused of providing misleading information.

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

Wright, Tanya (USMS)

From: Hunt, JuanCarlos (EOIR) <JuanCarlos.Hunt@usdoj.gov>
Sent: Thursday, March 21, 2013 10:02 AM
To: Wright, Tanya (USMS)
Subject: FW: Tabaddor EEO complaint (EOI-2013-00081)

Thanks, Ms. Wright. FYI, perhaps I should have included you in the response I sent to attorney Weissman. It is as follows:

Hi Jill,

Sorry I could not get back to you yesterday. Preliminarily, I presume you are not suggesting that I cannot engage in protected EEO activity. The very reason our EEO Office is not investigating the case is because I was concerned about potential conflicts due to the positions I had and currently hold, which might result in me having to provide information regarding this complaint outside of my position as EEO Director.

Regarding the gathering of information for the EEO investigator on my prior EEO activity, at EOIR, the investigator asks the components directly for the information and the components provide the information directly to the investigator. If the component wants assistance from OGC, that is the components prerogative. That said, my question relates to the request for information regarding prior EEO activity given the uniqueness of the case. I do not feel that is an appropriate question for the agency's representative because the EEO investigator determines this not the Agency representative. I know you are trying to help, and I am happy to discuss it with you if you would like. I appreciate your help, and, as the former Deputy General Counsel and Acting General Counsel of EOIR, rest assured I will not hesitate to ask the Agency's representative for assistance if it is needed.

Also, FYI, yesterday EOIR HR informed me that OGC, ELR was requesting documents as well regarding this complaint, which surprised me because as you stated below EOIR OGC has recused itself from this matter and so I'm not sure how appropriate it is for ELR to be gathering documents and information for this complaint. I'm not sure if you were aware of that, if you were, I am sure there is a logical explanation.

Sincerely,

*JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice*

I look forward to hearing from you Ms. Wright. I should also clarify that in yesterday's email, I meant to write that Mr. Rosenblum was the Acting "Ethics" Officer not "EEO" Officer at the time in question.

Sincerely,

*JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review*

From: Wright, Tanya (USMS)
Sent: Thursday, March 21, 2013 9:35 AM
To: Hunt, JuanCarlos (EOIR)
Cc: Weissman, Jill (USAEO); Anderson, Patrick (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Everyone,

I was out of office yesterday afternoon and am just receiving these messages. Also, I am encountering server connectivity issues along with hundreds of other USMS employees the past couple weeks, so I'm just receiving a few older emails as well.

I will review all the messages in the next couple hours and contact whomever I need to in order to proceed further this investigation. I will be in touch soon to appropriate parties as this is a conflict of interest case. Thanks

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, March 20, 2013 3:17 PM
To: Wright, Tanya (USMS)
Cc: Weissman, Jill (USAEO); Anderson, Patrick (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Ms. Wright,

Are you available to discuss questions we have regarding prior EEO activity?

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

From: Anderson, Patrick (USMS)
Sent: Wednesday, March 20, 2013 3:14 PM
To: Hunt, JuanCarlos (EOIR)
Cc: Weissman, Jill (USAEO); Wright, Tanya (USMS)
Subject: RE: Tabaddor EEO complaint (EOI-2013-00081)

Mr. Hunt,

I am just the investigator assigned to perform a specific function related to this case. Therefore, all discussions about requested materials and time frame required to obtain said items such be submitted or discussed with Ms. Tanya L. Wright, USMS EEO Complaints Manager.

V/r

Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity

*United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Wednesday, March 20, 2013 2:58 PM
To: Anderson, Patrick (USMS)
Subject: Tabaddor EEO complaint (EOI-2013-00081)

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Sincerely,

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EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

Wright, Tanya (USMS)

From: Weissman, Jill (USAEO) <Jill.Weissman@usdoj.gov>
Sent: Wednesday, April 10, 2013 8:23 AM
To: Anderson, Patrick (USMS)
Cc: Wright, Tanya (USMS)
Subject: RE: EOI-2013-00081

Okay. We have already sent you the Los Angeles workforce profile. As previously indicated, DOJ does not maintain data on religion or national origin other than Hispanic, so we are unable to provide that. We will be sending the ethics opinions very shortly.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
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Washington, DC 20530
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fax: (202) 252-1650

From: Anderson, Patrick (USMS) [<mailto:Patrick.Anderson@usdoj.gov>]
Sent: Wednesday, April 10, 2013 8:18 AM
To: Weissman, Jill (USAEO)
Cc: Wright, Tanya (USMS)
Subject: RE: EOI-2013-00081

Ms. Weissman

I see no need to amend or change the request at this point. I will need the Los Angeles office data and the EOIR data based on testimony given by the prospective witnesses from each region. Again all request for clarification or any other inquiry into this investigation should be directed to Ms. Tanya Wright the USMS EEO Complaints Manager..

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, April 09, 2013 5:16 PM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: RE: EOI-2013-00081

Can you please clarify your prior request for information following this discussion you had with Mr. Hunt? Should we delete #8 from the initial request? We have asked EOIR OGC to identify any other matters involving the recusal of an IJ and will provide those to you when we receive them.

Jill A. Weissman
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fax: (202) 252-1650

From: Weissman, Jill (USAEO)
Sent: Monday, April 08, 2013 8:32 PM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: Re: EOI-2013-00081

Mr. Anderson:

As we have discussed previously, Mr. Hunt has been recused from this matter in his capacity as the EEO Director; he is a fact witness in this case. Matt and I continue to represent EOIR, so if you wish to modify or amend the previous request for information please let me know ASAP so we can try to obtain the information. Thank you.

From: Hunt, JuanCarlos (EOIR) [<mailto:JuanCarlos.Hunt@usdoj.gov>]
Sent: Monday, April 08, 2013 07:12 PM
To: Anderson, Patrick (USMS)
Cc: Weissman, Jill (USAEO); Fesak, Matthew (USAEO)
Subject: EOI-2013-00081

Hello Patrick,

The management representative for EOIR, Jill Weissman, has requested that EOIR provide certain information for this investigation. As we do not maintain all of the information requested and as some of the information she requested seems unnecessary, I contacted you to discuss. Unfortunately we missed each other on Friday and today, but I did manage to speak with US Marshals EEO this afternoon. Pursuant to that discussion, first, with regard to RMO Thomas Fong, please find attached a copy of the Workforce Profile for the judges at the Los Angeles Immigration Court, which includes the name, race, and national origin of each judge. EOIR does not maintain information on religion. Also, today is the first time I received a copy of the attachment so just to be safe I ran the names against our EEO files. I found in our closed case file that several years ago one of these judges filed an EEO complaint against EOIR; however, Thomas Fong was not the ACIJ at the time.

Second, with regard to Jeff Rosenblum, US Marshal's agreed that we did not need to provide demographic data for all of EOIR. Rather, EOIR EEO will obtain from EOIR's OGC Ethics office a list of immigration judges by race and national origin (as stated above, we do not maintain information on religion) who have been asked to consider recusing themselves from hearing immigration cases. Per the discussion, US Marshals agreed that it would be sufficient for the list to go back two years. Once we receive the list from EOIR, OGC, Ethics, we will review it to inform you whether any of these judges have filed an EEO complaint. Third, aside from this complaint, there are no other EEO complaints at EOIR that name Jeff Rosenblum as the RMO.

I will contact you as soon as I receive the rest of the information. In the interim, if there is any additional information you need from EOIR, please do not hesitate to contact me.

Sincerely,

JuanCarlos M. Hunt
EEO & Diversity Programs Director
Office of the Director
Executive Office for Immigration Review
United States Department of Justice

Wright, Tanya (USMS)

From: Anderson, Patrick (USMS)
Sent: Wednesday, March 20, 2013 10:33 AM
To: Wright, Tanya (USMS)
Subject: FW: EOI -2013-00081 (Tabaddor)

FYI

From: Weissman, Jill (USAEO) [mailto:Jill.Weissman@usdoj.gov]
Sent: Wednesday, March 20, 2013 10:30 AM
To: Anderson, Patrick (USMS)
Subject: RE: EOI -2013-00081 (Tabaddor)

Hi Patrick. I have confirmed with EOIR's EEO staff that they are unable to provide information relating to employees' national origin and religion. While they do maintain statistical data regarding race, it would not include "Middle Eastern" or "Persian" as those are not race categories on the SF181 (although she also claims "Asian" as part of her race, that category is defined on the OPM SF181 as "A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam," which would not seem to apply to Ms. Tabaddor).

With respect to protected EEO activity, the EEO Staff can provide information regarding who has initiated the EEO process, but has no means to identify those who provided witness statements in others' complaints or otherwise opposed discriminatory practices (like Ms. Tabaddor, for example; her protected activity was not filing an EEO complaint, but rather complaining to OGC that she believed their opinion was discriminatory).

We are in the process of collecting the policies you requested. Identifying the information requested in 2, 4 and 6 is going to take a significant amount of time, as there are approximately 600 requests that will need to be reviewed, cross-referenced against the list of those who have filed EEO complaints once we receive that, and then redacted.

Jill A. Weissman
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From: Anderson, Patrick (USMS) [mailto:Patrick.Anderson@usdoj.gov]
Sent: Monday, March 18, 2013 7:44 AM
To: Weissman, Jill (USAEO)
Subject: RE: EOI -2013-00081 (Tabaddor)

Ms. Weissman

I do mean IJs and not attorneys in request 1 and 2. Also the EEO Office should be about to assist with the request for information related to employee's EEO related information. Thank you

*Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity
United States Marshals Service
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Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005*

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Thursday, March 14, 2013 5:18 PM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: RE: EOI -2013-00081 (Tabaddor)

Thanks, Patrick. We will coordinate with EOIR on this request. However, I can tell you that we have no way to identify the race, national origin, religion, and prior protected activity of all EOIR employees (as requested in number 8), or even of all the Immigration Judges (IJs). So, for example, in response to questions 2 and 4, the list of employees would likely include many, if not most, of the approximately 250 IJs, but we do not maintain the requested information about their race, national origin, religion, and prior protected activity. Also, in requests 1 and 2, you refer to "EOIR attorneys;" was your intent to seek information about the Immigration Judges? "EOIR attorneys" would include those who work at headquarters and the judges' law clerks, but not the judges.

A. Weissman
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fax: (202) 252-1650

From: Anderson, Patrick (USMS) [<mailto:Patrick.Anderson@usdoj.gov>]
Sent: Thursday, March 14, 2013 3:27 PM
To: Weissman, Jill (USAEO)
Subject: EOI -2013-00081 (Tabaddor)

Ms. Weissman,

Could you please provide the following:

1. Workforce profile for EOIR Attorneys located in the Los Angeles Office. Please include the race, national origin, religion and prior EEO activity for each employee.
2. List of EOIR Attorneys who have been allowed to use their official title for training or speeches not funded by the organization or the Federal Government for the past 2 years. Please include the race, national origin, religion and prior EEO activity for each employee.
3. The EOIR policy regarding use of official title during sanctioned or unsanctioned speaking engagements.

4. List of all speaking engagement requested by EOIR IJs for the past 2 years. Please annotate whether the requests was approved or disapproved, or whether they were official of unofficial request. Please include the race, national origin, religion and prior EEO activity for each employee.
5. Regulations or documents used by EOIR to determine or not Judge Tabaddor could use her official title.
6. List of employee who have been denied the use of their official title during personal speaking engagements over the past 2 years.
7. Policy used to determine agency liability when using official title for personal appearance events.
8. EOIR Organization Chart, please include the race, national origin, religion and prior EEO activity for each employee.
9. List of cases (Iranian Citizen) assigned to Judge Tabaddor over the past 2 years.
10. List of cases taken from Judge Tabaddor after she received the alleged recusal order. Please include the race, national origin, religion and prior EEO activity for each case respondent.

Thank you,

Patrick Anderson
EEO Counselor/Investigator
Office of Equal Employment Opportunity
United States Marshals Service
Crystal Square #4, Suite 1102
2604 Jefferson Davis Highway
Alexandria, Virginia 22301-1025
Ph: 202 305-8837
Fax: 703 603-7005

Wright, Tanya (USMS)

From: Abrahams, Denise M (EEO) <Denise.Abrahams@usdoj.gov>
Sent: Monday, July 15, 2013 11:54 AM
To: Weissman, Jill (USAEO)
Cc: Toscano, Richard (JMD)
Subject: FW: Tabaddor

Ms. Weissman,

The USMS is finalizing the ROI and expects to have it to the complainant, her attorney and management by the end of this week.

Denise Abrahams
Asst. Dir. for Complaints Mgmt.
JMD EEOS

From: Weissman, Jill (USAEO)
Sent: Monday, July 15, 2013 10:55 AM
To: Toscano, Richard (JMD)
Cc: Fesak, Matthew (USAEO)
Subject: FW: Tabaddor

Mr. Toscano:

The Executive Office for Immigration Review's EO and GC offices have been recused from a matter filed by an EOIR employee by the name of Afsaneh "Ashley" Tabaddor. The USMS EEO office was assigned to handle the EEO investigation by your office, while EOUSA's General Counsel's office was asked to represent the agency as counsel. We assisted in gathering documents and witness testimony for the investigation back in April, but have been unsuccessful in getting a response from USMS on the current status of the matter (it has now been about 9 months since the filing of the complaint). My most recent email is included below, and attached is my co-counsel's similar e-mail dated June 25. Both of these e-mails remain unanswered. Both my office and EOIR need to know the status of the complaint, particularly since if the matter has been forwarded for a hearing we are expected to represent the Department of Justice in that matter. Can you please find out the status of this matter and let us know, or ask USMS to respond to our inquiries? Thanks very much.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

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From: Weissman, Jill (USAEO) [<mailto:JWeissman@usa.doj.gov>]
Sent: Tuesday, July 09, 2013 2:22 PM
To: Wright, Tanya (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: RE: Tabaddor

Ms. Wright:

Can you please let me know if this investigation has been completed, and if so whether Ms. Tabaddor has requested a hearing in this matter? Thanks very much.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

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From: Wright, Tanya (USMS) [<mailto:Tanya.Wright@usdoj.gov>]
Sent: Tuesday, June 04, 2013 10:06 AM
To: Weissman, Jill (USAEO)
Subject: FW: Tabaddor

Ms. Weissman,

The draft ROI has been forwarded to me for review.

Tanya L. Wright
Chief, Complaints Processing
Office of Equal Employment Opportunity
United States Marshals Service
(202) 305-9419 [office]
(202) 307-9325 [branch]

(703) 603-7005 [fax]

From: Anderson, Patrick (USMS)
Sent: Tuesday, June 04, 2013 10:05 AM
To: Wright, Tanya (USMS)
Subject: FW: Tabaddor

For your response..

From: Weissman, Jill (USAEO) [mailto:Jill.Weissman@usdoj.gov]
Sent: Tuesday, June 04, 2013 10:04 AM
To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: Tabaddor

Can you please let me know the status of the EEO investigation of the Tabaddor matter from the Executive Office for Immigration Review? Thanks.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
Washington, DC 20530
phone: (202) 252-1565
fax: (202) 252-1650

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Wright, Tanya (USMS)

From: Fesak, Matthew (USAEO) <Matthew.Fesak@usdoj.gov>
Sent: Tuesday, June 25, 2013 3:53 PM
To: Wright, Tanya (USMS); Weissman, Jill (USAEO)
Subject: RE: Tabaddor

Ms. Wright:

Following up on your last email, please let us know if/when the ROI and Notice have been issued to the Complainant.

Respectfully,

MATTHEW L. FESAK
Assistant United States Attorney
EOUSA/General Counsel's Office
202.252.1566 (o)
202.252.1650 (f)
matthew.fesak@usdoj.gov

From: Wright, Tanya (USMS) [<mailto:Tanya.Wright@usdoj.gov>]
Sent: Tuesday, June 04, 2013 10:06 AM
To: Weissman, Jill (USAEO)
Subject: FW: Tabaddor

Ms. Weissman,

The draft ROI has been forwarded to me for review.

*Tanya L. Wright
Chief, Complaints Processing
Office of Equal Employment Opportunity
United States Marshals Service
(202) 305-9419 [office]
(202) 307-9325 [branch]
(703) 603-7005 [fax]*

From: Anderson, Patrick (USMS)
Sent: Tuesday, June 04, 2013 10:05 AM
To: Wright, Tanya (USMS)
Subject: FW: Tabaddor

For your response..

From: Weissman, Jill (USAEO) [<mailto:Jill.Weissman@usdoj.gov>]
Sent: Tuesday, June 04, 2013 10:04 AM

To: Anderson, Patrick (USMS)
Cc: Fesak, Matthew (USAEO)
Subject: Tabaddor

Can you please let me know the status of the EEO investigation of the Tabaddor matter from the Executive Office for Immigration Review? Thanks.

Jill A. Weissman
Senior Legal Counsel
General Counsel's Office
Executive Office for United States Attorneys
600 E Street, NW, Ste 5100
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