

ROBERT J. MACLEAN v. DEPARTMENT OF HOMELAND SECURITY

Docket # SF-0752-06-0611-C-1

Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages
Summary Page

Case Title : ROBERT J. MACLEAN v. DEPARTMENT OF HOMELAND SECURITY

Docket Number : SF-0752-06-0611-C-1

Pleading Title : Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages

Filer's Name : Robert J. MacLean

Filer's Pleading Role : Appellant

Details about the supporting documentation

N/A

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ROBERT J. MACLEAN v. DEPARTMENT OF HOMELAND SECURITY

Docket # SF-0752-06-0611-C-1

Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages
Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

2. Does your pleading assert facts that you know from your personal knowledge?

Yes

3. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
WESTERN REGIONAL OFFICE

ROBERT J. MACLEAN,)	DOCKET NUMBER:
Appellant,)	SF-0752-06-0611-C-1
)	
v.)	
)	
DEPARTMENT OF HOMELAND SECURITY,)	ADMINISTRATIVE JUDGE
TRANSPORTATION SECURITY)	Honorable Franklin M. Kang
ADMINISTRATION,)	
Agency.)	
)	December 30, 2016

APPELLANT'S DECLARATION: SUPPLEMENT TO DECEMBER 26, 2016 REQUEST

Pursuant to 28 U.S.C. § 1746, I declare under the laws of the United States of America under penalty of perjury that the foregoing statements are true and correct. I understand false statements could result in the suspension or revocation of my non-interim TOP SECRET security clearance full adjudicated and issued on December 16, 2016.

1. I have obtained previously unavailable evidence that bolsters my request for \$300,000 in compensatory damages.
2. The evidence supports the egregious whistleblower retaliation from the Agency's most senior executives.
3. The Agency's Assistant Federal Security Director, Mission Support for Minneapolis-St. Paul International Airport forwarded me today an email (EXHIBIT C-22) with a disturbing photo attachment he sent earlier today to the U.S. House Committee on Homeland Security, the U.S. House Committee on Oversight and Governmental Oversight, the U.S. Senate on Homeland Security on Governmental Affairs, Inspector

General of Department of Homeland Security, John Roth, and the U.S. Office of Special Counsel (“OSC”).

4. The email attachment is a photo of a December 15, 2014 calendar invitation emailed from the Agency’s then-Assistant Chief Counsel/now-Assistant Administrator for the Office of Professional Responsibility (“OPR”) Steven Colón to Agency Supervisory Litigation Attorney Jeffrey Velasco and to other employees within the Agency’s Office of Chief Counsel (“OCC”).
5. Mr. Velasco was one of the two Agency attorneys present for my November 5, 2009 hearing before this court.
6. Mr. Colón’s message to the group writes:

Jeff if you can join us, I would appreciate it.
We already fired Barnett. And I am done being conciliatory with OSC. They have been a nightmare to deal with for the Employment advice folks. They want war, they got one. Unless the evidence stinks. (emphasis added)

7. Since May 21, 2015, (EXHIBIT C-23) Mr. Colón has been deeply involved in my case from backpay issues to his rebuffing of all of my invitations to finally begin settlement talks.
8. Despite my attorneys providing physical evidence to Mr. Colón proving flagrant and high-level retaliation against me by Agency Headquarters Supervisory Federal Air Marshal (“SFAM”) Rose Tancredi, providing him a May 24, 2016 memorandum from OPR Unit Chief Deborah Kearse showing that SFAM Tancredi falsified her November 10, 2016 Equal Employment Opportunity (“EEO”) affidavit in entries #14 and #17 by asserting that SFAM Tancredi never had any discussions of racism with me, and pointing out to him in SFAM Tancredi affidavit entry #20 that she declared the person’s race was “clearly visible” thus contradicting her previous falsified entries #14 and #17— Mr.

Colón arbitrarily expressed to my attorneys that OPR Unit Chief Kearse may have erred in her findings and again rejected my invitation to begin settlement talks.

9. This is more evidence of Mr. Colón's motivation to place extreme pressure on OPR Unit Chief Kearse to retract her May 24, 2016 conclusion that "SFAM Tancredi expressed that she was offended and believed that the video was racist."

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. MacLean". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Robert J. MacLean
Appellant

EXHIBIT C-22



Robert MacLean <rjmaclean@gmail.com>

Fwd: TSA view of OSC

William Rhoades <andrew-rhoades@outlook.com>
To: Robert MacLean <rjmaclean@gmail.com>

Fri, Dec 30, 2016 at 10:54 AM

And Roth...

And the committees...

Sent from my iPhone

Begin forwarded message:

From: <Andrew-Rhoades@outlook.com>
Date: December 30, 2016 at 08:22:09 CST
To: Efthimia Valiotis <evaliotis@osc.gov>
Cc: <john.roth@oig.dhs.gov>, Tristan Leavitt <Tristan.Leavitt@mail.house.gov>, Emily Gunn <emily.gunn@mail.house.gov>, <Michael_Lueptow@hsgac.senate.gov>
Subject: TSA view of OSC

Efthimia:

I thought OSC would appreciate how TSA views your agency.

Evidently they "want war" with you.

I illustrate this because I don't have confidence TSA will operate in good faith.

Steve Colon is the person who works for Francine Kerner. He is chief of litigation and is detailed as the head of the Office of Professional Responsibility (OPR).

The document speaks for itself!

Subject: Barnett
Location: 888-322-8189 PC 6472391

Start: Mon 12/15/2014 3:15 PM
End: Mon 12/15/2014 3:45 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Colon, Steven <TSA OCC>
Required Attendees: Lewengrub, Steven <TSA OCC>; Billingsley, Paula <TSA OCC>; Velasco, Jeffrey <TSA OCC> (Jeffrey.Velasco@tsa.dhs.gov)

Importance: High

Jeff if you can join us, I would appreciate it.

**We already fired Barnett. And I am done being conciliatory with OSC.
They have been a nightmare to deal with for the Employment advice folks.
They want war, they got one. Unless the evidence stinks.**

888-322-8189 PC 6472391

Drew Rhoades

Sent from my iPhone

EXHIBIT C-23



Robert MacLean <rjmaclean@gmail.com>

Backpay arrival date questions

Knott, Gregory L <Gregory.Knott@mailserver-hraccess.tsa.dhs.gov> Thu, May 21, 2015 at 4:44 PM
 To: "rjmaclean@gmail.com" <rjmaclean@gmail.com>, "Eddy, Christine G" <Christine.Eddy@mailserver-hraccess.tsa.dhs.gov>
 Cc: Thad Guyer <thad@guyerayers.com>, Tom Devine <TomD@whistleblower.org>, Judith Marshack <jmarshack@marshackhays.com>, Ed Hays <ehays@marshackhays.com>, "Colon, Steven <TSA OCC>" <steven.colon@tsa.dhs.gov>, "Calaguas, Eileen <TSA OCC>" <Eileen.Calaguas@tsa.dhs.gov>

The back pay for the period 12/06 through 5/2/15, minus outside earnings during that period, takes 6 weeks processing time at NFC—so best guess is some time around the first or second week of July. Our goal is to do what we can to expedite that and get it sooner if possible. You will, however, begin the Mng weekly deposits starting next week based on an 80-hour pay period. We are just now getting all of the personnel accounts processed so bring your records up to date. As mentioned earlier, the first payment will be at the rate of pay based solely on the cancella on of the 2006 separa on. It will be retroactively corrected to the current rate by the time of your second payment two weeks later. We will contact you as we need it. There is any additional information/clarification that we need to complete our end. It will be out of the office for a few days, but Chris will be working on your records.

Greg%no)

Senior HR Consultant / M HR Access / Special Handling
 2650 Park Tower Drive, Suite 7074 Merrifield, VA 22180

((703) 336-0441 | * gregory.knott@mailserver-hraccess.tsa.dhs.gov

6 (703) 280-9980

Work Schedule/ Availability: ~~Tuesday~~, ~~Wednesday~~, ~~Thursday~~



From: Robert MacLean [mailto:rjmaclean@gmail.com]
 Sent: Thursday, May 21, 2015 12:38 PM
 To: Knott, Gregory L; Eddy, Christine G

Cc: Thad Guyer; Tom Devine; Judith Marshack; Ed Hays
Subject: Backpay arrival date questions

[Quoted text hidden]
[Quoted text hidden]

Certificate Of Service

e-Appeal has handled service of the assembled pleading to MSPB and the following Parties.

Name & Address	Documents	Method of Service
MSPB: Western Regional Office	Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages	e-Appeal / e-Mail
Thad M. Guyer, Esq. Appellant Representative	Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages	e-Appeal / e-Mail
Eileen Dizon Calaguas, Esq. Agency Representative	Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages	e-Appeal / e-Mail

I agree to send a printed copy of the electronic pleading with attachments to non-efilers by the end of next business day, as follows:

Name & Address	Documents	Method of Service
Thomas Devine, Esq. Appellant Representative Government Accountability Project 1612 K Street, NW, Suite 1100 Washington, DC 20006 USA	Declaration: New Evidence to Supplement Request for WPEA Compensatory Damages	Fax