

obstacles and bureaucratic bias restrictions, even after working very hard to maintain fair employment placements.

STATEMENT OF FACTS

11. Complainant is requesting for the "RIGHT TO SUE", due now to the mounting retaliatory activities that are being heaped upon Complainant.
Not only has Complainant now being force to work at the bottom rung with entry level CBPOs. On the 16th of February 2009, Complainant was placed in OJT practice on the floor in Passenger Control, with less than two weeks training, without the knowledge base possessed by others. Being held responsible to stop the likes of '9/11' perpetrators from entrance into the country, was the time Complainant felt it a must, to contest this serious risk.
12. On the 21st of January 2009, Complainant was given his first notice that the BID, ROTATION, AND PLACEMENT request submitted(January 1st), was disallowed due to a secretive "investigation" being conducted on Complainant. (Complainant call Internal Affairs on the 26th of January 2009, to find "Yes" there is an ongoing investigation, but no request to remove Complainant from job duties was ever made by Internal Affairs)
13. No official acknowledgement of any kind has been provided to Complainant, pertaining to any issues or grounds that this secretive "investigation" is centered around. When was it started? How it came to causes Complainant to be restricted in Biddings? How did the rights come about not to hold previous positions of duties, and what persons were making these decisions and judgments that eliminated rights for fair employment treatments for Complainant?

14. The filing of an EEO Grievance on the 8th of December 2008 by Complainant, did not provide notice about the degrees of retaliatory actions that were to follow, with inflictions upon Complainant.
15. From the 12th of November - until only the 3rd of December 2008, that AT-CET Chief CBPO finally (at 1600hr 12-3-08) provided a vague reason about some unnamed incidents of the 2nd and 12th of November 2008, as the reasons made by "Higher Ups" in Management, for removal of Complainant from field duties, since the date of the 12th of November 2008.
16. The 12th of November 2008, was the start of the final hatchet issue, of discriminatory and retaliatory actions stemming from bias managerial decisions against Complainant by the present MIA CBP Management, since unusual and unfair CBP actions against Complainant begun in early 2006.
17. Came before, the failure by MIA CBP AT-CET Senior Managerial Team, in it's unwillingness to properly process Workman's Compensation Injury claims for June 12,2008 for Complainant. Came before, the failures of AT-CET senior managerial also, by it's unwillingness in approvals for Complainant of promotions, special teams assignments, TDY assignments offers, bonuses, and other fair opportunities afforded other-ethnic younger employees. Outstanding only, was to continuously heavily penalized Complainant for minor infractions, beginning greatly in 2006.
18. **DISPARATE TREATMENTS** is the only term that can be given to the actions against Complainant, since no records or testimonies of Complainant ever being anywhere close to the term considered as a "slacker". Complainant for nine years always worked hard to be a team member supporting the highest number of seizures, inspections, and assigned coverage. Even during duties

for Hurricane Katrina, Complainant was noted as a very supportive and hard worker.

BASIS FOR EQUITABLE RELIEF

Numerous testimonies and documentations exist to confirm that the Respondents are unable, and it appears unwilling to correct issues of this Complaint without this Office or Federal Court's intervention. Complainant since late 2005, had expressed to CBP AT-CET Management that the workforce feels a high degree of favoritism and unfairness in selections and job assignments. Respondents also fail to acknowledge Complainant's concerns of the sifting of CBP coverage by smugglers. There is no basis for any investigation - if it's only because Complainant confronts the 3-5% of ramp personnel that appears willfully attempting compromise activities, to which management seems wantonly to be oblivious to.

RELIEF SOUGHT

Complainant respectfully request from this Office, a notice of a 'RIGHT TO SUE' for judgments and damages against the Respondents, and further relief as follows:

- a. judgments declaring that the actions of Respondents described above constitute Discrimination and Racketeering on the basic of race, ancestry, color, or national origin and age;
- b. A permanent injunction directing Respondents and their Directors, Officers, and other employees to take all affirmative steps necessary

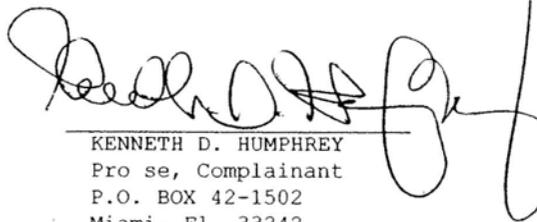
to remedy the effects of the illegal, Discriminatory and Racketeering conduct described herein and to prevent similar occurrences in the future;

- c. Compensatory, pecuniary and/or punitive damages for Complainant in amounts to be determined at hearings for Complainant's losses and injuries, including, but not limited to, humiliation, embarrassment, emotional distress, deprivation of Complainant's rights to enter and enforce employment contracts regardless of Complainant's race, ancestry, or ethnicity, age; and deprivation of rights to be free from discrimination and racketeering.

Complainant aver that all statements and allegations are true upon information, belief, and reasonable investigation, and further that this action is not brought with any purpose to harass or defame Respondents, and further that it is not of any nature that could be called frivolous.

22nd day of February, 2009

Respectfully submitted,



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