



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

October 22, 2004



Labor and Employment
Law Division

Michael D. Kohn, Esquire
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Attorneys at Law
3233 P Street, N.W.
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Re: Request for Investigation

Dear Mr. Kohn:

This responds to your letter, dated October 21, 2004, to the Acting Secretary of the Army, concerning alleged procurement irregularities within the U.S. Army Corps of Engineers (USACE). Ms. Bunnantine Greenhouse, the current Principal Assistant Responsible for Contracting, Headquarters, USACE, contends that she faces adverse personnel action as the result of her attempts to fulfill her responsibilities to ensure that fair and open competition exists in government contracting.

The Army has referred this matter to the Department of Defense Inspector General for their review and action, as appropriate. Additionally, the Acting Secretary of the Army has directed that the Commander, USACE, suspend any adverse personnel action so that Ms. Greenhouse remains in her current position until a sufficient record is available to address the specific matters you raised.

Although your letter refers to 9 exhibits, we received none, so you may send the exhibits to me so that I can forward them or send them directly to the Department of Defense Inspector General.

I trust that this information is responsive to your letter. If you have any questions concerning these matters, please contact me at (703) 588-6750.

A handwritten signature in black ink that reads "Robert M. Fano".

Robert M. Fano
Chief, Civilian Personnel
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16 February 2005

Via Facsimile 703-588-0140

Hon. Francis Harvey
Secretary of the Army
c/o Robert M. Fano, Esq.
Chief, Civilian Personnel Law Team
Department of the Army
Office of the Judge Advocate General
1777 North Kent Street
Rosslyn, VA 22209

**SUBJECT: Conflict of Interest Complaint Related to Handling of Complaint
No. ARHQOSAO3AUG0109 filed by Ms. Bunnatine H. Greenhouse**

Dear Mr. Secretary:

We represent Ms. Bunnatine H. Greenhouse. On her behalf, we hereby submit a formal conflict of interest complaint. Pursuant to 690-600, 8-12(d)(2), an initial determination needs to be made as to which office should exercise jurisdiction over the conflict of interest complaint. As the instant complaint concerns wrongdoing at a very high level, we have no alternative but to bring this matter to your attention so it may be docketed at the appropriate level. In accordance with Army Regulation ("AR") 690-600, 8-12(d)(2), a separate Docketing number should be established for the processing of this complaint.

I. Introduction

This complaint focuses on violations of Army Regulation ("AR") 690-600, 1-24 by the Department of the Army ("DA") Equal Employment Opportunity ("EEO") Office. The violation occurred and continues to occur as a result of the Director of the EEO Office allowing an attorney with the United States Army Corps of Engineers ("USACE") Office of General Counsel, Mr. Richard Frenette, with responsibility for executing and advising on personnel actions that are apart of the complaint Ms. Greenhouse had brought before the EEO Office, to function as the DA's EEO Office Legal Advisor. We hereby assert that Army Regulation ("AR") 690-600, 1-24(a) and (b)(3) were violated and that the conflict was allowed to persist even after Ms. Greenhouse's counsel alerted the Director of the DA's EEO Office of the existence of the conflict. In this regard, AR 690-600, 1-24 (a) acknowledges that the "integrity" of the DA's EEO program rests on assuring that the same Army officials responsible for executing and advising on personnel action that is the subject of an EEO Office investigation are excluded from

advising or assisting the EEO Office during the course of its investigation. Ultimately, aware of the conflict, the Director of the Army's EEO Office permitted Mr. Frenette to function as the deciding official as to whether Ms. Greenhouse would be permitted to raise her whistleblower claims related to contract abuse concerning Halliburton subsidiary Kellogg Brown & Root ("KBR") as part of a "mixed case" claim and was further responsible for deciding that Ms. Greenhouse's counsel would not be permitted to question key witnesses upon the resumption of the fact finding conference.

II. Factual Background

Ms. Bunnatine H. Greenhouse currently serves as the United States Army Corps of Engineers ("USACE") Principal Assistant Responsible for Contracting ("PARC"). Mr. Robert Anderson was, until recently, General Counsel to the USACE. On October 22, 2003 the DA's EEO Office received a formal complaint filed on behalf of Ms. Greenhouse alleging that the highest levels of the U.S. Army Corps of Engineers ("USACE") had engaged in unlawful discrimination against Ms. Greenhouse. In addition to identifying unlawful action by the USACE Commander and Deputy Commander, Ms. Greenhouse specifically claimed that: "Mr. Robert Andersen (Chief Counsel for the Corps) created a hostile work environment"; that "Mr. Anderson has constantly publicly interfered with the contracting process and took unauthorized, inappropriate action affecting the operations of Ms. Greenhouse's duties as the Principal Assistant Responsible for Contracting"; and that "Mr. Andersen stated to others that he was going to get Ms. Greenhouse fired." See Formal Complaint of Discrimination at Block 16 (Excerpt attached as Exhibit 1). Prior to filing the formal complaint, an EEO Counselor Report was prepared (Excerpts attached as Exhibit 2). As reported therein, Mr. Andersen stated during the course of an interview that "Richard Frenette at Humphreys Engineering Center was the principal counsel regarding the personnel actions" that relate to Ms. Greenhouse's claim of illegal discrimination. See EEO Counselor Report at p. 13. This Counselor Report further identifies Mr. Frenette as an agency witness. *Id.*, at p 15. Fully aware of the Office of General Counsel's role and the role of Mr. Frenette in particular, the DA's EEO Office selected Mr. Frenette to function as its attorney advisor with respect to Ms. Greenhouse's pending claims. The initial harm to Ms. Greenhouse was caused when the EEO Office failed to even advise Ms. Greenhouse on whether it would even accept her claims until a notice of acceptance was issued more than six months after Ms. Greenhouse filed her formal complaint with the EEO Office.

The notice of acceptance of Ms. Greenhouse's claims was issued by the DA EEO Office on May 10, 2004. (Excerpt attached as Exhibit 3). The accepted claims identify Mr. Anderson by name as having engaged in discriminatory conduct (accepted claim No. 12 states that "Mr. Anderson and MG Griffin constantly interfered with the contracting process by taking over, interfering with or usurping" Ms. Greenhouse's duties; accepted claim No. 13 states that "Mr. Anderson stated to others that he was going to get you fired" and that he was going to "bring the bitch down"; and accepted claim No. 16 states that "Mr. Anderson proposed that you [Ms.

Greenhouse] be removed for alleged deficient performance from the Senior Executive Service.”

Ms. Greenhouse retained below-signed counsel prior to the commencement of a fact finding conference. Mr. Frenette appeared at the fact finding conference as the Agency Representative. During the course of that conference Mr. Frenette’s conduct and apparent lack of candor caused Ms. Greenhouse’s counsel to object to his designation as Agency Representative. The objection to his continued participation was based on the fact that he would enter factual assertions into the record as if he were a witness; that he included documents into the record that he drafted and alleged that they were prepared by USACE officials; and he would engage in off-the-record whispered conversations with agency witnesses while they were answering questions.

On October 6, 2004, Ms. Greenhouse was summoned to a meeting and told that she was to be removed from the Senior Executive Service (“SES”) and removed as the USACE PARC and placed into a position that had nothing to do with contracting. On October 14, 2004, Ms. Greenhouse sought to amend her EEO claims to include her proposed removal from the SES claiming that this adverse action was motivated by mixed reasons, including on the basis of her race, age and sex, and also because she made protected disclosures and otherwise engaged in activity protected under the Whistleblower Protection Act (“WPA”).

On October 21, 2004 a letter was sent to Mr. Les Browlee, Acting Secretary of the Army, setting forth facts related to Ms. Greenhouse’s whistleblowing activity. This letter outlined a series of troubling events related to the award of billions of dollars of contracts to Halliburton subsidiary KBR. This letter outlined wrongdoing on the part of the Commander of the USACE and on the part of higher level Army officials, including Ms. Tina Ballard. The letter was extremely detailed and included exhibits documenting Ms. Greenhouse’s concerns. In response to this letter, the Acting Secretary directed the Commander of the USACE to suspend any adverse personnel action so that Ms. Greenhouse remains in her current position until a sufficient record became available to evaluate Ms. Greenhouse’s concerns.

On October 28, 2004, in a letter signed on behalf of the Director of the DA’s EEO Office, Ms. Greenhouse was advised that she would not be able to pursue her whistleblower claims before the DA’s EEO Office. This action appeared to conflict with the directive of the Acting Secretary, who clearly sought to allow a sufficient record to be made to evaluate Ms. Greenhouse’s concerns, included the stated concern that the Commander of the USACE was removing her as a result of having engaged in protected whistleblowing activity. On November 1, 2004, Ms. Greenhouse’s counsel submitted legal authority identifying the fact that the refusal to investigate Ms. Greenhouse’s whistleblower claims by the DA’s EEO Office was improper as Ms. Greenhouse’s whistleblower claim together with her discrimination claim constituted what is referred to as a “mixed case” and that the EEO Office was therefore obligated to investigate Ms. Greenhouse’s whistleblower claims. On November 10, 2004 below-signed counsel called the DA’s EEO Office to inquire on the matter. At that time Ms. Greenhouse’s counsel was told that a decision had been reached by Mr. Frenette that Ms. Greenhouse would not be permitted to pursue her whistleblower claims. It is painfully obvious that permitting Mr. Frenette to decide

whether Ms. Greenhouse could pursue her whistleblower claims as part of a “mixed case” represented a serious conflict of interest.

On November 10, 2004, Ms. Greenhouse’s counsel sent a letter to the Director of the DA’s EEO Office confirming that Mr. Frenette was functioning as the deciding official with respect as to whether Ms. Greenhouse would be permitted to pursue her whistleblower claims and that counsel. (A copy of the November 10 letter is attached as Exhibit 4). The letter goes on to state that Ms. Greenhouse’s counsel was “gravely concerned that the independence of your office has been compromised” as:

Mr. Frenette was personally involved with some of the adverse actions taken against Ms. Greenhouse. Moreover, there is an inherent conflict of interest permitting Mr. Frenette to provide you with legal guidance on matters he has a vested interest in having decided in his favor and because Ms. Greenhouse specifically asserted that the USACE Office of General Counsel was involved in some of the discriminatory action taken against her. It was Ms. Greenhouse’s understanding that control over this matter was to be handled at the Department of the Army level as opposed to the USACE’s Office of legal counsel. I respectfully request that you advise me of the role Mr. Frenette and the USACE Office of legal counsel has played and will play in this matter.

The Director of the DA’s EEO Office responded on December 13, 2004. (Copy attached as Exhibit 5). Instead of removing Mr. Frenette, the Director defended the decision to utilize Mr. Frenette as the EEO Office legal advisor claiming this was consistent with AR 690-600, 1-24(b)(3). The Director’s reliance on AR 690-600, 1-24(b)(3) is simply unconscionable as that regulation was enacted to protecting the integrity of the EEO Office to ensure that the conflict of interest objected to by Ms. Greenhouse’s counsel would not occur in the first place. As more fully set forth below, the action taken by the DA’s EEO Office calls into question the integrity of DA’s EEO Office.

III. Conflict of Interest

A. Richard Frenette as EEO Office Attorney Advisor

As set forth in AR 690–600, 1–24 (a):

In order to maintain the integrity of the EEO program, EEO functions must be kept separate from personnel functions. The same Army officials responsible for executing and advising on personnel actions will not be responsible for managing, advising, or overseeing the EEO precomplaint or formal complaint processes. Complaints generally challenge the motivations and impacts of personnel actions and decisions. The integrity of the EEO investigative and decisionmaking processes is dependent upon its separation from the personnel function.

It was well known from the outset of this matter that Mr. Frenette was deeply involved in writing documents (Mr. Frenette went so far as to testify about one such document he wrote at during the fact finding conference), and in executing and advising on the very personnel actions that are the subject of Ms. Greenhouse's claims of discrimination that are currently pending before the DA's EEO Office. From the outset of the DA's EEO process, Mr. Frenette was identified as a witness. *See* 9 October 2003 Initial EEO Counseling Report at p. 4; and that, according to the USACE's then General Counsel, Mr. Robert M. Andersen, he assigned Mr. Frenette to function as "principal counsel regarding the personnel actions" that were taken against Ms. Greenhouse that form the basis of her claim. *Id.*, at 13. Because Mr. Frenette had specific responsibility for "executing and advising on personnel actions" pertaining to the very adverse actions Ms. Greenhouse was pursuing before the DA's EEO Office, the "integrity of the EEO investigative and decisionmaking process" was dependent upon ensuring that he be kept from "managing, advising, or overseeing the EEP precomplaint or formal complaint processes." By permitting Mr. Frenette to function as its attorney advisor and to serve as the decision maker with respect to whether Mr. Greenhouse could bring her whistleblower claims before the DA's EEO Office constitutes a clear violation of AR 690-600, 1-24(a) and the decision of the Director of the DA's EEO Office to permit Mr. Frenette to do so even after Ms. Greenhouse, through counsel, objected on the basis of conflict of interest, severely damaged the "integrity of the EEO investigative and decisionmaking processes."

B. Involvement by USACE Office of General Counsel Staff

Additionally, the Director of the DA's EEO Office failed to comply with AR 690-600, 1-24 (b)(3), which provides in relevant part:

If the SJA or senior legal officer of the servicing activity is named or otherwise designated as a witness in a discrimination complaint based on actions that he or she personally has taken against the complainant, legal advice to the command in processing the complaint will be provided by the servicing legal office of the next higher level of command or another legal office designated by the legal office at the next higher level of command . . .

In sum and substance, the regulation demands that when a high-level legal officer is named or identified in a discrimination complaint, then that high level legal officer and his entire organization are prohibited from providing legal advice in the processing of a complaint brought before the DA's EEO Office. Clearly, as Ms. Greenhouse specifically identified in her complaint that the USACE's General Counsel, Mr. Andersen, personally took action against Ms. Greenhouse, he and his entire staff necessarily had to be excluded from providing legal advise to the DA's EEO Office as that function should have been shifted to the next higher command legal office.

The DA's EEO Office was well aware that Ms. Greenhouse specifically identified Mr. Andersen by name in her complaint. For example, the formal EEO discrimination complaint filed on behalf of Ms. Greenhouse states that "Mr. Robert Andersen (Chief Counsel to the Corps) created a hostile work environment"; that "Mr. Anderson has constantly publicly interfered with the contracting process and took unauthorized, inappropriate actions affecting the operations of Ms. Greenhouse's duties"; and that "Mr. Anderson stated to others that he was going to get Ms. Greenhouse fired." See Formal Complaint of Discrimination at Block No. 16. Thus, pursuant to AR 690-600, 1-24(b)(3), not only was it imperative that Mr. Andersen be excluded from the EEO process, the entire USACE Office of General Counsel was likewise prohibited from acting as the DA's EEO Office attorney advisor. The failure of the DA's EEO Office to police itself is, in and of itself troubling. However, the blatant disregard of this regulation once Ms. Greenhouse's counsel complained in writing about the very conflict of interest AR 690-600, 1-24(b)(3) was enacted to protect against constitutes malfeasance.

The facts set forth above demonstrate that the DA's handling of Ms. Greenhouse's discrimination complaint violates Equal Employment Opportunity Management Directive 715 ("EEO MD-715"). Pursuant to EEO MD-717 Section II.E, the DA must maintain an efficient and fair dispute resolution process that must: "[e]nsure that the investigation and adjudication function of the agency's complaint resolution process are kept separate from legal defense arm of the agency or other agency offices with conflicting or competing interests." To carry out this directive, the DA enacted AR 690-600 1-24 (a), which provides that "[t]he same Army officials responsible for executing and advising on personnel actions will not be responsible for managing, advising, or overseeing the EEO precomplaint or formal complaint processes" and further enacted AR 690-600, 1-24 (b) (3) which specifically directs that when charges include allegations against the head of the USACE's entire Office of Counsel had to be excluded from the EEO process. This directive was obviously violated by permitting the USACE's Office of Counsel to control the EEO process. Most troubling, the DA's EEO Office ignored its obligation to protect Ms. Greenhouse from impermissible conflicts of interest after the conflict was brought to the attention of the Director of the DA's EEO Office in below-signed counsel's letter of November 10, 2004. The decision by the EEO Office to continue to allow Mr. Frenette to function as its legal advisor demonstrates a lack of integrity and is an indication that the DA's EEO Office has been seriously compromised.

IV. Resulting Harm

Not only did the conflict of interest result in a perception of improper conduct, the facts and events demonstrate that the conflict of interest resulted in concrete harm to Ms. Greenhouse. Actual harm occurred as follows:

First, without explanation, the original complaint filed by Ms. Greenhouse on October 22, 2003 was allowed to languish for over six (6) months before a notice of acceptance was even issued by the DA's EEO Office. It is acknowledged in the December 13, 2004 letter from the Director of the DA's EEO Office that the USACE's Office of Counsel was involved with that

office's acceptance of Ms. Greenhouse's claims. However, waiting until after Mr. Andersen's resignation from the USACE became effective before accepting Ms. Greenhouse's claims is a clear indication that the inordinate delay in the acceptance of claims resulted from the influence Mr. Andersen's organization had over the timely acceptance of Ms. Greenhouse's claims. As such, Ms. Greenhouse was denied the right to a timely adjudication of her claims by the DA's EEO Office.

Second, before and after Ms. Greenhouse submitted her claims to the DA's EEO office, Mr. Andersen had tasked Mr. Frenette with handling much of the adverse action the USACE planned to take against Ms. Greenhouse. At Mr. Andersen's direction, Mr. Frenette was directly involved with discriminatory action undertaken by Mr. Andersen. By being allowed to participate during the course of the proceeding, Mr. Frenette was allowed to insert factual assertions during the course of testimony of witnesses. Mr. Frenette, in the presence of Ms. Greenhouse and her counsel, engaged in off-the-record conversations where Mr. Frenette would whisper in the ear to the witnesses as they were in the process of answering questions under oath.

Third, when Ms. Greenhouse sought to amend her complaint to include a "mixed case" claim that the adverse treatment she suffered was also undertaken as a result of her engaging in protected whistleblower activity, Mr. Frenette was responsible for determining that the DA's EEO Office could not accept her whistleblower claims as part of a "mixed case" complaint. In so doing, Mr. Frenette directly interfered with Ms. Greenhouse's right to pursue some of her most significant claims before the Agency. Indeed, Mr. Frenette's basis for excluding Ms. Greenhouse's WPA claim conflicts with controlling case law. The Court of Appeals for the District of Columbia defines a "mixed case" as "an adverse personnel action subject to appeal to the MSPB coupled with a claim that the action was motivated by discrimination." Butler v. West, 164 F.3d 634, 638 (D.C. Cir. 1999). The Court further explained that:

An employee who intends to pursue a mixed case has several paths available to her. At the outset, the aggrieved party can choose between filing a 'mixed case complaint' with her agency's EEO office . . . By statute, the relevant agency EEO office . . . must [then] address both the discrimination claim and the appealable personnel action. Should she elect the agency EEO route, within thirty days of a final decision she can file an appeal with the MSPB or a civil discrimination action in federal district court. If 120 days pass without a final decision from the agency's EEO office, the same avenues of appeal again become available; the complainant can file either a mixed case appeal with the MSPB or a civil action in district court.

Id., at 638. Accord Frank v. Ridge, 310 F.Supp.2d 4 (D.D.C. 2004) ("The employee can file a 'mixed case complaint' with the MSPB or a 'mixed case complaint' with the agency EEO office, but not both," and in whichever forum is first selected, that forum must "consider both the discrimination claim and the adverse-personnel action"); Williams v. Munoz, 106 F.Supp.2d 40, 43 (D.D.C. 2000)(mixed case may be filed with agency EEO office or MSPB, "but not both").

Adverse action that constitutes a violation of the WPA constitutes a “mixed case” when the same adverse action is alleged to be discriminatory as well:

[I]n a ‘mixed case’ involving a whistleblower and discrimination claims, an aggrieved federal employee can . . . file a complaint with the employing agency’s EEO department. *See* 5 U.S.C. § 7702; *Mcadams v. Reno*, 64 F.3d 1137, 1141 (8th Cir. 1995).

Robinson v. Rubin, 77 F.Supp.2d 784, 793 (S.D. Tex. 1999); accord Wells v. Shalala, 228 F.3d 1137 (10th Cir. 2000)(WPA action together with an allegation of discrimination constitutes a “mixed case” complaint and it makes no sense to bifurcate the administrative process); Hooven-Lewis v. Caldera, 249 F.3d 259, 265-66 (4th Cir. 2001). The fact of the matter is that the United States Government previously conceded “that a whistleblower claim coupled with a discrimination claim can be characterized as a ‘mixed case’ complaint.” ; Schneider v. Dalton, 1999 WL 1079628 (9th Cir. 1999) (unpublished) .

Moreover, ‘[t]he various statutory provisions of the [WPA] and its legislative history indicate a clear Congressional preference for combining various aspects of a single agency determination under one review proceeding, both in the administrative and judicial channels.’ *Christo v. Merit Systems Protection Bd.*, 667 F.2d 882, 883 (10th Cir. 1981). To force Plaintiff to bifurcate his case and return to the administrative process for further consideration of his WPA claim would frustrate principles of judicial economy and serve no useful purpose. *Woodman v. Runyon*, 132 F.3d 1330, 1342 (10 Cir. 1997).

Quinn v. West, 140 F.Supp2d 724, 734 (W.D. Tex 2001); accord Wells v. Shalala, 228 F.3d 1137, 1143 (10th Cir. 2000).

Mr. Frenette’s decision to prevent Ms. Greenhouse from pursuing her whistleblower claims would appear to be inconsistent with the direction of the Acting Secretary of the Army desiring the establishment of a sufficient record to address the issues raised in the October 21, 2004 letter to the Acting Secretary which included a concern over the fact that Ms. Greenhouse was being subjected to adverse action due to her whistleblowing activity.

Fourth -- and most troubling -- is the recent reevaluation that Mr. Frenette controls whether LTG Carl Strock and Ms. Earnestine (Tina) Ballard -- two key witnesses concerning the attempt to remove Ms. Greenhouse that was the subject of her October 21 letter to the Acting Secretary -- would be kept from appearing in person at a fact finding conference where their statements would be made under oath and subject to questioning by Ms. Greenhouse’s counsel. Instead, these individuals would be allowed to participate in an unrecorded conference call with the EEO investigator but that Ms. Greenhouse and her counsel would not be allowed to even listen in on

the phone call, let alone ask questions of the witnesses. In fact, statements made during the last transcribed conference call were specifically cited to in the October 21, 2004 letter to Acting Secretary Les Brownlee as evidence of improper action having been taken against Ms. Greenhouse. *Id.*, at p. 5. Mr. Frenette apparently concluded that it was not in the best interest of the USACE to provide Ms. Greenhouse's counsel further opportunity to question key Agency witnesses.

V. Conflict of Interest – Exclusion of DA's EEO Office from Further Participation

Pursuant to AR 690–600, 1–24 (a) (1):

If an EEO officer is named or otherwise designated as a witness in a discrimination complaint by a complainant based on actions that he or she personally has taken against the complainant, that officer's function in processing that complaint will be performed by the EEO officer at the next higher level. If the EEO officer is named or otherwise designated as a witness merely by virtue of his or her position or actions in processing a complaint, he or she may continue to process the complaint.

Because the instant complaint alleges that the Director of the EEO Office purposefully allowed the USACE General Counsel's Office to exercise influence over its office in violation of AR-960-600, it is only proper, pursuant to AR 690-600(a)(1), that the DA's EEO Office relinquish control over this and all pending complaints Ms. Greenhouse is currently pursuing at the DA EEO Office level. As such, this and Ms. Greenhouse's other claims should be handled at the next highest level, presumably by the Department of Defense "(DOD)" EEO Office; however it may be more appropriate for this matter to be docketed with an EEO Office completely independent of the DOD.

VI. Requested Relief

WHEREFORE, on behalf of Complainant Ms. Bunnatine H. Greenhouse, we respectfully request that:

- 1) Mr. Frenette and all other individuals associated with the USACE Office of General Counsel be immediately suspended from any further involvement with any claim brought by Ms. Greenhouse;
- 2) any pending proceedings concerning Ms. Greenhouse that are currently before the DA's EEO Office be terminated and reassigned to the next high level;
- 3) a new fact finding process be commenced in order to remedy the harm resulting from the conflict of interest that was allowed to infect the entirety of the early proceedings;

- 4) the decision to prohibit Ms. Greenhouse's counsel from being able to question the LTG Strock and Ms. Ballard be overturned;
- 5) the decision to deny Ms. Greenhouse the right to bring a "mixed case" complaint before the EEO Office be withdrawn;
- 6) Ms. Greenhouse's legal fees and costs associated with bringing this action be awarded; and
- 7) all other relief, including equitable relief, that may otherwise be available to the Complainant.

Respectfully submitted,



Michael D. Kohn
Counsel to Bunnatine H. Greenhouse