

OFFICE OF COMPLIANCE
LA 200, John Adams Building, 110 Second Street, S.E.
Washington, DC 20540-1999

CRANSTON C. JORDAN)
)
 Complainant,)
)
 v.)
)
 OFFICE OF THE SENATE)
 SERGEANT AT ARMS)
)
 Respondent.)

Case No. 01-SN-378 (CV,RP)
Date: May 21, 2003

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

DECISION OF THE BOARD OF DIRECTORS

On December 9, 2002, the attached decision of Hearing Officer Curtis von Kann was entered into the records of the office of Compliance. The Complainant filed a petition for review of the Hearing Officer's decision, which the Board treated as timely over the Respondent's objection. The petition included several handwritten comments addressing portions of the Hearing Officer's decision. However, the Complainant subsequently did not file a supporting brief, as prescribed in the Office's Procedural Rules. The Respondent has moved the Board, alternatively, to dismiss the appeal or strike the Complainant's petition for review, for his failure to file a supporting brief.

Although there is a serious question as to whether this *pro se* [self-represented] complainant has fully satisfied the Board's procedural requirements for filing a supporting brief, we nonetheless conclude that the record contains substantial evidence supporting the Hearing Officer's conclusion that the termination of the Complainant's employment was not motivated by factors of gender discrimination or retaliation. The Board, upon consideration of the matter, has decided to affirm the Hearing Officer's findings, and his ultimate conclusion denying the Complainant's claims.¹

The Board, for the reasons set forth above, affirms the Hearing Officer's decision. Because our decision to consider the case on the merits turns on very individualized procedural events we do not consider that part of this Decision to constitute precedential authority.

It is so ordered.

Susan S. Robfogel, Chair

Barbara L. Camens, Member

Alan V. Friedman, Member

Roberta L. Holzwarth, Member

Barbara Childs Wallace, Member

Issued, Washington, D.C.: May 21, 2003

¹ We agree with the Hearing Officer's conclusion, in this quite fact-specific case, that the evidence does not establish that the Respondent's action against the Complainant was motivated by considerations of gender discrimination or retaliation. This determination is dispositive of the case and renders it unnecessary for us to consider those legal bases employed by the Hearing Officer in paragraphs 37 and 38 of his decision.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May 2003, I delivered a copy of this Decision of the Board of Directors to the following parties by the identified means:

First-Class Mail Postage-Prepaid

Mr. Cranston Jordan
6970 Livingston Road
Indian Head, MD 20640

First-Class Mail Postage-Prepaid
& Facsimile Mail (w/o Hearing Officer Decision)

Ms. Jean M. Manning, Senate Chief Counsel for Employment
Ms. Brenda J. Pence, Senate Senior Counsel for Employment
Ms. Erica A. Watkins, Senate Assistant Counsel for Employment
Office of the Senate Chief Counsel for Employment
Senate Hart Building, Room 103
Washington, D.C. 20510

Kisha Harley
Office of Compliance