

OFFICE OF COMPLIANCE

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

Sean Vincent Bowman,)
Appellant,)
)
v.)
)
Office of the Architect of the)
Capitol,)
Appellee.)

Case Number: 08-AC-29 (CV, RP)

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

DECISION OF THE BOARD OF DIRECTORS

On June 16, 2009, Hearing Officer Paul M. Coran issued his memorandum Decision and Order granting the Appellee’s Motion for Summary Judgment. The Appellant timely filed a petition for review of the Hearing Officer’s decision and a supporting memorandum of law. The Appellee filed a brief in opposition to the petition for review.

Upon due consideration of the Hearing Officer’s decision, the parties’ briefs and filings, and the record in this proceeding, the Board affirms the Hearing Officer’s finding that there was no violation of the CAA and his dismissal of the complaint. The Board agrees with the Hearing Officer that no genuine issue of material fact exists in this case, and that the Appellee is entitled to summary judgment as a matter of law. In so ruling, the Board upholds the Hearing Officer’s finding that Appellant had not proved that Appellee had discriminated and retaliated against him or created a hostile work environment.

Rather than directly contesting the Hearing Officer’s decision granting summary judgment, Appellant argues in his petition for review that the Hearing Officer erred in excluding witnesses when he granted the Appellee’s motion in limine that was filed during the discovery phase of the hearing. Appellant maintains that the decision granting summary judgment should not be affirmed because it is based on an incomplete record. The Board holds that there is no basis for finding that the Hearing Officer rendered his decision on the motion for summary judgment on an insufficient record. Thus, although the Hearing Officer asked the Appellant to identify the specific nature of the testimony he

would present through the witnesses that were contested in the earlier motion in limine, Appellant failed to do so. In the absence of such specificity, the Hearing Officer properly concluded that the proffered witnesses' testimony was not relevant and that any possible relevancy would be outweighed by the potential for prejudice that such evidence could create

For the foregoing reasons, the Hearing Officer's grant of Summary Judgment is affirmed.

ORDER

Pursuant to Section 406(e) of the Congressional Accountability Act and Section 8.01(d) of the Office's Procedural Rules, the Board affirms the Hearing Officer's grant of Summary Judgment.

It is so ordered.

Issued, Washington, D.C.: August 11, 2010