

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

TYRONE G. BARNEY,	)	
	)	
Plaintiff,	)	
	)	Civ. Action No. 08-0986 (CKK)
v.	)	
	)	
HENRY M. PAULSON, JR.,	)	
	)	
Defendant.	)	
_____	)	

FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Preliminary Statement

1.) This is an action by Tyrone G. Barney, one of the most highly regarded senior executives in the Criminal Investigation Division ("CID") of the Internal Revenue Service ("IRS") and a member of the Senior Executive Service ("SES"). Mr. Barney is an African American male who engaged in protected EEO activity. The subject matter of this suit is defendant's discrimination and retaliation toward Mr. Barney which, among other matters, caused defendant to remove Mr. Barney from management; propose to suspend Mr. Barney for 30 days; and to reassign Mr. Barney involuntarily to a highly undesirable non-supervisory, temporary position.

2.) Mr. Barney's exceptional career with IRS CID has spanned 32 years and included some of the most prestigious assignments in the organization, including Director of Field Operations for CID's Mid-Atlantic Region.

3.) The upward progression of Mr. Barney's career was brought to a halt in the fall of 2006, when then CID Chief Nancy Jardini

discriminated and retaliated against Mr. Barney on account of his race; for his role as the management representative in resolving a sensitive administrative EEOC complaint in the complainant's favor; and for filing his own complaint over not being selected as Ms. Jardini's Deputy.

4.) Ms. Jardini took the first of her highly adverse actions toward Mr. Barney on October 24, 2006, when she issued a notice proposing to suspend Mr. Barney for 30 days without pay.

5.) Simultaneously, Ms. Jardini removed Mr. Barney from CID senior management, and reassigned him involuntarily to an unclassified, temporary, and previously non-existent position as a Project Leader.

6.) Mr. Barney appealed Ms. Jardini's proposal to suspend him on all grounds on which it was allegedly based including, but not limited to, by demonstrating that it was unsupported by the facts and that it was the product of discrimination and retaliation.

7.) On April 4, 2007, the process of appealing Ms. Jardini's proposed suspension concluded when the agency remitted her proposed adverse action to a reprimand.

8.) Despite the outcome of that process, Mr. Barney remained stripped of managerial responsibilities and assigned to a position lacking duties commensurate with his background and accomplishments, and without professional exposure inside or outside of IRS CID.

9.) As a result of having lost his position in senior CID management, on February 9, 2008, Mr. Barney was reassigned involuntarily to the CID field office in Boston, Massachusetts, to a

position as a Special Agent in Charge ("SAIC"). Unless he reported to that position no later than January 4, 2008, Mr. Barney was subject to removal from the federal government. Only by agreeing to retire from the federal service effective January 3, 2009, was Mr. Barney able to serve in the position temporarily without leaving the Washington, D.C. area.

10.) This case seeks redress for defendant's discrimination and retaliation toward Mr. Barney, in removing him as Director of Field Operations for the IRS CID Mid-Atlantic Region and from senior CID management; proposing to suspend Mr. Barney without pay for 30 days; reprimanding Mr. Barney; reassigning him involuntarily to a non-supervisory, materially less desirable position; and issuing him a Performance Appraisal for Fiscal Year 2006 at the Minimally Successful level. The case arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16, and seeks: a.) declaratory, injunctive, and other equitable relief; b.) Mr. Barney's reinstatement in senior IRS CID management; c.) compensatory damages; and d.) an award of the attorneys' fees and costs incurred in the prosecution of this action and the administrative processes which preceded it.

**Parties, Jurisdiction, And Venue**

11.) Plaintiff Tyrone G. Barney was, until the actions that comprise the subject matter of this Complaint, a member of senior management of the Criminal Investigation Division of the Internal Revenue Service. Mr. Barney is an African American male who participated in the administrative EEO complaints process on his own behalf and as a management representative in the resolution of a CID employee's administrative complaint before the actions which underlie this suit. Mr. Barney resides at the address recited in the caption of this Complaint.

12.) Defendant Henry M. Paulson, Jr., is the Secretary of the Treasury, the Cabinet official who heads the Department of the Treasury, and is sued in his official capacity only. The Internal Revenue Service is a bureau of the Department of the Treasury, and is responsible for administering the Internal Revenue Code and federal tax laws and regulations and for collecting federal taxes. The Criminal Investigation Division is a part of the IRS and investigates potential criminal violations of the Internal Revenue Code and federal tax laws.

13.) Jurisdiction of this Court is based upon 28 U.S.C. §1332, and 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-5(c)). Venue lies here pursuant to 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000-5(f)(3)), because defendant took the unlawful employment actions that are at issue in this suit in this judicial district.

**Statement of Facts**

**Background**

14.) Tyrone G. Barney is an African American male who is a member of the Senior Executive Service ("SES"), and who engaged in protected EEO activities before the adverse employment actions and materially adverse actions that are contested in this Complaint.

15.) Until the actions that gave rise to this Complaint, Mr. Barney was a member of senior management of the Criminal Investigation Division ("CID") of the Internal Revenue Service ("IRS"). CID is a component of the IRS and investigates potential criminal violations of the Internal Revenue Code and federal tax laws and regulations.

16.) Mr. Barney's last assignment as a member of senior management in CID was as Director of Field Operations for CID's Mid-Atlantic Region. In that position, Mr. Barney headed all of CID's investigative and related activities in its Mid-Atlantic Region, which covered Illinois, Michigan, Ohio, Maryland, Delaware, and Virginia. Mr. Barney also served as the principal advisor to the Chief of Criminal Investigation for all matters within the Mid-Atlantic Region.

17.) Mr. Barney joined the IRS in 1975, starting as a Student Trainee in the IRS Intelligence Division and graduating to becoming a Special Agent in CID in August 1976.

18.) Mr. Barney was selected for his first position in management in CID in 1985, as a front line supervisor; and held managerial positions of increasing responsibility since that time, as a Branch Chief in 1990; and Division Chief (or Special Agent In Charge) in 1992.

19.) In 1997, Mr. Barney was selected as a member of the SES, when he was chosen to serve as the second National Director of Tax Refund Fraud. In 2000, Mr. Barney was named first Director of Strategy for the modernized CID, where he became responsible for developing, planning, and monitoring the organization's strategic priorities, as well as its hiring, training, and deployment of special agent resources.

20.) In 2002, Mr. Barney was selected as the CID Director of Field Operations for the Mid-Atlantic Region, the duties of which were described earlier in paragraph 16.

21.) Throughout his tenure with the IRS, Mr. Barney's career has been highlighted with distinguished ratings, substantial salary increases, and performance bonuses.

**Mr. Barney's Non-Selection as Deputy Chief of CID and  
Initial Protected Activity**

22.) In March 2006, the position of Deputy Chief of CID opened for competition. Mr. Barney timely applied; competed for the position; but was not selected in favor of John Imhoff, a Caucasian male.

23.) The Chief of CID and the selecting official for the Deputy Chief position was Nancy Jardini, the official who would subsequently take the adverse employment actions and materially adverse actions that are the subjects of this suit. Ms. Jardini took all of these actions while assigned to and stationed in CID Headquarters in Washington, D.C.

24.) Mr. Barney timely initiated the informal discrimination complaints process over his non-selection; later filed a formal

administrative complaint; and subsequently amended that complaint on a number of occasions.<sup>1</sup>

**Mr. Barney's Role in the Resolution of the Peebles' EEO Complaint**

25.) In the spring of 2006, Sarah Peebles, a CID Special Agent assigned to the agency's field office in Chicago, Illinois, initiated the administrative discrimination complaints process. Ms. Peebles alleged that she had been subject to a hostile work environment and a number of unlawful employment actions on account of her race (African American).

26.) Among other matters, Ms. Peebles charged that management in the Chicago Field Office treated her disparately; had not given her training comparable to her Caucasian counterparts; improperly caused the Treasury Inspector General for Tax Administration ("TIGTA") to open an investigation when she misplaced the password to her computer; and had made a number of derogatory statements that were either explicitly or implicitly racially demeaning.

27.) Mr. Barney was initially asked to become involved in the Peebles' discrimination complaint in March of 2006, when he was contacted by CID EEO Specialist assigned to the complaint and briefed on it. Mr. Barney responded immediately and ensured that CID complied with its EEO obligations.

---

<sup>1</sup> This use by Mr. Barney of the administrative EEO complaints process over his non-selection was one of the factors that motivated defendant to take the retaliatory actions as issue here. The non-selection itself is not a part of this case; the other actions identified in Mr. Barney's amendments to his original administrative complaint remain part of it.

28.) After initially learning about Ms. Peebles' complaint, Mr. Barney directed the CID EEO Specialist to learn more about it and brief him on it more thoroughly. He also instructed the Special Agent in Charge of the Chicago Field Office, the Assistant Special Agent in Charge, and the Supervisory Special Agent of that office to meet with him at an upcoming National Managers' Meeting in Baltimore, Maryland, and provide Mr. Barney with all relevant employment records and their account of the matter. Mr. Barney also instructed the Director of CID's EEO and Diversity Office, the responsible EEO Specialist, and Mr. Barney's Staff Analyst to attend that meeting.

29.) As a result of that meeting, Mr. Barney concluded that the actions taken against Ms. Peebles were disproportionate and based on her race. Mr. Barney was particularly struck by the fact that the Supervisory Special Agent for the Fairview Heights Post of Duty in the Chicago Field Office had used a friend in TIGTA to initiate and conduct an investigation of Ms. Peebles over a non-disciplinary, administrative matter. Mr. Barney was aware that it is not uncommon for IRS employees to misplace passwords; and that contacting TIGTA, the special IRS unit responsible for investigating serious allegations of employee misconduct, was disproportionate, inappropriate, and disparate.

30.) Seeking to resolve Ms. Peebles' complaint, Mr. Barney arranged for it to be placed in the CID mediation program.

31.) In May of 2006, before mediation could take place, Mr. Barney was again contacted by the EEO specialist assigned to the Peebles' complaint. The specialist advised Mr. Barney that the



relationship between Ms. Peebles and her management had deteriorated and was continuing to degrade; that Ms. Peebles had filed a formal complaint of discrimination; that she was no longer interested in pursuing mediation; and that she wanted to be reassigned.

32.) The EEO specialist also advised Mr. Barney that based upon her extensive experience with similar complaints and her understanding of the matter, Ms. Peebles had a strong case; and that, if she did proceed, Ms. Peebles could prevail and subject the IRS to a substantial monetary liability.

33.) Based on this advice, his own independent knowledge, and his extensive experience with IRS CID, Mr. Barney concluded that Ms. Peebles had been subject to disparate treatment in a variety of ways, including over the misplacement of her passwords, in the negative feedback by CID management over her alleged non-performance, by CID management's implicitly and explicitly racially demeaning commentary, and by its failure to provide Ms. Peebles with suitable assignments.

34.) With CID's employment relationship with Ms. Peebles degrading, Mr. Barney arranged for a resolution of Ms. Peebles' complaint, the most significant aspects of which included reassigning Ms. Peebles to new management, purging her personnel files of negative records, paying a small sum for relocation expenses, and requiring that the Chicago managers involved in the activities that discriminatory to participate in diversity training.

35.) Serving as the CID management representative and agreeing to the resolution of Ms. Peebles' complaint were within the scope of Mr. Barney's authority.

36.) On May 19, 2006, Mr. Barney executed the agreement with Ms. Peebles after conferring with the CID EEO Director and briefing the Deputy Chief of CID.

**Ms. Jardini's Response, Her Proposal to Suspend Mr. Barney, His Removal from CID Management, and Related Actions**

37.) The members of Chicago management who were required to take training pursuant to the Peebles' settlement agreement responded by filing a grievance and an EEO complaint of their own against Mr. Barney.

38.) Upon learning of these managers' reactions, Ms. Jardini voided the agreement that had been executed by Mr. Barney and Ms. Peebles and put a "superseding" agreement in place, one without diversity training for Chicago management.

39.) On August 2, 2006, Ms. Jardini removed the Chicago Field Office from Mr. Barney's supervision.

40.) On October 24, 2006, Ms. Jardini removed Mr. Barney from CID senior management, and reassigned him involuntarily to a materially less desirable and unclassified, temporary, and previously non-existent, non-supervisory position as a Project Leader in Lanham, Maryland.

41.) Simultaneously, Ms. Jardini issued a Notice of Proposed Suspension for 30 days to Mr. Barney. Mr. Jardini's proposed action was based on Mr. Barney's role in the Peebles EEO complaint, his own protected use of the administrative discrimination complaints process, and his race.

42.) Mr. Barney utilized the administrative reply process to contest Ms. Jardini's proposed suspension, submitting a written reply and participating in an oral reply session on December 1, 2006.

43.) On April 4, 2007, the process of appealing Ms. Jardini's proposed suspension concluded when the agency remitted her proposed adverse action to a reprimand.

44.) Despite the outcome of that process, Mr. Barney remained stripped of managerial responsibilities and assigned to the Project Leader position, one lacking duties commensurate with his background and accomplishments, and without professional exposure inside or outside of IRS CID.

45.) On November 8, 2006, Mr. Barney received his Fiscal Year 2006 performance rating while in the Project Leader position, one that was at a distinctly lower level than he deserved. The reviewing official was Ms. Jardini, who had removed Mr. Barney from management and reassigned him involuntarily. The rating official was Ms. Jardini's Deputy, John Imhoff, who had been the subject of Mr. Barney's initial EEO complaint.

46.) Mr. Barney's FY 2006 rating was at the Minimally Successful level for "Leadership and Business Acumen." A rating at this level not only caused Mr. Barney, a member of the SES, to receive a lower increase in salary than he would have received at a higher level, it contributed to making continued advancement in and a career at CID no longer possible. This rating, in addition, was greatly reduced from Mr. Barney's previous ratings and due to his race, his role in

resolving the Peebles' administrative complaint, and his own use of the administrative discrimination complaints process.

47.) As a result of having lost his position in senior CID management, on February 9, 2008, Mr. Barney was reassigned involuntarily to the CID field office in Boston, Massachusetts, to a position as a Special Agent in Charge ("SAIC").

48.) Unless he reported to that position no later than January 4, 2009, Mr. Barney was subject to removal from the federal government. If he were to report to that position permanently, Mr. Barney would be required to relocate to Boston, away from his family who reside in Maryland. Instead, Mr. Barney reported to the position on a temporary basis, which allowed him to continue to reside in the Washington, D.C. area until January 3, 2009, at which point Mr. Barney's retirement from the federal service will become effective.

**Mr. Barney's Continued Use of the  
Administrative Discrimination Complaints Process  
And Exhaustion of Administrative Remedies**

49.) Mr. Barney timely initiated the informal discrimination complaints process on July 20, 2006, and filed his initial formal complaint of discrimination over his non-selection on November 9, 2006. Mr. Barney timely amended that complaint to include charges that he was subject to discrimination and retaliation over all of the adverse employment actions and materially adverse actions that are the subjects of this suit.

50.) On March 14, 2008, the Department of the Treasury issued a Final Agency Decision on Mr. Barney's formal administrative complaint, as it had been amended.

51.) With the foregoing actions, Mr. Barney administratively challenged all of the employment actions that he has placed at issue in this suit on a timely basis, exhausted the administrative remedies available to him, and initiated suit within 90 days of receipt of the Final Agency Decision.

**COUNT I**  
**(Race Discrimination)**

52.) Plaintiff repeats the allegations contained in paragraphs 1 through 51 above, as though fully set forth here.

53.) On or about October 24, 2006, defendant removed plaintiff from his position as the CID Director of Field Operations, removed plaintiff from CID management, and reassigned plaintiff involuntarily to materially less desirable position as a Project Leader; one that was neither permanent nor supervisory, commensurate with plaintiff's skills, background and training, or offered equivalent opportunities for professional exposure and advancement.

54.) In removing plaintiff from his position as the CID Director of Field Operations, removing plaintiff from CID management, and/or reassigning plaintiff involuntarily as a Project Leader, defendant materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID.

55.) In taking the foregoing actions, defendant subjected plaintiff to adverse employment action and discriminated against plaintiff on account of his race, which is African American.

56.) Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-2), in taking the foregoing actions.

57.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT II**  
**(Retaliation)**

58.) Plaintiff repeats the allegations contained in paragraphs 1 through 57 above, as though fully set forth here.

59.) On or about October 24, 2006, defendant removed plaintiff from his position as the CID Director of Field Operations, removed plaintiff from CID management, and reassigned plaintiff involuntarily to materially less desirable position as a Project Leader; one that was neither permanent nor supervisory, commensurate with plaintiff's skills, background and training, or offered equivalent opportunities for professional exposure and advancement.

60.) In removing plaintiff from his position as the CID Director of Field Operations, removing plaintiff from CID management, and/or reassigning plaintiff involuntarily as a Project Leader, defendant materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID, and took materially adverse action against plaintiff that would dissuade a reasonable worker from making or supporting a charge of discrimination.

61.) In taking the foregoing actions, defendant retaliated against plaintiff on account of his protected EEO activity, in particular plaintiff's use of the administrative discrimination complaints process starting with plaintiff's complaint over his non-selection as Deputy Chief of CID; and his role in the administrative discrimination complaints process of CID agent Sarah Peebles.

62.) Defendant violated the participation and opposition clauses of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-3), by retaliating against plaintiff in the manner described above.

63.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT III**  
**(Retaliation)**

64.) Plaintiff repeats the allegations contained in paragraphs 1 through 63 above, as though fully set forth here.

65.) On or about October 24, 2006, defendant proposed to suspend plaintiff for 30 days without pay.

66.) In proposing to suspend plaintiff, defendant materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID, and took materially adverse action against plaintiff that would dissuade a reasonable worker from making or supporting a charge of discrimination.

67.) In taking the foregoing action, defendant retaliated against plaintiff on account of his protected EEO activity, in particular plaintiff's use of the administrative discrimination complaints process starting with plaintiff's complaint over his non-selection as Deputy Chief of CID; and his role in the administrative discrimination complaints process of CID agent Sarah Peebles.

68.) Defendant violated the participation and opposition clauses of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-3), by retaliating against plaintiff in the manner described above.

69.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT IV**  
**(Race Discrimination)**

70.) Plaintiff repeats the allegations contained in paragraphs 1 through 69 above, as though fully set forth here.

71.) On or about April 4, 2007, defendant issued a reprimand to plaintiff and thereby materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID.

72.) In taking the foregoing action, defendant subjected plaintiff to adverse employment action and discriminated against plaintiff on account of his race, which is African American.



73.) Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-2), in taking the foregoing actions.

74.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT V**  
**(Retaliation)**

75.) Plaintiff repeats the allegations contained in paragraphs 1 through 74 above, as though fully set forth here.

76.) On or about April 4, 2007, defendant issued a reprimand to plaintiff and thereby materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID, and took materially adverse action against plaintiff that would dissuade a reasonable worker from making or supporting a charge of discrimination.

77.) In taking the foregoing actions, defendant retaliated against plaintiff on account of his protected EEO activity, in particular plaintiff's use of the administrative discrimination complaints process starting with plaintiff's complaint over his non-selection as Deputy Chief of CID; and his role in the administrative discrimination complaints process of CID agent Sarah Peebles.

78.) Defendant violated the participation and opposition clauses of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-16

(incorporating by reference 42 U.S.C. §2000e-3), by retaliating against plaintiff in the manner described above.

79.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT VI**  
**(Race Discrimination)**

80.) Plaintiff repeats the allegations contained in paragraphs 1 through 79 above, as though fully set forth here.

81.) On or about November 8, 2006, defendant gave Mr. Barney a performance rating for Fiscal Year 2006 at the Minimally Successful level for "Leadership and Business Acumen." This rating caused plaintiff to receive a lower increase in salary than he was entitled to receive; contributed to making plaintiff's continued advancement in and career at CID no longer possible; was greatly reduced from Mr. Barney's previous ratings and the rating he deserved; and materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID.

82.) In taking the foregoing action, defendant subjected plaintiff to adverse employment action and discriminated against plaintiff on account of his race, which is African American.

83.) Defendant violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16 (incorporating by reference 42 U.S.C. §2000e-2), in taking the foregoing actions.

84.) Defendant's violation of plaintiff's civil rights caused

him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**COUNT VII**  
**(Retaliation)**

85.) Plaintiff repeats the allegations contained in paragraphs 1 through 84 above, as though fully set forth here.

86.) On or about November 8, 2006, defendant gave Mr. Barney a performance rating for Fiscal Year 2006 at the Minimally Successful level for "Leadership and Business Acumen." This rating caused plaintiff to receive a lower increase in salary than he was entitled to receive; contributed to making plaintiff's continued advancement in and career at CID no longer possible; was greatly reduced from Mr. Barney's previous ratings and the rating he deserved; and materially and adversely altered the terms, conditions, and privileges of plaintiff's employment and plaintiff's future employment opportunities, both within and outside of CID, and took materially adverse action against plaintiff that would dissuade a reasonable worker from making or supporting a charge of discrimination..

87.) In taking the foregoing actions, defendant retaliated against plaintiff on account of his protected EEO activity, in particular plaintiff's use of the administrative discrimination complaints process starting with plaintiff's complaint over his non-selection as Deputy Chief of CID; and his role in the administrative discrimination complaints process of CID agent Sarah Peebles.

88.) Defendant violated the participation and opposition clauses of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-16

(incorporating by reference 42 U.S.C. §2000e-3), by retaliating against plaintiff in the manner described above.

89.) Defendant's violation of plaintiff's civil rights caused him to suffer emotional pain, embarrassment, humiliation, mental anguish, inconvenience, anxiety, depression, and loss of enjoyment of life.

**PRAYER FOR RELIEF**

Wherefore, plaintiff Tyrone G. Barney respectfully requests that the Court enter judgment in his favor and award him the following relief.

A. An Order declaring that defendant violated plaintiff's civil rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-16, and restraining and enjoining defendant from further violations.

B. An Order reinstating plaintiff in a senior management position in IRS CID.

C. Backpay and corresponding monetary benefits, in an amount to be determined at the equitable relief phase, to compensate plaintiff for lost income as a result of defendant's unlawful actions.

D. Compensatory damages in an amount to be determined at trial to compensate plaintiff for the emotional pain, embarrassment, humiliation, mental anguish, inconvenience, career loss, loss of professional reputation, and loss of enjoyment of life caused by defendant's unlawful actions.

E. Record correction.

- F. The attorneys' fees and costs incurred by plaintiff.
- G. Such other relief as may be just and appropriate.

**JURY DEMAND**

Plaintiff requests a trial by jury of all issues so triable.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Robert C. Seldon, Esq.  
D.C. Bar No. 245100

\_\_\_\_\_/s/\_\_\_\_\_  
Jennifer R. Amore, Esq.  
D.C. Bar No. 975907  
Robert C. Seldon & Associates, P.C.  
1319 F Street, N.W.  
Suite 200  
Washington, D.C. 20004  
(202) 393-8200

Counsel for Plaintiff