

**CDR S. KAMAL
Mediation 12/13/10**

HRSA

**ALTERNATIVE DISPUTE RESOLUTION (MEDIATION)
REQUEST AND REFERRAL FORM**

Agency File No.: _____

1. Name of Requester (Aggrieved Person/Complainant): **CDR Sianat Kamal**
2. Requester's Title, Series, Grade: **Project Officer, Commander, 05**
3. Requester's Institute/Center/Bureau/Region/Office: **Bureau of Primary Health Care**
4. Requester's Office and Work Location: **West Central Branch, Western Division, 16C-05, 5600 Fishers Lane, Rockville, MD 20857**
5. Requester's Work Telephone Number and E-mail Address: **N/A**
6. Requester's Home Address, Telephone Number, and E-mail Address: **7404 Bradley Blvd, Bethesda, MD 20817, (301) 452-0177 ©, sianatkamal@gmail.com**
7. Name and Contact Information for Requester's Representative (if applicable):

**Debra A. D'Agostino
1800 Diagonal Road, Suite 210
Alexandria, Va. 22314
debra@puckettfaraj.com
Ph:(703)706-9566
Fax:(202)318-7652**
8. Is the Requester a Commissioned Corps Officer?: **Yes**
9. Is the Requester a Bargaining Unit Employee?: **No**
10. Who Is the Alleged Responsible Management Official(s)? (The person(s) the Requester alleges discriminated against him/her.):

Kimberly Range, Direct Supervisor
11. Does the Requester Have Other Complaints, Appeals, or Grievances Pending

12. Briefly summarize the dispute which you wish resolved and identify the manager(s)/individual(s) involved in the dispute. This information is used in identifying the appropriate person to participate in the Alternative Dispute Resolution/mediation process.
- **In the last six and a half years in BPHC/HRSA, I have served under three different direct supervisors; first five years for two different supervisors; had no professional or personal differences with either one of them; received outstanding evaluation every year; received multiple Individual and Group awards during the first five years of my tenure with BPHC under the first two supervisors; in addition, with Reviewing Official's support, I have been promoted from 04 to 05 in 2007.**
 - **While serving in the same Unit, my 3rd supervisor was Kim Range; since Fall of 2009, the WCB had become a highly stressful environment; Kim's highly unprofessional and disrespectful style of micromanagement changed the WCB into a toxic place to work in.**
 - **I was always treated and evaluated at a much demanding scale than other fellow POs.**
 - **In Fall of 2009, as I was trying to take care of my 16 year old ill child, the stress of working for Kim has resulted in me having developed depression, anxiety, insomnia, and frequent migraine; I also started having recurrence lower back pain as I would often work 12-14 hour days to maintain quality and timely submission of deliverables; over the course of 6 months (September 2009 to February 2010), I lost 15lbs, my weight came down to 99lbs.**
 - **In February 2010, my medical provider had set up a treatment plan for me where she placed me on one month of sick leave in order to facilitate my treatment.**
 - **I came back to work on 12 April. Last week of April of 2010, my 16 year old son tried to take his life; as I was trying to manage work and trying to support my son's treatment, on 12 May, Kim submitted fit-for-duty evaluation on me because she claimed to have health concerns for me; contrary to Kim's claim, at that point, I just came back from treatment and was declared fully fit by my healthcare provider to return to duty.**
 - **Over the course of the summer, when appropriate, I utilized my annual leave, sick leave, and station leave when Kim approved them; however, she was highly unsupportive of my need to be away from the office for medical appointments both for me and my son.**

- **Medical Review Board (MRB) found me unfit for duty on 1 September 2010; their findings were not that I was ill which was incapacitating for me to perform duties but that I was not following up on my aftercare treatment plan as prescribed by my providers which may cause me to have future illnesses. This would have meant more time out of the office, therefore I chose to go to my son's appointments as much as I could instead of my own. MRB argued I still should have gone to my own appointments and maintained follow up with the aftercare treatment plan.**
- **On 21 September Kim placed me on Non Duty With Pay (NDWP) status, because of my alleged "absenteeism, unreliability, and of my increased in-the-office conducts".**
- **As my Initial Grievance dated 15 Oct. 2010 argued that her grounds of my absenteeism and unreliability cannot be sustained, in her response dated 15 November 2010, she claimed lack of performance was the reason for me to be on NDWP and not absenteeism or unreliability; response to Kim's response of the Initial Grievance was sent for a 2nd level review on 23 Nov where facts were annotated which will substantiate Kim's claim of my poor performance to be inaccurate.**
- **Kim had never counseled me about her concerns that might lead to fit-for-duty evaluation or NDWP; she had not served me with Letters of Reproval and/or Reprimand which is the standard course of action, instead she filed for fit-for-duty evaluation and NDWP.**
- **Finally, I was found not-fit-for-duty on 1 September. Kim placed me on NDWP status on 21 September. She has taken an administrative action against an officer who has been officially found temporarily not-fit. This is retaliation against an officer for being temporarily disabled, it is disability discrimination. In addition, I was trying to take care of an ill child which did not impact my duties as a PO, yet, instead of demonstrating act of compassion, I was placed on administrative action. I request for remedy.**

13. Briefly describe the relief or remedy that you seek to resolve this dispute.

Request for Relief/Remedy:

1. **Remove officer from Non Duty With Pay (NDWP) status and place on sick leave based on MAB's recommendation for the duration of the Temporary Disability Retirement List (TDRL) processing**
2. **In the event sick leave may not be granted, place officer back to duty immediately under Central Southeast Division/respective Branch**
3. **If/when TDRL becomes effective, within one duty day of being declared fit-for-duty by Medical Affairs Branch, hire officer back to Central Southeast Division/respective Branch**
4. **Within 90 days of return to Active Duty from TDRL, permanently reassign officer to another Bureau within HRSA**
5. **Clean officer's record of any NDWP content**
6. **Equitable relief, including granting immediate access to all facilities/office equipments to allow submission of 2010 COER by officer, and**
7. **Compensatory damages**

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I understand that Alternative Dispute Resolution (ADR)/mediation is a joint effort between the parties to facilitate an expedited resolution of disputes from and among employees.

I understand that the pre-complaint processing period shall be extended up to ninety (90) calendar days from the date of initial contact for the purpose of resolving the complaint through the mediation process.

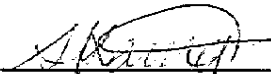
I understand that my right to continue with the administrative complaint process will remain intact and available to me should an agreement not be reached using mediation.

I understand that I have the right to representation throughout this process. I understand that if I designate an attorney as my representative at the pre-complaint stage, attorney fees may only be awarded during the formal processing of a complaint. I further understand that if the designated representative is outside my immediate geographical area, the Agency will not be responsible for paying the representative's travel costs, per diem, or other expenses.

I understand that my election to mediate in lieu of traditional EEO counseling is final, and I can not withdraw from mediation and proceed through traditional EEO counseling. See Equal Employment Opportunity Commission Management Directive 110 (EEO MD-110), Chapter 2, VII.A. "The election must be made in writing on a form developed by the agency, and the form will be attached to the EEO Counselor's Report.... The aggrieved person's election to proceed through counseling or ADR is final."

I understand that the mediator has no authority to make decisions, nor is (s)he acting as an advocate for any party.

If I elect to engage in the ADR/Mediation Program during the formal stage of the EEO complaint process, the processing of my formal complaint will be held in abeyance for no more than ninety (90) calendar days from my request for mediation to allow the parties to participate in the process. If the matter is not resolved through mediation, processing of my complaint will resume upon conclusion of the mediation process from the point mediation was requested.



Signature of Requester

6 October, 2010

Date of Request

Please submit this form to the Office of Equal Opportunity, Civil Rights and Diversity Management, CPRP PROGRAM (301) 443-7647 -5600 Fishers Lane, Room 6-106, Rockville, MD 20857. The form can also be submitted via facsimile to (301) 443-7898.