

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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<b>GEORGE A. SHORT,</b>		)	
		)	
<b>Plaintiff</b>		)	
		)	
<b>v.</b>		)	<b>Civil Action No. 05-01034</b>
		)	
<b>MICHAEL CHERTOFF, SECRETARY</b>		)	
<b>UNITED STATES DEPARTMENT OF</b>		)	
<b>HOMELAND SECURITY,</b>		)	
		)	
<b>Defendant</b>		)	
		)	
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**DECLARATION OF JUDY MALTBY**

I, Judy Maltby, make the following declaration in accordance with 28 U.S.C. §1746:

1. My position is EEO Manager. My office maintains records of all EEO complaints filed by Federal Protective Service employees nationwide.

2. My records reveal that the Plaintiff, George Short, filed two formal complaints of discrimination, Agency Case No: 03-NCR-WPS-GAS-2 and Agency Case No. 03-NCR-WPS-GAS-14.

3. With respect to Agency Case No: 03-NCR-WPS-GAS-2, the Plaintiff filed a formal complaint of discrimination on October 23, 2002 and amended this complaint several times between November 12, 2002 and February 11, 2003. After completion of the amendment process, four claims were accepted by the Agency for investigation:

- a. Whether the Complainant was discriminated against because of his race (Black), color (fair skinned) and age (DOB 4/1/43) when he was not selected by FPS Police Management for the Buffalo, New York deployment on September 18, 2002?
- b. Whether the Complainant was discriminated against because of his race (Black), color (fair-skinned), and age (59 years –DOB: 4/1/43) when he was suspended from duty from October 22, 2002 to November 20, 2002?
- c. Whether the Complainant was discriminated against on the basis of reprisal when he was subjected to continuous harassment and retaliation from November 21, 2002 through January 1, 2003 regarding his weapon, his vehicle, denial of leave, and missing supplies?
- d. Whether the Complainant was discriminated against in reprisal for filing an EEO complaint when he was subjected to harassment on April 30, 2003 when he was not contacted concerning a deployment of FPS officers to the Kentucky Derby?

4. With respect to Agency Case No. 03-NCR-WPS-GAS-14, Mr. Short filed an EEO complaint on April 11, 2003. The accepted issues in that case were:

- a. Whether the Complainant was discriminated against because of his age and sex when he was not given a temporary promotion to sergeant?
- b. Whether the Agency violated the Equal Pay Act when it temporarily promoted a female to the position of sergeant while not temporarily promoting the Complainant?

5. On December 15, 2004, the Equal Employment Opportunity Commission entered judgment in favor of the Agency on Agency Case Nos. 03-NCR-WPS-GSA-2 and 03-NCR-WP-GAS-14.

6. On February 14, 2005, the Department of Homeland Security, Office for Civil Rights and Civil Liberties issued a final agency decision on Agency Case Nos. 03-NCR-WPS-GSA-2 and 03-NCR-WP-GAS-14.

7. I have no record of any other complaints filed by the Plaintiff, Mr. Short, from April 11, 2003 to the present. Mr. Short did not file any complaints, alleging involuntary retirement or constructive discharge, with respect to his February 25, 2005 separation from federal service.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on 4.13.07

  
JUDY MALTBY