

**UNITED STATES OF AMERICA
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INDIANAPOLIS DISTRICT OFFICE**

In the Matter of:

WYNONA Y. JAMES

Complainant

AND

**DR. JAMES G. ROCHE, SECRETARY,
TN AIR NATIONAL GUARD, Agency
Respondent**

**EEOC NO: 250-2004-00174X
AGENCY NO.: 4134921998**

**U.S. ADMINISTRATIVE JUDGE
Davidson Momah**

DATE: September 8, 2004

ORDER FOR INJUNCTIVE RELIEF

1. In accordance with my oral instructions during the telephonic Pre-Hearing Conference with both parties on August 31, 2004 that Agency EEO Respondents Cease and Desist from any further processing of Security Investigative File (SIF). It is hereby ORDERED ~~DENIED~~ **GRANTED** as follows:

2. WHEREOF, Complainant's Prayer for Relief as follows:

Pursuant to Title VII, Section 2000e-6 (Section 707)(a) requests permanent Injunction and Restraining Order to Cease and Desist from inappropriate activity deemed as Reprisals against the Complainant:

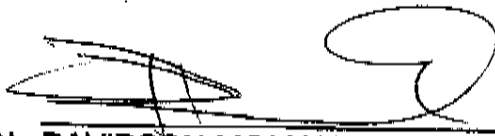
Cease and Desist all paper trails and inferences of Complainant's Security Investigative File (SIF) last held by Mr. David Duke Chief, 21st Space Wing Manpower & Organization on August 31, 2004, which includes language that Complainant is a "National Security Risk", "Threat to the Nation" and a "Terrorist".

This order includes the expungement of ALL adverse personnel actions that are past, present and future acts which follow the date that Complainant made initial contact with an agency EEO Manager in October 2002; This order will expunge all adverse security actions EEO Respondents initiated pertaining to complainant's security credentials, personnel; derogatory and adverse entries in Complainant's employment and personnel records following Complainant's initial contact with an agency EEO Counselor in October 2002. This order encompasses all forms of communication -- orally, electronically, land-line and by U.S. Mail, further ordering EEO Respondents to cease and desist henceforth, all adverse and derogatory activity immediately.

3. This is a permanent Restraining Order upon said EEO Respondents to immediately Cease and Desist from any further communication with the Complainant's present and future places of employment and references unless directed by an EEOC court order. Henceforth this order is a "Gag Order" restraining all EEO Respondents from any and all ex parte communications about or involving Complainant unless in direct communication with Complainant's or Agency Representative "Staff Judge Advocate" during the EEOC processing of this matter.

DATE

9/29/04


FOR THE COMMISSION: DAVIDSON MOMAH
Administrative Judge
Equal Employment Opportunity Commission

UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INDIANAPOLIS DISTRICT OFFICE

| | | |
|-----------------------------|---|---------------------------|
| WYNONA JAMES, |) | |
| |) | |
| Complainant, |) | EEOC NO.250-2004-00174X |
| |) | |
| |) | AGENCY NO. 4134921998 |
| |) | Davidson Momah |
| DR. JAMES ROCHE, SECRETARY, |) | U.S. ADMINISTRATIVE JUDGE |
| TN AIR NATIONAL GUARD, |) | |
| |) | |
| |) | |
| Agency. |) | |
| |) | |

PREHEARING CONFERENCE REPORT

On June 4, 2004, the Equal Employment Opportunity Commission convened a telephonic prehearing conference wherein telephonic appearances were entered by Wynona James, representative, Mr. Matthew Fogg, Complainant's Representative, and Lt. Col. Dennis Veara, Esq. the Agency's Representative. The conference was concluded on September 27, 2004. The Equal Employment Opportunity Commission issued the following rulings at the conclusion of the conference:

1. The Equal Employment Opportunity Commission **ORDERS** that the only legal claim which would be addressed during the hearing was a disparate treatment theory of employment discrimination addressing the following:

(See the complaint file for the issue accepted by the Agency.)

2. The Equal Employment Opportunity Commission **GRANTS** the

parties' motions and **ORDERS** that the following individuals were approved as witnesses who the Complainant may call during the Complainant's case-in-chief:

(All of the Complainant's witnesses are hereby approved.)

3. The Equal Employment Opportunity Commission **GRANTS** the Agency's motion and **ORDERS** that the following individuals were approved as witnesses who the Agency may call during the Agency's case-in-chief:

(All of the Agency's witnesses are hereby approved.)

4. The Equal Employment Opportunity Commission being so advised **GRANTS** the Complainant's motion for injunctive relief requested in her motion¹.

5. The Equal Employment Opportunity Commission being so advised **ORDERS**, the parties to exchange list of witnesses and their expected testimony on or before October 15, 2004.

6. The Equal Employment Opportunity Commission being so advised **ORDERS**, the parties to exchange exhibits on or before October 15, 2004.

7. The Equal Employment Opportunity Commission being so advised **ORDERS**, amendment and consolidation of all the Complainant's Complaints and issues pending before the Commission and the

¹The Agency filed no response. Equally important, the Agency did not object to the motion during the prehearing conference.

Agency.²

8. The Equal Employment Opportunity Commission being so advised

ORDERS the hearing to convene as follows:

TIME : 9:00 A.m. Eastern Standard Time (Indpls. Time)
9:00 A.m. Central Daylight Savings Time
10:00 A.m. Eastern Daylight Savings Time

DATE : October 27, 28, & 29, 2004

PLACE: EEOC, Memphis District Office³
1407 Union Ave., Suite 621
Memphis, TN 38104

IT IS SO ORDERED, on

9/30/04

FOR THE COMMISSION:

Davidson Momah, U.S. Administrative Judge

²During the prehearing conference, the parties discussed and agreed to the consolidation of all the issues and the complaints raised by the Complainant before the Commission and the Agency.

³To accommodate other cases, as well as for logistics, the hearing in the above-styled matter would be held in Memphis. Parties have five days to raise an objection to the hearings location.