

Communication Center (EEO)
Attn: Office of Equal Employment Opportunity and Diversity
Post Office Box 6500
Springfield VA 22150

December 13, 2014

Subject: Formal Complaint of Discrimination by the US Secret Service filed under 29 CFR Part
1614 By [REDACTED]

Question 15 from DHS Form 3090-1 (9/11)

Part A) Describe the Discriminatory Action Taken:

Statement of Claim: The investigative unit of the United States Secret Service discriminated against me for having a psychiatric disability during the investigation process for a security clearance. The investigative agents made inquiries about my disability that are prohibited under Executive Order (E.O.) 12968 and in violation of Security Clearance Adjudication Process. These improper inquiries were made by the investigating agents for a purpose, and demonstrate that elements of management within the United States Secret Service have a bias against hiring individuals with mental disabilities, even exceptionally well qualified candidates, which is illegal. These actions resulted in a failure to select me for a position I received a written offer for and was exceptionally well qualified for.

Part B) Date of the Action Taken: Tuesday October 28, 2014

Individuals responsible for the action:

Special Agent Ellen Ripperger, Teresa Keith, the Deputy Division Chief of the Human Capital Division, Robin Despero, Security Clearance Adjudication.

Part C) Describe how you were treated differently than other applicants:

I was not afforded the same due process nor were the standard best practices followed with regard to my security clearance adjudication and background check required for employment with the Secret Service.

Part D) The failure to hire resulted in a loss of wages and a promotion. Further, it resulted in a loss for higher level opportunities such as SES and lateral moves into other more lucrative GS-15 positions.

Part E) Not Applicable

Please reference the 140 statements of material facts for more information regarding this incident.

Statements of Material Facts:

1. I applied for a GS-15 Program Manager with the United States Secret Service on or about September 16, 2013.
2. I was interviewed by the CIO and Deputy CIOs on December 13, 2013. The interview went very well and I was asked for references.
3. I voluntarily disclosed a psychiatric disability at the conclusion of the interview, which I take medication for, as I did not want the Secret Service to waste resources trying to obtain a Top Secret Clearance for me if my condition would preclude me from obtaining one.
4. I sent an email to CIO Scott Cragg as requested on December 13, 2013 with a pdf file containing my professional references.
5. My references were all contacted in December.
6. On Monday, January 13, 2014, I sent an email to CIO Scott Cragg letting him know I was aware that my references had been contacted and inquiring about the status of the position.
7. Scott Cragg wrote me back that same day stating, "The recommendation for the position is at the approval level. We had been stuck in the holiday rush and I am hoping to get a final go ahead very soon."
8. When I had not heard anything from the Secret Service by late February, I sent another email to CIO Scott Cragg on Wednesday, February 26, 2014 asking about the status of the position I interviewed for.
9. That day (February 26, 2014) Scott Cragg sent me an email stating:
 - a. The position was subject to reorg dialog he had hoped would be finished by now.
 - b. That I was his recommendation for the position.
 - c. His supervisor would be back next week and he would be pressing again.
10. On Thursday, March 13, 2014 I sent an email to Scott Cragg inquiring about the status of the reorg.
11. Scott Cragg wrote me back that day stating he had a brief meeting with his Assistant Director on March 12, 2014 and they were going to try and get the position approved when he returns the following week. He commended my patience, told me to keep my fingers crossed, and asked me to contact him on Thursday of the following week.
12. I contacted Scott Cragg via email the following week but did not receive a response.
13. I contacted Scott Cragg via email the next week and received a response on Thursday, March 27, 2014 stating that he had gone through this again with the Assistant Director, and that their Director was abroad with the POTUS and he hoped to get another audience next week.
14. On Tuesday, May 06, 2014 I wrote Scott Cragg inquiring about the status of the reorganization and how getting the position approved was coming along.
15. Scott Cragg wrote the following back to me on the same day (May 06, 2014): "Making some progress. Three of our positions bundled. D2 agreed to have dialog. Reconstructing packages. Hang in there."
16. On Thu, 5 Jun 2014, I received an unsolicited email from Scott Cragg stating that my package had been rebuilt and is going back to their Director when she's back from the G-7.

17. On Monday, June 23, 2014 12:44 PM I emailed Scott Cragg asking about the rebuilt package.
18. Scott Cragg replied the same day stating they were providing information to the deputy director about questions he was asking and to stand by.
19. On Thursday, June 26, 2014, Scott Cragg sent me an email asking me to call him, as he needed some information clarified. During that call he asked:
 - a. What degrees I had (an MSEE, MBA, and BSEE).
 - b. What publications I had (numerous including two technical books which I am the sole author)
 - c. What technical organizations I belonged to - Senior Member Institute of Electrical and Electronic Engineers (IEEE). IEEE Power and Energy Society. IEEE Instrumentation and Measurement Society.
 - d. What government credentials I had:
 - i. Senior/Expert Level III FAC P/PM Program Manager
 - ii. Senior Level III COTR
20. At the conclusion of the call Scott Cragg said this was excellent and wanted me to know that many people were working really hard to bring me into the Secret Service. I told him I appreciated everything that everyone was doing for me.
21. Shortly before the fourth of July holiday I received an unexpected call from Scott Cragg telling me I should have an offer letter for the position sent to me just before or immediately following the holiday.
22. On Wednesday, July 09, 2014, I received a call from Antoine Smith in the Secret Service's Human Resource department informing me that I would have a conditional job offer and security clearance paperwork sent to me by email on COB of that day.
23. When the CJO did not materialize in my email I contacted Scott Cragg by email on Mon, 14 Jul 2014 to inform him that I had not received the CJO from Secret Service's Human Resources Department.
24. On Thu, 17 Jul 2014, I received a Conditional Offer of Employment from the Human Resources Department at the Secret Service.
25. The Conditional Offer of employment stated that my "appointment to the above position is contingent upon your successful completion of a background investigation."
26. On Tuesday, July 29, 2014, I submitted my completed security clearance paperwork (Form OF-306) to JERNEE BEATY in Secret Services Human Capital Division (HCD).
27. On the morning of Tuesday August 19, 2014, I met with Special Agent George Stakias in the Baltimore Field Office for approximately two hours to submit and verify all of the information in my security package required for my Top Secret Clearance, and sign all of the necessary forms.
28. Mr. Stakias had a friendly and professional demeanor. However, during this meeting I was instructed (*not asked, or requested*), to write a statement about why I had seen a psychiatrist for several years which I wrote. Under Executive Order 12968 this was a prohibited request, however I felt if I wanted the position I would have to write the statement, which I did.

29. Approximately one month later, I was called by Special Agent Ellen Ripperger and scheduled for a polygraph examination on September 18, 2014. Agent Ripperger maintained a cordial veneer, but I sensed an underlying hostility from her during our phone conversation.
30. On September 18, 2014 after taking the polygraph examination, I was told I failed the polygraph examination with respect to two questions on drug use and past undetected crimes by Agent Ripperger.
31. When I was told I failed the test I offered to take the polygraph test again, but Agent Ripperger stated, "You don't have to take it again, I have all I need."
32. Agent Ripperger stated that she "could not" send my security clearance package "up like this", and asked several times if I wanted to change any of the answers on my security clearance form to reflect what the polygraph indicated.
33. I declined that opportunity, and refused to change my answers, because I had told the truth.
34. After, and possibly before my polygraph examination, I was questioned by Agent Ripperger about information related to Question 21 (mental health) on my security clearance form, which is expressly prohibited by Executive Order (E.O.) 12968. The questions included medications I take for my condition, about my condition, etc.
35. After my polygraph, Agent Ripperger subjected me to what amounted to a criminal interrogation.
36. I was asked questions like "Do you like to start fires?"
37. Statements were made such as "Coming from a broken home with an alcoholic father, it would be perfectly understandable if you experimented with drugs as a young adult."
38. Although I was completely honest with Agent Ripperger, my honesty and candor was utilized against me to accuse me of criminal activity for which there was no basis to suspect, and I had never committed.
39. For example, the fact that I had an anxiety disorder and took prescription medication for the condition meant I was a liar.
40. When I refused to change my answers on my security clearance form, Agent Ripperger then asked if I would be willing to take the test again, and if I would be opposed to her conducting the second polygraph examination.
41. I told Agent Ripperger I would take the exam again, but I did not want her for a polygraph examiner, as I did not feel she obtained accurate results from the machine.
42. I caught Agent Ripperger making a number of inconsistent statements while being questioned during my polygraph examination.
43. I was made to agree at the beginning of the exam not to employ "countermeasures", but yet when I failed the exam I was told the exam was foolproof and makes no mistakes. If "countermeasures" can trick the exam, it is not foolproof as claimed.
44. I was told it was perfectly normal to have anxiety at the beginning of the exam, but when asked why I took medication I was prescribed for anxiety for a diagnosed medical condition I was chastised for doing so.
45. I was also chastised for not eating a full meal before the exam even after I explained that the medication I take for my disability causes nausea and I cannot eat a full

breakfast without getting ill. However, if the polygraph is foolproof as Agent Ripperger claimed, what difference does it make what I have eaten or what medications I have taken prior to the exam?

46. When I was questioned about criminal activity, I mentioned a minor traffic violation to which Agent Ripperger stated, "That is not what I am looking for, I have a feeling this occurred sometime in your past when you were much younger." How could Agent Ripperger know that, as to my knowledge a polygraph does not print out dates upon which alleged lies happened to occur?
47. Why was I told by Agent Ripperger that a second polygraph would be unnecessary as they had all the information they needed, but then asked if I would take another polygraph test?
48. It seemed very important for Agent Ripperger to get me to agree that the polygraph exam was infallible. I would not do this because I already knew that nearly all peer reviewed studies put the accuracy of a polygraph test at between 50% (equivalent to a coin toss) and 80% accuracy.
49. Even if the polygraph is 80% accurate, that still means for every five questions asked the determination made for one of them is wrong, which hardly constitutes infallibility. To agree that the polygraph exam was infallible would be lying, and I did not come to the exam to lie.
50. It is my belief that pointing out these numerous inconsistencies to Agent Ripperger did not ingratiate myself to her and only served to aggravate her.
51. I notified the CIO of the Secret Service (Scott Cragg) by email about what had transpired during my polygraph examination, and that I was told I failed the exam.
52. I made clear to the CIO (Scott Cragg) that I had never done any of the things (drug use or serious past undetected crimes) that Agent Ripperger accused me of because of my polygraph results.
53. I also told the CIO (Scott Cragg) that I believed that I did not fail the test, but that Agent Ripperger was simply interrogating me to see if she could get me to admit to something to ascertain if there was anything in my background which the Secret Service had no knowledge of.
54. The CIO (Scott Cragg) sent me an email stating "Stand by – checking with Clearance Division. I'm especially interested in your use of the term "retest."
55. I decided not to contact the CIO (Scott Cragg) unless he contacted me because I did not wish to put him in an awkward position with the Security Clearance Division.
56. On Friday October 24, 2014, I received an email from the CIO Scott Cragg of the Secret Service who asked if I had undergone a retest of my polygraph examination.
57. I replied that I had not, and my assumption was that the intense questioning I had undergone by Agent Ripperger was a standard tactic to interrogate new employees for any undesirable behavior in their past.
58. The CIO stated he would look into it.
59. On Monday October 27, 2014, I received a call from the CIO of the Secret Service who told me he would be leaving the Secret Service for a new position. He asked me not to disclose this information with anyone until after Thanksgiving, at which time he would announce it.

60. Scott Cragg felt I should know this information if I were going to be taking a job and the person I was supposed to report to would no longer be there.
61. Scott Cragg also informed me that substantial changes would be coming to the CIO's office at Secret Service, and that if I came on board I might be working with anyone I had interviewed with or met on the panel.
62. Scott Cragg asked if I still wanted the position knowing this information.
63. I informed him that I did still want the position because it was a promotion and that if I did not like the person I would end up reporting to I could always lateral out of the agency.
64. The CIO stated that because his departure had not been announced to anyone yet he still had leverage to push this through and would do so. The CIO said as far as he knew my candidacy was still active and that "this was not dead".
65. On Tuesday October 28, 2014 I received an email retracting my offer which stated "We regret to inform you that we are unable to select you for this position because you are no longer among the best qualified" and that "the selecting official selected a better qualified applicant."
66. The email as worded indicates that:
 - a. The US Secret Service changed the best qualified criteria after the announcement closed.
 - b. The US Secret Service re-evaluated its candidate pool after the announcement was closed and changed its selection.
67. The actions of Items 66.a and 66.b are illegal under Merit Systems Protections.
68. I did not believe this was legal given that the position had closed more than one year ago on September 26, 2013.
69. The Secret Service had reviewed resumes for 10 Months prior to sending me a written offer of employment, so it was inconceivable that they did not pick the best qualified applicant for the position.
70. Further, the agency is not allowed to change its selection after the closing date and an offer has been made and accepted by an applicant.
71. It was my belief that I was the best qualified person for this position in that I had two degrees in Electrical Engineering (EE), two Master's degrees (an MSEE and an MBA), an Expert Level III FAC P/PM Program Manager Credential, two technical book publications as sole author, and over twenty five years' experience working for both the federal government and Fortune 50 companies.
72. On the same day that I received the withdrawal of my conditional job offer from the Secret Service (Tuesday October 28, 2014), I made a Formal Request for Information from the Secret Service requesting the following information:
 - a. The credentials of the individual who was selected over me after the closing date of this announcement
 - b. The status of my clearance adjudication.
 - c. What specifically made me "no longer among the best qualified"?
 - d. The results of my polygraph examination.
 - e. If my offer of employment was withdrawn due to my disclosure of my psychiatric condition of Obsessive Compulsive Disorder.

73. I received an email from Jernee Beaty at the Secret Service on October 29, 2014 which instructed me to request that information under the Freedom of Information Act.
74. I made a second request on October 29, 2014 informing the Secret Service that their answer was unacceptable, and that by law they must notify me of the results of my Security Clearance investigation, and in the event of an adverse employee suitability determination, the Secret Service is governed by OPM's regulations (GAO/NSIAKMO-97FS Due Process) and must provide me:
 - a. Written notice of the proposed action, stating the specific reasons for the action.
 - b. A reasonable time to answer orally and in writing, and to furnish affidavits and other documentary evidence in support of the answer.
 - c. Representation by an attorney or other representative.
 - d. A written decision and the specific reasons for the decision at the earliest practicable date.
75. On Wed, 5 Nov 2014, I received an email from Teresa Keith, the Deputy Division Chief of the Human Capital Division at the Secret Service, which provided a contradictory explanation with regard to why my written offer of employment was rescinded.
76. The email of Item 75 stated that my offer of employment was withdrawn due to a failed polygraph exam, not that I was no longer the best qualified applicant, and that "no final decision was made regarding your [my] eligibility to access classified information", meaning that my clearance was halted due to one negative element.
77. On knowledge and belief, a polygraph exam is only one of many components to be considered in obtaining a Top Secret Security Clearance, and it is the Top Secret Security Clearance that is required for the position, not just the polygraph.
78. On knowledge and belief, people who have failed polygraph exams can and do obtain Top Secret Security Clearances.
79. On knowledge and belief, The Top Secret Security Clearance adjudication is to be based on the totality of evidence acquired during my background investigation, and it is not to be decided based on any single element of a background investigation.
80. On knowledge and belief, The United States Secret Service should have put forward my entire Top Secret Security Clearance package with the results of my polygraph for adjudication.
81. On knowledge and belief, As the United States Secret Service decided not to put forward my Top Secret Security Clearance, I was not provided the same consideration or due process given to those who apply for a Top Secret Security Clearance, which in and of itself was discriminatory.
82. By its own admission, the United States Secret Service terminated the application of my security clearance based on a single element, and did not follow the lawful protocol with regard to clearance adjudication.
83. Since the United States Secret Service did not even attempt to process my Top Secret Security Clearance, I was prohibited from competing for the written offer employment extended from the United States Secret Service, a violation of Merit System Principles #1, #2, and #8A, under (5 USC § 2301).
84. Significantly, during the period between my written offer of employment with the CIO at the Secret Service and my polygraph examination, several embarrassing high profile

security breaches occurred at the Secret Service, including the widely publicized computer network security breach at the White House by a Russian Intelligence service.

85. It is my belief that given the number of high profile security breaches that occurred at the Secret Service immediately after my offer was made, the security personnel at the Secret Service decided they could ill afford to take a chance on bringing on board a person with a known mental illness, irrespective of what their record of achievements or credentials were.
86. I believe this is the true motive behind the retraction of my conditional offer of employment - and was illegal.
87. It is my sincere belief that the CIO of the Secret Service, Scott Cragg, wanted to hire me into the GS-15 Program Manager position as we had maintained contact from the time I interviewed with the panel at the Secret Service on December 13, 2013 until my written conditional offer of employment on July 17, 2014.
88. The contact described in Item 87 was not one sided in that both the CIO and I wrote to each other independently throughout the course of the 8 months before my offer was tendered.
89. It is my further belief that the CIO Scott Cragg was thwarted from hiring me by elements within the Secret Services Security Division and Human Capital Division, which discriminated against me due to my mental disability with the unfounded belief that such a condition, posed a threat to their security.
90. It is also my belief that when Secret Service Director Julia Pierson resigned on Wednesday October 1st, after a security breach at the White House and other high-profile incidents, that the new Director was unwilling to take a chance on hiring a high level person with a mental disability as the Secret Service had been under intense scrutiny.
91. I replied to the email from Teresa Keith, the Deputy Division Chief of the Human Capital Division at the Secret Service, on Wed, 5 Nov 2014 requesting to be put in contact with an EEO Counselor at the Secret Service.
92. In the email of item 91, I also articulated items 77 thru 83 in this complaint.
93. On Friday, November 07, 2014, Alexandra Stephens of the EEO office at the Secret Service made contact with me, and on Mon, 10 Nov 2014 I received an email that EEO Collateral Duty Counselor, Michelle Macon was assigned to my case.
94. A copy of the EEO Counselor's Report was not forwarded to me prior to receiving my Notice of Right to File a Formal Complaint of Discrimination on December 12, 2014, so the inconsistencies uncovered by Michelle Macon mentioned in this complaint are from my notes in talking with her.
95. When EEO Counselor Michelle Macon asked CIO Scott Cragg about a reorganization affecting the viability of my position, CIO Scott Cragg stated to her that the reorganization happened three and one half years ago, and that it had nothing to do with the retraction of my job offer.
96. The item of 95 is in complete contradiction with several emails over several months from Scott Cragg, which specifically mentioned a reorganization delaying the award of

the position, with packages being reconstructed, rebuilt, and bundled due to an ongoing reorganization within the Secret Service.

97. Either the emails sent in item 96 when the Secret Service was trying to recruit me were true, or the statements made to the EEO Counselor Michelle Macon in item 95 after the Secret Service rescinded my position are true, but both cannot be true.
98. I cannot determine a motivation for the Secret Service to lie to me while trying to recruit me.
99. Motivation may exist not to be truthful however if the Secret Service improperly rescinded my offer of employment.
100. EEO Counselor Michelle Macon also asked Scott Cragg if the position I had received a written offer for had been filled.
101. Scott Cragg indicated the position had not been filled, which directly contradicts the email retracting my offer On Tuesday October 28, 2014 which stated "the selecting official selected a better qualified applicant."
102. Agent Ripperger told EEO Counselor Michelle Macon that she "did not know of my disability." This seems highly unlikely for two reasons.
103. First, Agent Ripperger had my security clearance paperwork right in front of her and quizzed me about elements in my security clearance paperwork such as my parents being divorced and other elements of my life.
104. It would seem entirely implausible that the one element from my security clearance paperwork that she did not read was with regard to Question 21 on mental health care.
105. Second, the Secret Service received a copy of my Schedule A paperwork with my job application which contained both information on my disability and a letter from my former psychiatrist stating my fitness for duty.
106. Agent Ripperger also stated to EEO Counselor Michelle Macon that she did not make any determine on the data in polygraph, but merely forwarded on the data to the Security Clearance division.
107. Item 106 seems highly unlikely because Agent Ripperger told me at the conclusion of my polygraph exam that I failed, and I think such a statement would be construed a determination by most reasonable people.
108. Agent Ripperger also stated to EEO Counselor Michelle Macon that she was convinced that I was "trying to manipulate the process [the polygraph exam] in some way."
109. I asked EEO Counselor Michelle Macon to follow up on this statement and find out exactly what Agent Ripperger meant by this statement.
110. Agent Ripperger stated to EEO Counselor Michelle Macon that she could not determine what type of countermeasures were being used, but there were "indications" of my trying to manipulate the system by using things such as "controlled breathing" and "toe presses."
111. Agent Ripperger further stated to EEO Counselor Michelle Macon that there were "thousands" of possible countermeasures which is why she could not determine which one was being employed.

112. I was asked to agree not to employ “countermeasures” at the beginning of the polygraph exam. However, if “*thousands*” of “countermeasures” exist, no person could reasonably be expected to understand what they are agreeing not to do.
113. This is in effect a blank check for the Secret Service to fail any person they want, for any reason they want (including discrimination), for any position within the agency.
114. Agent Ripperger further stated that I did not flunk the polygraph exam due to “countermeasures”, but that I flunked due to failing two questions on past drug use and committing past serious undetected crimes.
115. However, if Agent Ripperger believed that I was being dishonest with regard to taking the polygraph, it is highly likely that her subjectivity in the matter was affected by conformational bias and/or motivated reasoning.
116. Agent Ripperger also admitted to EEO Counselor Michelle Macon that her interpretation of my polygraph exam results was shared with Robin Despero, who “reviewed” the results of my polygraph exam.
117. Because Agent Ripperger shared her results with the reviewer Robin Despero, her “review” was not in fact independent and any biases Agent Ripperger had were likely propagated to reviewer Robin Despero, thus tainting her subjectivity in the matter as well.
118. On Wed, 5 Nov 2014, I received an email from Teresa Keith, the Deputy Division Chief of the Human Capital Division at the Secret Service, which stated “a review of your polygraph examination was conducted, and based on that review, it was determined that no re-test is warranted.”
119. Robin Despero made this determination, but as shown in item 117 her subjectivity in the matter is questionable at best.
120. On knowledge and belief, it is unlikely that one employee of a federal agency would disagree, question, or challenge the accuracy of another employee of the same federal agency to support an unknown outsider to the agency.
121. Agent Ripperger stated to EEO Counselor Michelle Macon that she had been doing this for a long time and was “completely confident” in the results of her polygraph examination of me.
122. If Item 121 is true, Agent Ripperger should know that numerous peer reviewed scientific studies show it is beyond argument that anxiety causes false positive answers during polygraph testing. (Ex. The New England Journal of Medicine, Vol 327(2), Jul 1992, 122-123. “Autonomic arousal may be caused by deception, but it may also be caused by a myriad of potentially confounding factors ranging from stress, fear, and anxiety to anger and embarrassment. Deception itself cannot be measured directly.”)
123. The Secret Service was aware I had a documented anxiety disorder which I had undergone treatment for over 10 years and still take medication to control.
124. Given items 122 and 123, it is my belief that I as a disabled person was not given a reasonable accommodation by the Secret Service by not being provided a second, third or fourth test as so many applicants to the FBI, NSA, and other security services are routinely given.

125. It is my sincere belief either that I passed the polygraph exam in its entirety or that the results of the polygraph exam were inconclusive.
126. It is also my belief that if I did not pass the polygraph examination or if it were inconclusive, that the Secret Service made an arbitrary decision not to retest me to suit their own nefarious purposes, and it was not based on policy or procedure.
127. If I did indeed fail the polygraph exam, why did it take in excess of 5 weeks between the time I “failed” the polygraph exam (September 18, 2014) to the time I received a rejection letter (October 28, 2014)? If the process was standardized and as cut and dry as portrayed to EEO Counselor Michelle Macon, the rejection letter should have been sent out immediately after my failure of the polygraph examination.
128. Why did the CIO Scott Cragg believe I would be retested and send me an email asking me if I had been retested on October 24, 2014, if the standard procedure would be not to do so?
129. Scott Cragg contacted me by email late in the evening of Friday October 24, 2014 asking if I had been retested (polygraphed), yet early Monday Morning October 27, 2014 he calls me to inform me that he is leaving the agency. In retrospect, two things seem implausible about this.
 - a. Why wouldn't he know he was leaving the agency Friday evening?
 - b. Why would he trust an individual whom he had just formed a working relationship with to keep this in confidence until the end of November (which I did)?
130. It is clear that significant material differences are present with regard to the explanations given for the retraction of my written conditional offer of employment with the United States Secret Service.
131. It is also highly likely that criminal actions were committed with regard to one or all of the following:
 - a. 5 U.S.C. § 2302(b)(4) - Obstructing Competition
 - b. 5 U.S.C. § 2302(b)(5) - Influencing Withdrawal from Competition
 - c. 5 U.S.C. § 2302(b)(6) - Granting Unfair Advantage
 - d. 5 U.S.C. § 2301(1)(2)(8A) – Merit System Principals.
132. It is my belief that the Secret Service utilized the polygraph as a near bullet proof means to discriminate against me as its results can be hidden under the guise of “national security.”
133. There is no evidence to suggest I ever engaged in either of the two things I was accused of in my polygraph (a) past drug use and (b) past serious undetected crimes.
134. Further, I have:
 - a. No criminal record.
 - b. No history of the use of illicit drugs.
 - c. No history of alcohol abuse.
 - d. No history of gambling.
 - e. A near perfect credit score (~780).
 - f. No foreign influences.
 - g. No instance of ever mishandling of protected information.

135. The only “black box” in my background is my mental health record, and the Secret Service made improper inquiries about my mental health record in violation of Executive Order 12968, and in direct contravention of guidance issued for security clearance adjudication as outlined in:
 - a. “Information and Guidance to All Department of Defense Applicants Regarding Question 21 on the Standard Form 86 Questionnaire for National Security Positions,” Office of the Director of National Intelligence. Published April 5, 2013.
 - b. “DoD Guidance on Question 21, Standard Form 86, Questionnaire for National Security Positions” Secretary of Defense Memorandum. Published Sept. 4, 2012.
136. I can only believe that these inquiries were made in violation of an Executive Order 12968 and against the best practices for security clearance adjudication for a reason, and that this reason is discriminatory in nature.
137. Both my Security Clearance Denial and my security clearance adjudication were inconsistent with current government best practices and policies, and I was not afforded the same due process that other job candidates customarily receive under the law.
138. All of the aforementioned facts, and specifically the numerous inconsistencies with the reasons dealing with the retraction of my job offer, the sustained interest and enthusiasm of numerous individuals at the Secret Service to hire me into the agency, coupled with the lack of candor on the part of the Secret Service with regard to the retraction of my job offer, leave the most probable reason for the retraction of my job offer due to discrimination based on my mental health disability consisting of a long history of treatment for depression, anxiety, and obsessive compulsive disorder.
139. I believe the Secret Service retracted this job offer due solely to my disability.
140. This complaint contains information which is factual to the best of my knowledge and ability to submit within the required 15 day deadline provided to me.

/s/ 

Signature

Date

