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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

September 4, 2015

WALTER OSWALDO PAZ-MARTINEZ, Complainant,	)	
	)	8 U.S.C. § 1324b Proceeding
v.	)	OCAHO Case No. 11B00061
SECURITAS SECURITY SERVICES USA, INC., Respondent.	)	

FINAL DECISION AND ORDER

I. PROCEDURAL HISTORY

This is one of three cases in which employees or former employees of the Los Angeles office of Securitas Security Services USA, Inc. (Securitas or the company) assert that they were discriminated against in violation of the nondiscrimination provisions of the Immigration and Nationality Act as amended, 8 U.S.C. § 1324b (2012). Walter Oswaldo Paz Martinez a/k/a Walter Paz (Paz) filed a complaint in which he alleged that Securitas fired him from his job as an armed security officer and refused to rehire him because of his citizenship and national origin. Paz is now a U.S. citizen, but at the time of the events in question he was a lawful permanent resident of the United States. His complaint also alleged that Securitas harassed Paz, retaliated against him, and engaged in document abuse.

After some initial difficulties in obtaining service of the complaint, Securitas was ultimately served, and the company's Employee Relations Department thereafter filed an answer denying the material allegations. Securitas acknowledged that Paz was hired as an armed security officer and assigned to work at a Los Angeles based client site, but contends that on April 28, 2010 the client requested that Paz be replaced with another officer, and that while Paz was offered other assignments at commercial client sites, he declined these offers and was separated on June 28, 2010 "due to his own refusal of work." The company said further that Paz remains eligible for rehire, and that he was asked to provide documents to show his employment eligibility only during the initial hiring process. Securitas says the other requests Paz refers to were for documents required for the armed security officer job, the presentation of which may be

requested by the company at any time.

Neither party is represented by counsel. Prehearing procedures have been completed. Presently pending are Paz' Dispositive Motion and Securitas' Motion to Dismiss. Notwithstanding the nomenclature of these filings, both parties are seeking summary decision in their respective favor.

II. BACKGROUND INFORMATION

Walter Paz filed a narrative with his OSC charge explaining that he was initially hired by a predecessor company, International Services, and assigned to work at the Los Angeles County Department of Children and Family Services (DCFS) in Paramount, California. Paz says further that Securitas took over the Los Angeles County contracts after International Services went bankrupt. Paz contends that after Securitas took over the county contracts, he was harassed and set up for firing.

Paz said he made arrangements for another employee to cover for him on April 14, 2010, so he could go have his fingerprints taken for his citizenship process, after which he was threatened with a write up and suspension. Paz says that in mid-April 2010 he also made two incident reports about sexual harassment, retaliation, and threats at the DCFS worksite, after which Securitas began an investigation. Paz says he was told he would be returned to DCFS when the investigation concluded, but instead he was told by telephone about May 13, 2010, that he would not be returned to the county facility and would instead be transferred to commercial sites. Paz said he told Securitas that same day that he was already "in disability" on May 11, 2010, that the company knew there was a worker's compensation case for injuries at work, and that Securitas' offers of assignments at commercial sites were not genuine. He also suggested that Securitas had a hostile attitude toward him because of his activities on behalf of the United Service Workers Union (SEIU).

Paz filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) on or about June 11, 2010, in which he alleged that he was subjected to a hostile work environment based on his sex, and constructively discharged in retaliation for engaging in protected activity. Paz also filed a charge of discrimination with the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) that was accepted as complete on October 15, 2010. OSC sent him a letter dated February 14, 2011, advising him that he had the right to file a complaint with this office within ninety days of the receipt of the letter. Paz filed his complaint on March 17, 2011, and all conditions precedent to the institution of this proceeding have been satisfied.

III. THE PRIOR ORDER ISSUED IN THIS MATTER

In order to clarify the permissible scope of this proceeding and to focus the attention of the parties on the specific claims for which relief may be available in this forum, I issued an order pursuant to 28 C.F.R. § 68.10(b),[1] notifying the parties that Paz' allegations of discrimination on the basis of national origin were not cognizable in this proceeding because he had already filed a charge with the Equal Employment Opportunity Commission (EEOC). Generally speaking, with limited exceptions, a person or entity is an employer covered by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000-e et seq. (2012), if it is engaged in an industry affecting commerce and has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year. 42 U.S.C. § 2000e(b). Claims of national origin discrimination against such employers are not within the scope of § 1324b, and must be directed to EEOC. *See Lima v. N.Y.C. Dep't of Educ.*, 10 OCAHO no. 1128, 8 (2009).[2] Because Paz acknowledged in his OSC charge that Securitas had in excess of 500 employees, the remedy, if any, for his allegation of discrimination based on his national origin lies with EEOC.

The prior order also limited the matters to be considered to those occurring on or after April 19, 2010, because 8 U.S.C. §1324b(d)(3) directs that no complaint may be filed respecting any immigration-related unfair employment practice occurring more than 180 days prior to the filing of a charge with OSC. Paz' charge was perfected on October 15, 2010, so a timely claim would encompass only events occurring on or after April 19, 2010. Because Paz also sought to raise claims based on a disability, the order explained that such claims are covered by the Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2012) (ADA), and may not be pursued in this forum.

Finally, the order advised the parties that the governing statute, 8 U.S.C. § 1324b, does not encompass complaints about the terms and conditions of employment such as work assignments,

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[1] Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2014).

[2] Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database "FIM-OCAHO," or in the LexisNexis database "OCAHO," or on the website at http://www.justice.gov/eoir/OcahoMain/ocahosibpage. htm# PubDecOrders.

hostile work environments, pay differentials, and other terms and conditions of ongoing employment. *See, e.g., Smiley v. City of Philadelphia*, 7 OCAHO no. 925, 15, 35 (1997). The statutory language is clear and unequivocal. Section 1324b prohibits an employer from discriminating with respect to the hiring, recruitment, referral, or discharge of an individual, but unlike Title VII, the section does not speak to such employment issues as compensation, shift assignments, or other terms, conditions, or privileges of employment. Claims about being assigned to work at private sector entities rather than at public sector entities accordingly do not come within the terms of the governing statute.

Finally, the prior order also gave the parties a schedule for discovery, followed by a deadline for dispositive motions and responses. All the filings have been completed.

IV. THE POSITIONS OF THE PARTIES

A. Paz' Dispositive Motion

Paz filed a summary indicating that his witnesses would testify as to a variety of conditions he characterized as a hostile work environment unfavorable to "legalized Latino-Hispanics with an immigrant profile coming from Mexico and Central American countries such as Guatemala, El Salvador, Honduras, and Nicaragua." He named a number of individuals whom he says were repeatedly requested by Field Supervisors to show their documents. Paz says further that he was "indirectly fired" and that Securitas is not telling the truth about his termination. Many of his assertions lack temporal specificity, but the thrust of his assertion is that a number of Latino/Hispanic employees were first removed from county work sites to commercial sites, and were ultimately fired.

Paz says he was fired by Branch Manager Hector Romero and Human Resources Manager Jamie Smith on April 30, 2010, after being questioned about sexual harassment committed by Field Managers. He said was initially told that he was suspended at the request of the client, Los Angeles county, and that he would be returned to DCFS after the investigation, but would temporarily be assigned to commercial sites. Paz acknowledged that he declined the offer for commercial sites.

Paz filed exhibits consisting of 1) a group of documents including a resignation form, a right-to-sue letter dated June 23, 2010, an EEOC charge dated June 11, 2010 (2 pp.), a disability certificate dated June 4, 2010, a worker's compensation attorney disclosure statement dated June 4, 2010, an employment status letter dated May 24, 2010, a disability medical record and claim

(8 pp.),[3] a letter to Paz dated May 3, 2010, a letter to Paz dated April 30, 2010,[4] a payroll check stub, and a timesheet for the period April 23, 2010 to April 29, 2010; 2) a group exhibit containing Paz' I-9 form dated May 6, 2009, his United States passport dated December 21, 2010, various badges, permits, and identification documents, a drug testing consent form dated May 6, 2009, a notice of consumer reports, an authorization form, a request for live scan, an application and history record (11 pp.), and an orientation schedule; 3) a security log book (86 pp.); 4) incident reports dated April 14, 2010 (13 pp.) and April 16, 2010 (28 pp.); 5) Post Orders for Security Officers (13 pp.), and 6) various correspondence and other documents (37 pp.).

B. Securitas' Motion

Securitas's motion was filed by its Senior Employee Relations Representative. The company asserts that all security officers were asked to show certain documents while on duty only in accordance with Los Angeles county security post orders. The post orders direct that security officers must have certain credentials in their possession at all times while on duty and must surrender them upon demand by any county police officer, OPS contract monitor, or other county official. These documents include a state-issued guard card, a first aid/CPR card, either a California driver's license or a state-issued identification card, and firearms and baton permits (if applicable). The company says security guards were asked to provide green cards or other work authorization documents only at the time of their initial hire, not afterward. The company says further that the individuals on Paz' witness list were discharged for violation of company policy, but the company took no adverse action against Paz himself.

Securitas says further that the Los Angeles branch has a roster of nearly fifty percent Hispanic employees, that the branch manager in charge of the county client account is a Hispanic, and that there are Hispanic employees in all job categories. Their termination rate at the Los Angeles branch is proportional to the Hispanic branch population. Securitas concludes that it cannot reasonably be concluded that Paz was discriminated against in violation of the statute.

V. DISCUSSION AND ANALYSIS

[3] Paz' list says the document has twelve pages, but only eight pages appear in the document as received.

[4] Paz' list characterized this as a termination letter, but the only reference the letter makes to termination is in the sentence, "Breaching the confidentiality of this investigation will lead to disciplinary action to include termination." The letter otherwise reflects that the company is investigating Paz' complaints about inappropriate behavior by others at the worksite.

Notwithstanding the prior order explaining that the scope of this proceeding is restricted to allegations about events occurring on or after April 19, 2010, Paz continues to complain about a variety of employment experiences over an extended period of time, as well as to raise a variety of characteristics on the basis of which he says he was discriminated against. As previously explained, this office has no authority to consider claims covered by Title VII, the ADA, or any statute other than 8 U.S.C. § 1324b. Neither does the governing statute address claims of sexual harassment, hostile work environment, or other terms and conditions of employment. As explained in the prior order, the only actionable events covered by the statute are those occurring on or after April 19, 2010, that specifically involve hiring, recruitment, or discharge. Assignments to one or another worksite, sexual harassment, compensation, overtime, hostile work environments, and other terms and conditions of employment, are not encompassed within the reach of the statute. Similarly, claims of retaliation for engaging in union activity must be pursued in a different forum.

I have scrutinized the record during the period starting 180 days prior to the filing of Paz' OSC charge in search of any evidence that would support an inference that Paz was adversely treated because of his then-status as a lawful permanent resident, or that he can otherwise establish a colorable claim to relief in this forum. The record is devoid of any such evidence. First, there is no reasonable factual basis to support a claim of document abuse within the relevant period. Document abuse within the meaning of 8 U.S.C. § 1324b(a)(6) occurs only when an employer, for the purposes of satisfying the requirements of § 1324a(b), requests more or different documents than necessary or rejects valid documents, and does so for the purposes of discriminating on the basis of citizenship or national origin. *See Odongo v. Crossmark, Inc.*, 11 OCAHO no. 1236, 7 (2014). Although Paz complains that multiple requests were made almost daily for a variety of documents, there is no factual basis upon which to infer that any such document request was made on or after April 19, 2010, for the purpose of establishing Paz's eligibility for employment in the United States. His I-9 form reflects that Paz was hired by Securitas on May 6, 2009, and any claim of document abuse arising from that hiring incident is time-barred.

Second, Paz has not shown a prima facie case of retaliation. To do so, he must point to evidence that: 1) he engaged in conduct protected by § 1324b; 2) the employer was aware of the protected conduct; 3) he suffered an adverse employment action; and 4) there was a causal connection between the protected activity and the adverse employment action. *See Shortt v. Dick Clark's AB Theatre, LLC*, 10 OCAHO no. 1130, 6 (2009). Paz proffered no evidence that he engaged in any conduct protected by the governing statute at any time prior to the filing of his OSC charge. To qualify as protected conduct in this forum, the conduct must implicate some right or privilege specifically secured under § 1324b, or a proceeding under that section. *See, e.g., Harris v. Haw. Gov't Emps. Ass'n*, 7 OCAHO no. 937, 291, 295 (1997); *Yohan v. Cent. State Hosp.*, 4 OCAHO no. 593, 13, 21-22 (1994) (finding no OCAHO jurisdiction over threats to report employer "to

EEOC, OSC, the Immigration Department (sic), the American Counsel General, the ALCU (sic), the NAACP, and Georgia Legal Services," or agencies other than OSC or this office). While Paz says he was retaliated against for complaining about sexual harassment and for engaging in union activity, these are not protected activities within the meaning of 8 U.S.C. § 1324b(a)(5). *Hajiani v. ESHA USA, Inc.*, 10 OCAHO no. 1212, 5 (2014).

Finally, the burden shifting paradigm in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), provides the framework for analysis in a disparate treatment discharge case. A prima facie case under the traditional formulation requires a showing that the plaintiff is a member of a protected class, was qualified for the position held, was discharged, and was replaced by a person not in the plaintiff's protected class. *De Araujo v. Joan Smith Enters., Inc.*, 10 OCAHO no. 1187, 7 (2013); *Nidds v. Schindler Elevator Corp.*, 113 F.3d 912, 917 (9th Cir. 1996). Alternatively, in a case alleging disparate treatment, the discharged employee may establish the fourth prong by a showing that others similarly situated but outside the plaintiff's protected group were treated more favorably. *De Araujo*, 10 OCAHO no. 1087 at 7; *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1062 (9th Cir. 2002). An employee may also establish the fourth element of a prima facie disparate treatment case by any other circumstantial, statistical, or direct evidence giving rise to an inference of discrimination. *Rose v. Wells Fargo & Co.*, 902 F.2d 1417, 1421 (9th Cir. 1990).

As a lawful permanent resident and later a U.S. citizen, Paz has at all relevant times been a protected individual as defined in 8 U.S.C. § 1324b(a)(3)(A). He was generally qualified for his job when he actually performed it, but among his exhibits is an application for disability benefits stating that Paz became disabled as of May 11, 2010 and that his last date of employment was April 28, 2010. A subsequent doctor's note states that Paz was totally disabled from June 10, 2010 until July 10, 2010. Paz apparently contends that the company's denial of part time work and/or offers of employment only at private sector venues constitute a constructive discharge. A constructive discharge occurs when an employer makes working conditions so intolerable that a reasonable person would be forced to resign. *See Banuelos v. Transp. Leasing Co.*, 1 OCAHO no. 255, 1636, 1648 n.5 (1990).

The Ninth Circuit, in which this matter arises, has observed that the proper focus in evaluating a claim of constructive discharge is on the reasonable employee's perspective, not on the employer's subjective intent. *See Watson v. Nationwide Ins. Co.*, 823 F.2d 360, 361 (9th Cir. 1987) (Title VII).[5] But transfer of work locations was found insufficient to support a

[5] The circuits are split as to whether a plaintiff must present evidence of the employer's specific intent. *See Martin v. Cavalier Hotel Corp.*, 48 F.3d 1343, 1356 (4th Cir. 1995) (collecting cases). The definition provided in *Pennsylvania State Police v. Suders*, 542 U.S. 129, 146-48 (2004) did not impose an intent requirement.

constructive discharge finding in *Poland v. Chertoff*, 494 F.3d 1174, 1184-85 (9th Cir. 2007) (ADEA), in which a customs agent was involuntarily transferred from a supervisory position in Portland, Oregon, to a nonsupervisory position in Virginia, and retired after eight months because the separation from his family was difficult and the new position was a "career ender." The court held that the transfer and demotion was insufficient as a matter of law to establish a constructive discharge, 494 F.3d at 1184, and that an employee's preference for one position over another does not support a claim of constructive discharge, 494 F.3d at 1185. The court explained that the standard of proof was a high one "because federal antidiscrimination policies are better served when the employee and employer attack discrimination within their existing employment relationship, rather than when the employee walks away and then later litigates whether his employment situation was intolerable." 494 F.3d at 1184-85.

Even assuming arguendo that Securitas' refusal to provide part time work for Paz could be construed as a constructive discharge, moreover, there is no evidence of any nexus between that decision and Paz' then-status as a lawful permanent resident; nothing in the record permits or supports an inference that Paz' citizenship or immigration status was the cause of any employment decision. Discrimination suits require some evidence of discrimination. *Curuta v. N. Harris Montgomery Cmty. Coll. Dist.*, 9 OCAHO no. 1099, 15-16 (2003).

While the burden of showing a prima facie case is not onerous, there must be some facts adduced from which a reasonable inference could arise that the complaining individual was discriminated against on some prohibited basis covered by the statute in question. Such facts are not adduced here. Paz points to no similarly situated individual not in his protected class who was offered part time work as an armed security guard, and did not, in fact, contend that Securitas ever made part time work available to any armed security guard. While Paz says he was replaced by an African male, he provided no information respecting that individual's citizenship or immigration status, and did not contend that the individual was given a part time schedule. Neither did Paz offer any direct, statistical, or circumstantial evidence from which an inference of citizenship status discrimination may be inferred.

No nexus having been established between Paz' citizenship status and any adverse employment decision, a prima facie case is not shown. Conclusory and unsupported allegations do not provide an adequate basis for summary decision, and review of the record as a whole suggests that in the final analysis Paz' subjective perception of discrimination is all there is. While this belief is no doubt sincere, it is devoid of evidentiary support. An individual's subjective perception of discrimination, however strongly held, does not substitute for evidence and cannot preclude a summary decision. *Curuta*, 9 OCAHO no. 1099 at 12.

When a party fails to set forth specific facts or identify with reasonable particularity the evidence precluding summary decision, the motion must be granted. *Far Out Prods., Inc. v. Oskar*, 247

F.3d 986, 997 (9th Cir. 2001). While the nonmoving party is entitled to all the favorable inferences that can be drawn from a reasonable construction of the facts in evidence, those inferences may not be so tenuous as to amount to speculation. In order to withstand summary decision, the party who bears the burden of proof must come forward with sufficient competent evidence to support all the essential elements of the claim. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986). Such evidence was not presented here.

VI. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Findings of Fact

1. Walter Paz Martinez a/k/a Walter Paz is now a citizen of the United States, but at the time of the events in question he was a lawful permanent resident.

2. Securitas Security Services USA, Inc. is a security company that employs more than 800 people.

3. Securitas Security Services USA, Inc. hired Walter Paz as an armed security guard on or about May 6, 2009, and completed an I-9 form for him that day.

4. Walter Paz said he was initially hired by a predecessor company, International Services Company, and assigned to work at the Los Angeles County Department of Children and Family Services in Paramount, California, and that Securitas took over the Los Angeles County contracts after International Services went bankrupt.

5. Walter Paz filed a charge of employment discrimination with the Los Angeles office of the Equal Employment Opportunity Commission on or about June 11, 2010.

6. Walter Paz filed a charge of employment discrimination with the Office of Special Counsel for Unfair Immigration-Related Employment Practices on or about October 15, 2010.

7. The Office of Special Counsel for Unfair Immigration-Related Employment Practices sent Walter Paz a letter dated February 14, 2011, advising him that he had the right to file a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) within ninety days of his receipt of the letter.

8. Walter Paz filed his OCAHO complaint on March 17, 2011.

B. Conclusions of Law

1. Walter Paz is a protected individual within the meaning of 8 U.S.C. § 1324b(a)(3)(A).

2. Securitas Security Services USA, Inc. is an entity within the meaning of 8 U.S.C. § 1324b(a)(1).

3. All conditions precedent to the institution of this proceeding have been satisfied.

4. When a party who would bear the burden of proof at trial is unable to make a showing sufficient to establish an element essential to that party's case, summary judgment against that party will ensue. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986).

5. Document abuse within the meaning of 8 U.S.C. § 1324b(a)(6) occurs when an employer, for the purposes of satisfying the requirements of § 1324a(b), requests more or different documents than necessary or rejects valid documents, and does so for the purposes of discriminating on the basis of citizenship or national origin. *Odongo v. Crossmark, Inc.*, 11 OCAHO no. 1236, 7 (2014).

6. Walter Paz was unable to establish a prima facie case of document abuse within the meaning of 8 U.S.C. § 1324b(a)(6).

7. A prima facie case of retaliation within the meaning of 8 U.S.C. § 1324b(a)(5) is established by evidence that: 1) the employee engaged in conduct protected by § 1324b; 2) the employer was aware of the protected conduct; 3) the employee suffered an adverse employment action; and 4) there was a causal connection between the protected activity and the adverse employment action. *Shortt v. Dick Clark's AB Theatre, LLC*, 10 OCAHO no. 1130, 6 (2009).

8. Walter Paz was unable to establish a prima facie case of retaliation within the meaning of 8 U.S.C. § 1324b(a)(5).

9. A prima facie showing in a disparate treatment discharge case within the meaning of 8 U.S.C. § 1324b(a)(1) is made by evidence that the employee: 1) is a member of a protected class, 2) was qualified for the position held, 3) was discharged, and 4) was replaced by a person not in the same protected class, *De Araujo v. Joan Smith Enters., Inc.*, 10 OCAHO no. 1187, 7 (2013); alternatively, the fourth prong may be satisfied by a showing that others similarly situated but outside the plaintiff's protected class were treated more favorably, *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1062 (9th Cir. 2002), or by any other circumstantial, statistical, or direct evidence giving rise to an inference of discrimination, *Rose v. Wells Fargo & Co.*, 902 F.2d 1417, 1421 (9th Cir. 1990).

10. Walter Paz was unable to establish a prima facie case of citizenship status discrimination within the meaning of 8 U.S.C. § 1324b(a)(1).

11. When a party fails to set forth specific facts or identify with reasonable particularity the evidence precluding summary decision, summary decision must be granted. *Far Out Prods., Inc. v. Oskar*, 247 F.3d 986, 997 (9th Cir. 2001).

To the extent that any statement of fact is deemed to be a conclusion of law or any conclusion of law is deemed to be a statement of fact, the same is so denominated as if set forth as such.

ORDER

Securitas' motion is granted and the complaint is dismissed.

SO ORDERED.

Dated and entered this 4th day of September, 2015.

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Ellen K. Thomas
Administrative Law Judge

Appeal Information

In accordance with the provisions of 8 U.S.C. § 1324b(g)(1), this Order shall become final upon issuance and service upon the parties, unless, as provided for under the provisions of 8 U.S.C. § 1324b(i), any person aggrieved by such Order files a timely petition for review of that Order in the United States Court of Appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business, and does so no later than 60 days after the entry of such Order. Such a petition must conform to the requirements of Rule 15 of the Federal Rules of Civil Procedure.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

September 23, 2015

WALTER OSWALDO PAZ-MARTINEZ, Complainant, v. SECURITAS SECURITY SERVICES USA, INC., Respondent.	))))))))	8 U.S.C. § 1324b Proceeding OCAHO Case No. 11B00061

ERRATUM

The citation to *Yohan v. Central State Hospital* in the paragraph that starts at the bottom of page 6 and continues to the top of page 7 of the final decision is corrected to read as follows:

> *Yohan v. Cent. State Hosp*., 4 OCAHO no. 593, 13, 21-22 (1994) (finding no jurisdiction over threats to report an employer to agencies other than OSC or this office).

SO ORDERED.

Dated and entered this 23rd day of September, 2015.

Ellen K. Thomas
Administrative Law Judge