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Decisions:
Hearing Officer, Board, & Court Decisions

OFFICE OF COMPLIANCE
LA 200, John Adams Building, 110 Second Street, S.E.
Washington, DC 20540-1999

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Case No. 03-SN-29(CV, RP)

GLORIA HALCOMB,

Complainant/Appellant,

v.

OFFICE OF THE U.S. SENATE
SERGEANT AT ARMS,

Respondent/Appellee.

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Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

DECISION

On October 14, 2004, Hearing Officer Curtis E. Von Kann issued the attached "Hearing Officer's Decision" on the merits of this matter, after an evidentiary hearing on the record and argument by the parties.

At the hearing, the Hearing Officer dismissed Complainant Halcomb's claim of hostile work environment discrimination because that allegation was based upon the lack of hygiene of a co-worker, a circumstance which we agree does not constitute an actionable hostile work environment claim. As the Hearing Officer determined, "the Congressional Accountability Act does not protect employees from coworkers who have poor hygiene. . . . The impact of that falls equally on everybody in the office."

We also agree with the Hearing Officer's determination that the Complainant has not established employment discrimination based on race, or retaliatory termination based upon activity protected by section 207(a) of the Congressional Accountability Act of 1995, 2 U.S.C. 1317(a), for the reasons set out in his Decision which is attached hereto and incorporated by reference herein. The Board has excised certain names from the Hearing Officer's Decision to protect individual privacy.

ORDER

Pursuant to section 406 of the Congressional Accountability Act of 1995, 2 U.S.C. 1406, and section 8.01(d) of the Procedural Rules, the Board affirms the Hearing Officer's determination that Complainant Halcomb failed to establish liability of Respondent Office of the Senate Sergeant-at-Arms for any claim presented in this matter.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

It is so ordered.

Issued, Washington, D.C.: March 18, 2005

March 18, 2005

Sam E. Taylor, Esq.
P.O. Box 15370
Washington, D.C. 20003

Claudia Kostel, Esq.
Senate Senior Counsel for Employment
Office of Senate Chief Counsel for Employment
Senate Hart Building, Room 103
Washington, D.C. 20510

Re: Case No. 03-SN-29

Dear Parties:

Enclosed with this letter mailed to you by first class mail, you will find a complete copy of the final and/or dispositive decision of the Board of Directors in the above mentioned case.
The first page only of the referenced final and/or dispositive decision is included with the faxed copy of this letter.

Please be advised that this decision has been entered into the records of the Office of Compliance on March 18, 2004. Therefore, pursuant to section 8.04 of the Procedural Rules of this Office, any party wishing to appeal this case must do so by filing an appeal with the United States Court of Appeals for the Federal Circuit, as required by section 407 of the Act, 2 USC 1407. The Office requests that you also fax or mail to this Office a copy of any appeal to the Federal Circuit.

If the Office has not been provided a secure telecopier number by you, a member of the staff attempted to notify you by telephone on March 18, 2005 regarding the issuance and the entry of this decision. If you wish to obtain a copy of the decision at our offices, please contact the Office and arrange to pick up a copy of the decision during business hours.

Sincerely,

William W. Thompson II
Executive Director

Enclosure: Decision of the Board of Directors

CERTIFICATE OF SERVICE

I, the undersigned employee of the Office of Compliance certify that on the date indicated below, I served the following Decision of the Board of Directors upon each of the following parties, by First Class Mail, and by facsimile of the cover letter and first page of the Decision:

Sam E. Taylor,
P.O. Box 15370
Washington, D.C. 20003

Employee Representative

Fax: 301-989-3249

Claudia Kostel, Esq.
Senate Senior Counsel for Employment
Office of Senate Chief Counsel for Employment
Senate Hart Building, Room 103
Washington, D.C. 20510

Signed in Washington, D.C. this 18th day of March 2005.

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Selviana B. Bates
Office of Compliance