

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****FED. CIR. R. 15(c) STATEMENT CONCERNING DISCRIMINATION****Case Number:** SF-1221-23-0258-W-1**Short Case Caption:** STARTZ vs USARMY / WHISTLEBLOWER AND OTHE**Name of Petitioner:** SHERMAN S STARTZ JR

Purpose: This form is to help determine the proper forum for judicial review of a decision of the Merit Systems Protection Board (MSPB) or an Arbitrator, and in particular, those cases in which the federal employee has attributed the adverse employment action, in whole or in part, to bias based on race, color, religion, sex, age, national origin, or handicapping condition, in violation of federal antidiscrimination laws.

This court, while empowered to review MSPB and Arbitrator decisions dealing solely with civil-service claims, lacks authority to decide matters in which claims arising under federal discrimination laws have been asserted and not abandoned. Rather, the proper forum for judicial review of such matters is a federal district court. This form will assist the court in determining whether it needs to transfer a matter to a district court.

Instructions: Complete Section A. Complete Sections B and C only as directed by your answer to Section A.

Section A

Before the MSPB or the Arbitrator, did you argue that the adverse employment action (1) was attributable to discrimination on the basis of race, color, religion, sex, age, national origin, or handicapping condition or (2) was retaliation for pursuing Equal Employment Opportunity activity?

☒ Yes (complete Sections B and C)☐ No (ignore Sections B and C)

Section B

Complete this section only if you answered “Yes” to the question in Section A.

If you answered “No” to the question in Section A, skip this section.

1. Identify the discrimination claim(s) you raised before the MSPB or Arbitrator.

As a result of retaliation I asked for reasonable accommodation as a result of Post Traumatic Stress Disorder caused by retaliation from the same Native Corporation and employees, first as a civilian employee and then as a federal employee. My request was denied and ultimately it revealed a compromised EEO director whom has been replaced

2. Have you filed a discrimination case in a United States district court from the MSPB's or Arbitrator's decision?

☒ Yes ☐ No

If yes, please identify the case name(s) and number(s) and the status of the case(s) in the box below.

SHERMAN S STARTZ vs UNITED STATES OF AMERICA ARMY
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3. Have you filed a discrimination case with the Equal Employment Opportunity Commission from the MSPB's or Arbitrator's decision?

☒ Yes ☐ No

If yes, please identify the case name(s) and number(s) and the status of the case(s) in the box below.

SF-315H-22-0532-I-1 INITIAL APPEAL DATE 7-1-2022 AND 8-4-2022, FINAL DECISION 3-14-2024
THESE ELEMENTS CARRIED TO IRA SF-1221-23-0258-W-1 INITIAL APPEAL FILED 3-28-2023 FINAL DECISION 01-17-2025

Section C

Complete this section only if you answered “Yes” to the question in Section A.

If you answered “No” to the question in Section A, skip this section.

Check only one of the boxes below.

- ☐ Although I did claim that I was discriminated against before the MSPB or the Arbitrator, I wish to abandon those discrimination claims and only pursue civil-service claims in the Federal Circuit rather than pursuing discrimination claims and civil-service claims in district court. I understand that this means I will not be able to raise the discrimination claims at any later point.
- ☒ I did claim that I was discriminated against before the MSPB or the Arbitrator and I do not wish to abandon my discrimination claims.

CERTIFICATION

I certify the above information and any attached sheets (as necessary) are accurate and complete to the best of my knowledge.

Date: 1/17/25

Signature: *Sherman Startz*

Name: SHERMAN S STARTZ JR