

From: KEVIN RUNG [KEVIN.RUNG@EEOC.GOV]
Sent: Monday, December 12, 2011 4:33 PM
To: Green, Marvin E
Subject: RE: I googled my Administrative Judge, Kevin C. Rung
Attachments: KEVIN RUNG.vcf

Dear Complainant Green:

You are ordered to stop copying me on emails between you and another person in which you discuss various strategies related to your case. If you have procedural questions, you may contact me directly.

The information you're sharing with me through these emails is inappropriate, and some of it, quite frankly, damaging to your case (am I to understand that you're strategy at one point was to pit lawyers from two different agencies against each other in the hopes of gaining a tactical advantage?).

I gather that you and you co-worker are trying to figure out a way to "consolidate" your cases for a hearing? Consolidation of different complainant's cases for a hearing is usually limited to cases in which two different employees file complaints of discrimination regarding an instance in which they applied for and did not receive the same job.

In any event, if you want me to take an action in your case, then file a motion, copy the agency representative (see acknowledgment and order), and I will rule on it.

And for your edification, I am no longer active in the Navy Reserves. I am currently in the Individual Ready Reserve (IRR). When I was active in the reserves, my duty with the Navy were very distinct from my duties with the EEOC, and did not overlap in any way. I certainly can not draw on resources from the Navy in adjudicating your case.

Your case was transferred to New Orleans along with approximately 120 cases transferred from the Washington Field Office (WFO) to the New Orleans Field Office as part of a work-load redistribution. WFO transferred 600 cases to various EEOC offices nation-wide as part of work-load redistribution. Your case was neither selected for transfer for any particular reason, nor was it assigned to me for any particular reason, least of all my affiliation with the Navy.

It is so Ordered.

Kevin C. Rung
Administrative Judge
EEOC New Orleans Field Office
1555 Poydras Street, Suite 1900
New Orleans, LA 70112
Tele: (504) 595-2851
Fax: (504) 595-2855

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This email may contain privileged and/or confidential information. If you have received this email in error, please notify the sender and delete the message.

>>> "Green, Marvin E" <GreenME@state.gov> 12/12/2011 3:10 PM >>>
I was just sitting here, re-reading my order, and trying to figure out what to do next.

The last paragraph in my order says:

The Administrative Judge also has discretion to consolidate complaints pursuant to 29 C.F.R. § 1614.606. The parties shall advise the Administrative Judge in writing of any other complaint(s) pending at any stage of processing and should include all case number(s) or other information identifying such complaint(s).

I think consolidation of complaints does not mean you can only get a single award. Two incidences are still discrete and each will be judged individually. Consolidation has more to do with efficiency-A single judge to convince, one hearing instead of two, witnesses called once instead of twice, one call for evidence that can be used in either case.

I think it is in both of our interests to combine our cases under Judge Rung.

Here are some of the things that could be facilitated:

--Your lawyer is about 4 blocks from me, next to the Watergate. Bill, Lontria and myself could all be deposed by her at her office or here in a conference room.

--I could sit in and depose the same witnesses at the same time for my case. I could use your lawyer to my advantage and make sure she is representing your interests properly while reassuring the judge that things were being done properly.

--Evidence, like former Ambassador Perry's e-mail archive, can be located and searched for applicability by either of us. Remember all of Glenn's private messages to her concerning you will likely be in there plus any messages sent to you where the AMB was copied will be available too.

Consolidation of our cases under Judge Rung presents the possibility of more synergistic opportunities for us than the very modest possibility that the DOS will seize on some aspect to shut us both down.

For the Judge it presents a lot of risk. But he is probably just starting to realize the degree to which he is being dumped on. He is a member of the Navy establishment and could call on significant local resources to assist him. I intend to show that the Embassy IPCs combined with unresolved and unreported EEOC claims are a potential wikileaks waiting to happen--with Wellington as my case in point. DoD would love to reach into the State Dept and prove they were not the only ones sleeping at the switch.

You said two things that resonated with me and my issues. You said decades ago your supervisor had tried to trap you into a security violation-this means it has been going on for a long time and the problem is systemic-this will support my case. The other thing you said is that you couldn't sleep for 3 days due to stress in Freetown. I was so absorbed with my problems in the IPC that I didn't realize you were having a rougher time of it than I was.

Think about consolidating our cases in New Orleans. It could work against us but on balance I see more pluses than minuses.

Thanks,

Marvin Green
WHA SharePoint Analyst
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This email is UNCLASSIFIED.

From: Ola Criss [<mailto:obcriss@yahoo.com>]
Sent: Monday, December 12, 2011 11:51 AM
To: Green, Marvin E

Subject: Re: I googled my Administrative Judge, Kevin C. Rung

Did you complete your work over the week-end? Late Friday, my lawyer sent the motion to my admin judge to consolidate my two cases and to extend the discovery phase until February. I am busy gathering all documerns, receipts, bills, canceled checks, etc.

Thanks. Ola

From: "Green, Marvin E" <GreenME@state.gov>

To: Ola Criss <obcriss@yahoo.com>

Sent: Friday, December 9, 2011 1:14 PM

Subject: RE: I googled my Administrative Judge, Kevin C. Rung

I'm working on documents like the one attached. It is just an example.

First I need to expand my case to appeal the dismissed charge of denied tenure in 2010 and ask for it to be investigated.

Then I need to expand case to include reprisals in wellington. Then I will be able to submit the attached document.

I'm going to have a very busy weekend getting organized.

I'm feeling energized because I'm finally getting a clue as to what to do next and how to do it.

The 30 days to get all my issues in doesn't really allow for an administrative hearing because by the time I get all my issues in I will have figured it out.

I want that trust that comes out of personal contact. I don't know of any other way to get that. Faceless e-mail justice just doesn't seem to work for victims.

"If you can't share you pain, you can't make your gain".

--Johnny Cochrain (from the grave).

(You know Johnny Cochrain rejected me for a jury in downtown LA in the 80s before he was famous-so that gives me license to quote him from the grave).

Thanks,

Marvin Green
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