



30 Western Hemisphere Bureau as a SharePoint Analyst pending the outcome  
31 of DOS-F-125-10.

32 On October 3, 2011, I became aware of the State Departments eTransit  
33 Subsidy Program. On Oct 4 I attempted on-line registration. My registration  
34 was rejected by the following error:

35  
36 a) [eTransit Subsidy Program](#) :: Error  
37 Your current assignment is overseas, you are not eligible for the eTranist Subsidy. If you  
38 believe this is incorrect please contact [transitsubsidyprogram@state.gov](mailto:transitsubsidyprogram@state.gov).  
39

40 On October 4 I received the following response from HR Shared  
41 Services:

42 “Once GEMS shows that you are currently a domestic employee, you will be able  
43 to access the eTransit application.”

44 III. ARGUMENTS

45 I am apparently still a Foreign Service Officer assigned overseas--so for  
46 Thanksgiving I applied for Home Leave--but it was denied because I should  
47 expect no further overseas assignments (apparently my Career Development  
48 Officer / Supervisor has already adjudicated the outcome of this case). I'm not  
49 yet a domestic employee so I do not receive the DC 24.22% locality pay. I am  
50 no longer overseas so I no longer receive Separation Maintenance Allowance  
51 or the Cost of Living Allowance. I was a tenured GS-12 step 10 before joining  
52 the Foreign Service; which pays \$17,000 more than I'm getting now.

53 IV. CONCLUSION

54 I am entitled to either the benefits of being assigned domestically or  
55 those of being assigned overseas—not both but at least one or the other.

56 V. RELIEF SOUGHT

57 1. Compensation of \$1000.00 and participation in the eTransit program  
58 within 1 year of my July 2011 eligibility.

59 2. An order from this court requiring the DOS to allow participation of  
60 Foreign Service Officers in the eTransit Metro Subsidy Program.

61 3. An order from this court directing HR to add a bullet to the Career  
62 Development Officer job description: “Alerts returning Foreign Service  
63 Specialists of their eligibility to participate in the Department’s eTransit  
64 Subsidy Program.

65 Dated: Dec 07, 2011

66 By     /s/    *Marvin E Green*

67 Marvin E. Green

68  
69 MARVIN E GREEN  
70 101 Chanel Terrace Apt 202  
71 Falls Church VA 22046  
72 Skype: +1-202-657-4911  
73 e-mail: [greenme@state.gov](mailto:greenme@state.gov)  
74 p-mail: [marvin.e.green@gmail.com](mailto:marvin.e.green@gmail.com)  
75

## Evidence

76

77

Exhibit 1:

78

**From:** Green, Marvin E

79

**Sent:** Tuesday, October 04, 2011 7:46 AM

80

**To:** Transit Subsidy Program

81

**Cc:** Potter, William J

82

**Subject:** eTransit Subsidy Program - Domestic Reassignment

83

84

I am currently on a Domestic Assignment to the WHA bureau in HST.

85

86

My CDO is William Potter.

87

88

My SMARTRIP card serial number is: 0196158725.

89

My SMARTRIP login name is: marvin.e.green

90

91

I am not able to find the DS-4075 form in eForms.

92

93

In HR-Online when I attempt to access the eTransit Subsidy Program I get the following error:

94

95

96

a) [eTransit Subsidy Program](#) :: Error

97

Your current assignment is overseas, you are not eligible for the eTranist Subsidy. If you believe this is incorrect please contact [transitsubsidyprogram@state.gov](mailto:transitsubsidyprogram@state.gov).

98

99

100

101

102

Thanks,

103

104

Marvin Green

105

[greenme@state.gov](mailto:greenme@state.gov)

106

202 647 4478

107

108

Exhibit 2:

109

**From:** HR Shared Services

110

**Sent:** Tuesday, October 04, 2011 10:48 AM

111

**To:** Green, Marvin E

112

**Subject:** eTransit Subsidy Program - Domestic Reassignment

113

114

Good morning,

115

116

The eTransit application is directly connected with GEMS. When you are logged into

117

HR Online, eTransit should be located under the 'HR Applications' dropdown tab. If this

118 is not the case, please contact your HR Specialist to make sure your most recent  
119 personnel action has been processed in GEMS and that you are listed as being assigned  
120 domestically. Once GEMS shows that you are currently a domestic employee, you will  
121 be able to access the eTransit application. You may also contact the HR Service Center  
122 at [HRSC@state.gov](mailto:HRSC@state.gov) if your HR Specialist is unable to assist.

123  
124 Thank you,  
125 HR Shared Services  
126

127 Exhibit 3:

128 **From:** Potter, William J  
129 **Sent:** Tuesday, October 04, 2011 11:13 AM  
130 **To:** Green, Marvin E  
131 **Subject:** RE: eTransit Subsidy Program - Domestic Reassignment  
132

133 Marvin:

134  
135 Your HR Technician is Elaine Duncan.

136  
137 You may not be eligible for the transit benefit since we cannot assign you  
138 to a domestic position. It's certainly worth the try...

139

140 *Warmest Regards,*

141 *Bill Potter*  
142 *Career Development & Assignments Officer*  
143 *Tele: 202-663-0470*  
144 *[potterwj@state.gov](mailto:potterwj@state.gov)*  
145

146 *U.S. Department of State*  
147 *Bureau of Human Resources*  
148 *Entry-Level Division/Specialist Branch*  
149

150 *SA-3; Room #3222*  
151 *2121 Virginia Avenue, NW*  
152 *Washington, DC 20006*  
153

154 Exhibit 4:



**Office of Origin:** HR/ER/WLD  
**Announcement Number:** 2011\_10\_001  
**Date of Announcement:** October 3, 2011

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## Transit Subsidy: Beginning of the Month Download Notice

These tips and guidelines are for those Transit Subsidy Program participants who receive all or partial amounts of the subsidy through the SmarTrip Card. Please save these instructions, for your reference.

1. For employees who have properly applied and are enrolled in the SmartBenefits program, Smart Benefits are available for download at any Metro station kiosk between the first and last day of the month, for that month.
2. During the first week of the month, you may not be able to download, due to the high volume of federal agency participants trying to claim subsidy. If this happens to you, try again at other times, during off-peak hours.
3. Benefits are not automatically added to the card – participants must download **each** month, between the first and last day of the month. Cards will hold up to \$300.00 at a time.
4. Directions on how to download are available from Metro station attendants. They can also assist with any questions that you may have.
5. If you are using your SmartBenefits to pay for commuter services, there may be other steps that you need to complete, by set deadlines, directly with these services. DoS and DoT are not involved with processing these additional steps. Check directly with your commuter service about completing these steps, before their deadlines.
6. Benefits not claimed for the month are credited back to the DoS. No retroactive payments are made for any reason.

**Common Reasons Why Participants Cannot Download their Smart Benefits and / or Pay Commuter Services with Smart Benefits** (one or more of these reasons can apply to individual

situations):

1. Participant has not registered his/her SmartTrip card with WMATA, or it is registered in someone else's name. You **must** register your card to you, **in your own name**, on [www.wmata.com](http://www.wmata.com), before you submit an eTransit application.
2. Card is not registered on [www.wmata.com](http://www.wmata.com) in the same name that is listed on your eTransit application. The name in which the card is registered with WMATA and what is listed on your eTransit application **MUST** match.
3. Participant's original card that was used to sign-up for this program has been lost, stolen, or damaged. Participant must purchase a new SmartTrip card, register it on [www.wmata.com](http://www.wmata.com), and submit a **NEW** eTransit application (found on HR Online), with the new card number, to continue benefits.
4. Participant did not set up an account with the commuter service.
5. Participant did not allocate payment to the commuter service.
6. Participant did not make the correct subsidy request on application / did not complete their eTransit application correctly.

**A Note on WMATA Replacement SmarTrip Cards and Registration on [www.wmata.com](http://www.wmata.com) :**

If you have received a new or replacement SmarTrip card through the mail or at Metro and commuter stores where they are sold, you may have been informed that your card has already been registered to you with WMATA. Check your card's registration status on [www.wmata.com](http://www.wmata.com), **prior** to submitting a new eTransit application with your new card number. Unfortunately, a number of DoS program participants have been told by WMATA, either verbally or via letter, that their cards have been registered. More often than not, these cards have not been registered. Be sure to check on [www.wmata.com](http://www.wmata.com) that your card is registered to you, in your own name, before submitting your new or replacement card number via a new eTransit application on HR Online.

**For Lost, Stolen, Damaged Smart trip cards, you MUST complete all 5 steps, in this order, to include step 4, submitting a new application via eTransit on HR Online. Failure to complete these steps will cause delay or loss of your transit subsidy.**

1. Get a new metro smart trip card. (These can be purchased at all metro stations and also at select CVS Store locations.)
2. Register the new card with Metro by going to [www.wmata.com](http://www.wmata.com). The card must be registered to you, in your own name, as it appears on your eTransit application. From Metro's home page click on SmartBenefits® scroll down and on the right hand side of the page, you will find "Register a SmarTrip® card."
3. Call WMATA to transfer any funds from the old card to the new card at 888-762-7874. They are available 7 am - 8 pm Monday-Friday. For the most expedient service, call during non-peak hours.
4. Submit the new card number via a **new** application on eTransit on HR Online.  
*\*For those applicants who are already current program participants, a new application for a replacement card will not impact your current benefits that are on record with DoT. It will take less time to fully process your application than those from new applicants and / or former program*

*participants who are re-applying after a period of inactivity. You may also use this new application opportunity to update your routes, costs, etc.*

5. Send an e-mail to [hrsc@state.gov](mailto:hrsc@state.gov) (DoS Transit Program) with the new card number that you have registered with WMATA.

You will receive e-mail notification when your new application is complete. After your application is fully processed by DoT, you will receive an additional email with instructions on how and when to claim your subsidy. Out-of-pocket expenses are not covered during this processing period and retroactive payments are not made.

**A Note on eTransit on HR Online:**

Any new application, request for an increase, decrease, etc. must be submitted via a NEW application on eTransit on HR Online. For current program participants, a “new” application will not impact you receiving your current subsidy. Please note that all new applications – including updates, etc. – take 30 - 60 days to fully process in the DoS, DoT, and WMATA systems. Out-of-pocket expenses are not covered during this time and retroactive payments are not made.

**Questions may be sent via email to the Transit Subsidy Program at:**  
[hrsc@state.gov](mailto:hrsc@state.gov)

**Thank you for reducing pollution, traffic congestion, and paper use by participating in the Transit Subsidy Program, using eTransit, and participating in SmartBenefits!**

155

156 Exhibit 5 (added 01 03 12):



**Office of Origin:** HR/ER/WLD  
**Announcement Number:** 2011\_12\_138  
**Date of Announcement:** December 30, 2011

## Transit Subsidy Decrease to \$125 Monthly

### Transit Subsidy: Decrease in Monthly Subsidy

Beginning January 1, 2012, the maximum amount of monthly transit subsidy will be \$125. This will be the maximum amount allowable under IRS regulations.

On December 8, 2011, Federal agencies were notified that due to the conversion of all personnel files to the new monthly costs of \$125, DOT will be unable to process actions including adding and withdrawing participants, reassignments, new card reactivation and decreasing/increasing fares etc. DOT anticipates it will take a few business days to accomplish this conversion.

The Department of State, like all Federal agencies, is affected. Your patience is appreciated during this interruption. We will continue to keep employees informed via Department Notice.

Questions may be sent via email to the Transit Subsidy Program at: [HRSC@state.gov](mailto:HRSC@state.gov)



Work/Life Division

Office of Employee Relations

Department of State

**Thank you for reducing pollution, traffic congestion, and paper use by participating in the Transit Subsidy Program, using eTransit, and participating in SmartBenefits!**

◀ [Return to Department Notices index](#)

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158

159

CERTIFICATE OF SERVICE

160 I hereby certify that I caused a copy of the foregoing MEMORANDUM OF POINTS  
161 AND AUTHORITIES to be served on January 03, 2012 as follows:

162

163 Stacy Hauf

164 Attorney Advisor

165 Address: U.S. Department of State

166 Office of the Legal Adviser, L/EMP

167 2201 C Street, NW, Room 5425

168 Washington, DC 20520-6419

169

170 Desk: 202-647-4278

171 Fax: 202-647-6794

172

173 Email: [HaufS@state.gov](mailto:HaufS@state.gov)

174