

Marvin Green

v.

HRC, Secretary,  
U.S. Dept. of State

DOS Case: DOS F-125-10;  
EEOC Case: 570-2011-00700X

Exhibit 29

This exhibit demonstrates that Tenure is not just about job retention—it is about the ability to speak freely and report abuse. Witness Binning's statement, (permitted after his tenure)--amply demonstrates that untenured trainees must remain mute if they expect to be tenured.

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**From:** Binning, Thomas L  
**To:** Green, Marvin E  
**Subject:** RE: Interim Relief from Separation: Green  
**Sent:** 1/11/2012 8:37:25 AM

Marvin, feel free to use my opinion expressed below and herein; I am hoping that it will eventually lead to improvement for entry-level candidates to obtain tenure without prejudice. You may also state that having the same rater and reviewer for two EER's in a row as the only submission to a tenure review board can be extremely one-sided in either direction; a proper review for tenure should allow input from multiple sources. Otherwise, a single person can effectively make or break your entire career – isn't this type of monopoly exactly what the government goes to great lengths to avoid in the private sector?

The only caution I advise when using my opinion is that I want to express that it is entirely constructive; my opinions seek to improve the establishment and create fairness where it may presently be lacking. I am not vindictive or destructive; I seek positive outcomes.

Once again, good luck with your case.

Regards,

**Thomas Binning**  
US EMBASSY TASHKENT  
Information Management Specialist  
+998 71 140 2402  
[BinningTL@state.gov](mailto:BinningTL@state.gov)

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**From:** Green, Marvin E  
**Sent:** Wednesday, January 11, 2012 6:16 PM  
**To:** Binning, Thomas L  
**Subject:** RE: Interim Relief from Separation: Green

Red.

Thanks,

Marvin Green  
WHA SharePoint Analyst  
[greenme@state.gov](mailto:greenme@state.gov)  
Desk: +1 202 647 4478  
Fax: +1 202 647 0949  
Skype: +1 202 657 4911

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**From:** Binning, Thomas L  
**Sent:** Wednesday, January 11, 2012 2:56 AM  
**To:** Green, Marvin E; 'marvine.e.green@gmail.com'  
**Subject:** RE: Interim Relief from Separation: Green

I also joined AFSA and it is paying off handsomely for me as well. I am requesting legal assistance on a different matter (unrelated to tenure). Speaking of which:

R 091711Z JAN 12  
FM SECSTATE WASHINGTON DC  
TO RHMCSUU/DEPT OF HOMELAND SECURITY WASHINGTON DC  
R 091711Z JAN 12  
FM SECSTATE WASHDC  
TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE  
AMEMBASSY DAMASCUS 0000  
BT  
UNCLAS STATE 002121

INFORM CONSULS; FOR SREP, ICAO, NESCO, FODAG, UNEP

E.O. 13526: N/A  
TAGS: APER, AMGT  
SUBJECT: RESULTS OF THE 2011 FALL SESSION OF THE  
SPECIALIST TENURING BOARD (SPTB)

1. THE SPTB HAS COMPLETED ITS REVIEW OF THE FILES OF CANDIDATES ELIGIBLE FOR CONSIDERATION FOR TENURE BY THE 2011 FALL SESSION. BELOW IS THE LIST OF CANDIDATES RECOMMENDED FOR TENURE. THE EFFECTIVE DATE OF TENURE IS DECEMBER 21. 2011.

2. POSTS/BUREAUS TO WHICH THE CANDIDATES ARE CURRENTLY ASSIGNED ARE REQUESTED TO ADVISE THE CANDIDATES TO PROVIDE IN WRITING, AS SOON AS POSSIBLE, THE FOLLOWING INFORMATION TO HR/CDA/EL, SA-3, ROOM 3200, DEPARTMENT OF STATE, EMAIL BOX [FSSPECIALISTTENURECE@STATE.GOV](mailto:FSSPECIALISTTENURECE@STATE.GOV):

(A) NAME AS CANDIDATE WISHES IT TO APPEAR ON TENURE CERTIFICATE;

(B) CURRENT SKILL CODE, JOB TITLE AND GRADE OF CANDIDATE; AND

(D) CURRENT POST OR OFFICE SYMBOL, ROOM NUMBER AND BUILDING, OR BEST OFFICIAL MAILING ADDRESS OF CANDIDATE.

3.

NAME	POSTS/BUREAUS
ADAMS, MARSHALL E	DS/CI/IB
ADAMS-BOSTON, QUINETTE	BELMOPAN
ALBRECHT, BETH A	AMMAN
ALLBRITTON, STACY D	PARIS
ALLEN, KEVIN S	TBILISI
AMIR, MATT S	RIYADH
ANDERSON, JEREMY P	JEDDAH
ANTHONY, ALFRED C	LAGOS
ARONSON, DOUGLAS A	DS/T/MSD
BARKENHAGEN, ROBERT L	MONTERREY
BARSANTI, RICHARD NMN	NICOSIA
BENEDICT, ELAINE M	KATHMANDU
BINNING, THOMAS L	TASHKENT
Congratulations, this actually helps me because I'm the only one to file an EEO complaint and the only one to still be untenured.	
BLANCHETTE, NOLAN D	DS/ICI/PR
BLUESTEIN, DANIEL NMN	DS/P/DP
BOLES, TIMOTHY E	DS/CI/IB
BORING, VERONICA D	PRISTINA
BOUTIETTE, ANDRAEA H	DS/CR/CFI
BROWN, PAUL M	DS/TIA/CC
BRUCE, SAM K	ASMARA
BRUNI, MELISSA NMN	OES/EX
CAMPER, ELZAR T	DS/CS/CTA
CARMICHAEL, WARREN V	DS/P/DP
CEBALLOS-RIVERA, JOHNNY F	NEW DELHI
CHEN, KON K	SHANGHAI
CILIA, PAULA M	KABUL
CONEY, DELBRECO L	VIENNA
CONOLE, KAREN E	MONROVIA
COOPER, GAIL M	SARAJEVO
COTTON, KELLY NMN	NAIROBI
DELAY, LINDSAY E	OTTAWA
DEMPSEY, ELLEN M	M/MED/FP
DE SILVA, CHRISTINE	HR/PE
DEUTCHER, ERIC M	BASRAH
EUSTAQUIO, EDWIN B	JERUSALEM
FAGG, JOSEPH D	MANAGUA
FAIRHURST, GLENN J	MAPUTO
FANELLI, NICHOLAS P	DS/IP/RD
FEAGIN, JOHN D	BEIJING
FIELDS, JACQUELINE NMN	BANGKOK
FITZGERALD, MICHAEL S	DS/TIA/PII
FLEMING, DAVID A	OUAGADOUGOU
FRIEDBAUER, MARK A	CANBERRA
FULLER, JOSHUA L	DS/T/MSD
GERSNOVIEZ-FRYBARGER, ADRIENNE LEIGH	DUSHANBE
GONZALEZ, ROBERTO A	BANJUL
GRAJALES, OSCAR S	CHENNAI
GRAY, SHAWN K	KABUL
GUNDERSEN, BRIAN R	DS/ICI/NYFO
HAGEN, MICHAEL A	BAGHDAD
HALLETT, KATHY M	NASSAU
HAMMER, JOHN M	FSI/LT
HANSEN, MARIE F	HANOI

HARDING, JOEL W	DS/FLD/WFO
HARPER, FREDDY T	FRANKFURT
HARRISON, CHARLES R	PRISTINA
HARTMAN, KERRI E	BAGHDAD
HOLLAR, MATTHEW W	BAGHDAD
HUNT, JAMES W	CHENGDU
IRWIN, BARBARA ELLEN CAPPS	ISLAMABAD
JACOBSON, DOLORES B	CANBERRA
JOHNS, MICHAEL L	GENEVA-USMIS
JONES, MATTHEW B	DS/CI/PPR
KAISER, STEPHEN M	KOLKATA
KEVERENGE, WILSON NMN	ACCRA
KLAVER, KAREN M	SAN SALVADOR
KOEHLER, EMMETT C	DS/DO/ICI
KRAEMER, CYNTHIA L	KABUL
LEWIS, AMBER J	AIT TAIPEI
LEVINE, MICHAEL R	BOGOTA
LIU, ANGELA Y	CAIRO
LONG, LESLIE D	KABUL
LOY, RANDALL D	FRANKFURT
MARCOTTE III, HOWARD R	DS/T/MSD
MARIN, BENNY J	BANGKOK
MASIC, DINKA NMN	RABAT
MASSABKI, CAROLINA NMN	DS/ICI/MFO
MCCORMICK, MICHAEL R	NEA/SA/IADS
MCGUINN, MICHAEL R	DS/ITA/WHA
MENDEZ, ANA PAULA	PHNOM PENH
MILLER, JAY	DS/ICI/SFFO
MORLEY, EDWARD P	DS/DC/FRDCD
MORRIS, MICHAEL J	SANTIAGO
MURDOCK, REGGIE B	KABUL
MURPHY, AMY E	COLOMBO
NIELSEN, AARON M	DS/LAFO/SDRO
NIX, WILLIAM O	ABU DHABI
NOTIS, MARY NMN	ASUNCION
NUWANYAKPA, PATRICIA A	NIAMEY
NYE, MATTHEW F	DS/FLD/WFO
OKAMURA, CHRISTINA M	ISLAMABAD
PEILER, WILLIAM M	DS/TIA/CC
PETERSON, JOSHUA J	TIRANA
PITNER, TERRY A	MOSCOW
RAHIMI, IDRIS NMN	DS/ATA/TMD
READ, ANTHONY M	TOKYO
REED, MARK E	SHENYANG
REEDER, ADELAIDA CASEM	BANGKOK
RICHARDSON, CAROLYN H	BRUSSELS
RIDORE, LIONEL J	VIENNA
ROMERO, INGRID L	HR/OE/HRM
ROSS, EDWARD S	DS/P/DP
RUSH, JAMES J	JAKARTA
SANCHEZ, DOMINIC D	DS/T/MSD
SAUNDERS, BRIAN J	BAKU
SCHUTZ, JOHN PAUL	PARAMARIBO
SCHWARCZ, JULIUS J	FRANKFURT
SHIH, MAYAN L	BAGHDAD
SMITH, DENNIS A	BEIJING
SOUTHWICK, ZACHARY C	MONROVIA

SPAULDING, MATTHEW D	FSI/LT
SRINIVASAN, ROY NMN	WELLINGTON
STEARMAN, BARRY K	FRANKFURT
STEFFENHAGEN, RYAN D	NEW DELHI
STENSEN, MIKE LEE	FRANKFURT
STEWART, ELEAZAR E	DS/P/SD
STOCKDALE, STEVEN J	PRETORIA
STONE, ETHAN M	BUJUMBURA
TAVAKOLI, KEVAN NMN	GENEVA-USMIS
TILTGES, RITA M	SEOUL
UITHOVEN, MICHAEL D	FRANKFURT
VENSON, TABRESE E	PANAMA
VOGEL, KENNETH E	DS/CI/IB
WARFIELD, MICHAEL S	BANGKOK
WEAVER, TIMOTHY J	RABAT
WELLS, LYNN M.	ISLAMABAD
WESTBROOK, FRANCES A	KYIV
WHITNEY, ROBERT T	RIYADH
WILMINGTON, CHRISTOPHER	DS/CI/IB
YOHEY, MICHAEL J	DS/P/SD
ZEWDE, MEKDIM NMN	SANTIAGO

4. MINIMIZE CONSIDERED.  
CLINTON

I am now officially on the Crazy Train (used to be called the Gravy Train, but after all the BS I have endured over the last four years I thought this term was more appropriate). You are now the last man standing and I wish you good luck on your case.

I reviewed your third EER and have to wonder how in the world such content was EVER allowed past the HR review board or the HRO, let alone the reviewer. This whole EER system is definitely in need of an overhaul, particularly regarding protection for inexperienced and/or untenured personnel who are largely unfamiliar with the EER or grievance process. This is the exact point I'm intend to make. I'm trying to demonstrate that security risk to the government is increased when employees with access to top secret materials have their complaints suppressed. Perhaps an impartial mentor or a screening panel to vet EER submissions before they are allowed before a tenure board would be a good first step. Possibly. I dealt with the teachers union at DoD Schools and I can tell you with great certainty that because AFSA includes management the people at the bottom of the hierarchy are being under represented. IMO's are the ones giving poorer reviews to older tenure candidates with similar levels of job experience and qualifications--to that of the IMO's themselves. I think they are unconsciously suppressing their competition. Either way, the current process is unacceptable and allows incompetent or vindictive raters to destroy an untenured employee's career with little relief or appeal besides legal action – sometimes coming too little and too late. Sad, and wholly unnecessary.

Keep your chin up, Marvin – I hope justice is done.

Do I have your permission to forward this argument to the judge? Be aware that I have to copy the government lawyer and her assistant as well.

Also of note is that I took a \$21,000 cut in pay to try out for FS and even though they have granted me a temporary reprieve from separation—I have no intention of “dancing for my supper” a third time at these crappy wages. My 4 year appointment obligation was completed last Nov 7 and I was fully

qualified and recommended for tenure in Freetown 2010. If they delete my last EER I should be able to stand for tenure on the basis of the first 3 I got in Freetown. (I recently figured out that I didn't get tenured in 2010 because I sent a complaint to OIG and one of the Freetown AMBs buddies was manning the OIG hotline and forwarded it to the Enrico—bad timing on my part).

Regards,

**Thomas Binning**

US EMBASSY TASHKENT  
Information Management Specialist  
+998 71 140 2402  
[BinningTL@state.gov](mailto:BinningTL@state.gov)

PERSONAL

This email is UNCLASSIFIED.

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**From:** Green, Marvin E  
**Sent:** Thursday, January 05, 2012 9:53 PM  
**To:** Binning, Thomas L  
**Cc:** Large, Andrew  
**Subject:** FW: Interim Relief from Separation: Green  
**Importance:** High

I hope you joined AFSA at that initial courting lunch they gave the 99<sup>th</sup> class in 2008. I did, and it is paying off handsomely.

I still think that when they paired us up in training they were giving me a free pass by pairing me with the strongest candidate in the 99<sup>th</sup> class.

I'm certain that you should have been tenured the first round and were not tenured more recently to prove that I was not being exclusively targeted as the only member of the 99<sup>th</sup> class over 40 to not eventually be tenured.

Bill Potter assured me that we have up to two years to file a grievance whereas your right to file an EEO complaint have expired.

Andrew Large is the AFSA attorney on the 1<sup>st</sup> Floor that has been assisting me. He is the only attorney I've ever heard of with an open door policy and is responsible for this, my first success, in this process of opposing age discrimination.

Please review my progress here: <http://www.stgassociation.org> and consider contacting Andrew for assistance in filing a grievance of your own.

Thanks,

Marvin Green

WHA SharePoint Analyst  
[greenme@state.gov](mailto:greenme@state.gov)  
Desk: +1 202 647 4478  
Fax: +1 202 647 0949  
Skype: +1 202 657 4911

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**From:** Potter, William J  
**Sent:** Thursday, January 05, 2012 9:06 AM  
**To:** Green, Marvin E  
**Subject:** FW: Interim Relief from Separation: Green  
**Importance:** High

Marvin:

I'm not sure if the Grievance staff have been in touch with you about this.

HR has agreed to provide you Interim Relief from Separation. I'm not sure how long of a period this will be. I'll pass along any further information that I receive on this matter.

I will ask Ernesto and WHA if they want to keep you onboard. They've greatly appreciated your work there thus far.

*Warmest Regards,*

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

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

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

Privacy/PII  
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**From:** Bodtke, Laura A  
**Sent:** Wednesday, January 04, 2012 2:02 PM  
**To:** Draper, Mary D  
**Cc:** Naland, John K; Capers Jr., Edward; Mandel, Lawrence C; Fuller, Calli X; Potter, William J; Rochelle, David N  
**Subject:** Interim Relief from Separation: Green

Do not reply to sender. Reply to the [Grievance Analyst](#).

Ms. Draper,  
Please find attached the subject document, which I am sending on behalf of [David Rochelle](#).  
Hard copies will not follow, so please keep a copy for your records.  
[Direct any replies/questions/comments to Mr. Rochelle.](#)  
**Please do not reply to me regarding this message.**

Thank you.  
Laura A. Bodtke  
Staff Assistant, HR/G

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**Office of Origin:** HR/PE  
**Announcement Number:** 2012\_01\_041  
**Date of Announcement:** January 10, 2012

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## Results of the 2011 Fall Session of the Specialist Tenuring Board (SPTB)

(State 002121 of January 9, 2012)

The Specialist Tenuring Board has completed its review of the files of candidates eligible for consideration for tenure by the 2011 Fall Session. Following is the list of candidates recommended for tenure. The effective date of tenure is December 21, 2011.

Posts/Bureaus to which the candidates are currently assigned are requested to advise the candidates to provide in writing, ASAP, the following information to HR/CDA/EL, SA-3, Room 3200, Department of State, email box- [FSSpecialistTenureCE@state.gov](mailto:FSSpecialistTenureCE@state.gov):

- (a) Name as candidate wishes it to appear on tenure certificate;
- (b) Current skill code, job title and grade of candidate; and
- (d) Current post or office symbol, room number and building, or best official mailing address of candidate.

NAME	POST
ADAMS, MARSHALL E	DS/CI/IB
ADAMS-BOSTON, QUINETTE	BELMOPAN
ALBRECHT, BETH A	AMMAN
ALLBRITTON, STACY D	PARIS
ALLEN, KEVIN S	TBILISI
AMIR, MATT S	RIYADH
ANDERSON, JEREMY P	JEDDAH
ANTHONY, ALFRED C	LAGOS
ARONSON, DOUGLAS A	DS/T/MSD
BARKENHAGEN, ROBERT L	MONTERREY
BARSANTI, RICHARD NMN	NICOSIA
BENEDICT, ELAINE M	KATHMANDU
BINNING, THOMAS L	TASHKENT
BLANCHETTE, NOLAN D	DS/ICI/PR
BLUESTEIN, DANIEL NMN	DS/P/DP
BOLES, TIMOTHY E	DS/CI/IB
BORING, VERONICA D	PRISTINA
BOUTIETTE, ANDRAEA H	DS/CR/CFI
BROWN, PAUL M	DS/TIA/CC
BRUCE, SAM K	ASMARA
BRUNI, MELISSA NMN	OES/EX
CAMPER, ELZAR T	DS/CS/CTA
CARMICHAEL, WARREN V	DS/P/DP