

based on national origin (Vietnamese), non-selection based on race, and retaliation against the Plaintiff.

JURISDICTION AND VENUE

2. This Honorable Court has subject matter jurisdiction over this suit pursuant to 28 U.S.C. § 1331 as it asserts a claim that arises under the Constitution, laws, or treaties of the United States, specifically Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et seq.*, and Section 1981, to redress and enjoin employment practices of the Defendant.
3. This Honorable Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1343.
4. Additionally, venue for this action is predicated upon 28 U.S.C. § 1391(b) and (c). Defendant is headquartered within the District of Columbia and is thus deemed to reside within this judicial district, and subject to the court's personal jurisdiction with respect to this civil action. Accordingly, venue is proper in this Honorable Court pursuant to 28 U.S.C. § 1391(b) and (c).

EXHAUSTION OF REMEDIES

5. Plaintiff has exhausted all of his administrative remedies.
6. Plaintiff filed a complaint with the Baltimore Field Office of the U.S. Equal Employment Opportunity Commission (EEOC) on or about June 3, 2016, alleging national origin (Vietnamese) discrimination, non-selection based on race, and retaliation.
7. On July 26, 2021 after Plaintiff's request, the EEOC issued Plaintiff a Right-to-Sue Letter, which Plaintiff received on July 27, 2021.
8. Accordingly, Plaintiff timely files this action in accordance with the Notice of Right to Appeal, which provided Plaintiff the right to file this Complaint within 90 days of receipt of the Notice.

NATURE OF THE ACTION

9. Plaintiff brings this action to secure protection of rights granted under the statute mentioned above, to redress deprivation of rights thereunder, and to obtain such other relief as is necessary to redress the injury to Plaintiff resulting from Defendant's violation of those statutes.
10. Plaintiff's damages are significant, including, but not limited to, the loss of reputation, career advantage, a violation of privacy, emotional tranquility, and denial of his constitutional and statutory rights.
11. The action seeks declaratory and injunctive relief, as well as compensatory and punitive damages, both to secure future protection and to redress the past deprivation of rights guaranteed to named Plaintiff.

PARTIES

12. Plaintiff, William Tran is a Vietnamese-Asian male who resides in Clarksburg, Maryland, where he currently works for the National Institute of Health ("NIH").
13. Defendant is a governmental agency, which is headquartered in the District of Columbia.
14. Plaintiff was employed as a Mechanical Engineer for the NIH for over ten (10) years and primarily worked at the NIH building in Bethesda, Maryland.
15. During the relevant period, Defendant employed Plaintiff, William Tran.
16. During the relevant period, Plaintiff was Defendant's employee within the meaning, and entitled to the protections of Title VII and Section 1981.

FACTUAL ALLEGATIONS

17. Plaintiff contends that the Defendant discriminated against him based on national origin (Vietnam) and engaged in non-selection for various employment positions because of his race.

18. Plaintiff is a 51-years-old native of Vietnam but has been employed by the federal government for over ten (10) years. Prior to working for the National Institute of Health, Plaintiff worked for the Department of Defense for approximately one and a half years. Prior to his EEO grievances, Plaintiff consistently received “exceptional” annual performance ratings, both at the Department of Defense and National Institute of Health. However, after he began to engage in protected activity, that all changed.
19. Plaintiff has a Bachelor of Science in Mechanical Engineering and has held a HVAC Contracting License since early 1993. Plaintiff has also owned and operated a HVAC consulting business.
20. Despite Plaintiff’s qualifications, Plaintiff has repeatedly been denied career opportunities at NIH in favor of less-qualified individuals who were affiliated with or identified as, the national origin of senior management, who were typically the selecting officials. Even in the face of obvious disparate treatment, Plaintiff actively attempted to reach out to Defendant’s senior leadership to seek career advancement opportunities and trainings, to no avail.
21. After Plaintiff’s attempts to advance in his career, Defendant’s management instructed Plaintiff to perform unskilled labor task-inventory. Plaintiff was the only employee who held the status of engineer in Defendant’s organization, yet he was directed to perform duties outside of his job description, which were typically reserved for less qualified individuals who would ordinarily perform unskilled tasks.
22. Additionally, Plaintiff was tasked with supervising a difficult employee even though this was outside of his job duties and was seemingly aimed at making Plaintiff’s work life more difficult. Based on reason and belief, this was done in an effort to retaliate against him and

create a hostile working environment for him. As a result, Plaintiff began to document the numerous instances of discrimination he faced.

23. On or about April 22, 2015, Mr. Guan sent Plaintiff an email stating that he would be responsible for supervising and training an employee, Mr. Victor Camello. However, Mr. Tran's job responsibilities did not include supervisory duties and his job description or compensation was never updated to reflect this change or these expanded duties.
24. Between April 22, 2015 and June 10, 2015, Plaintiff wrote numerous emails to Mr. Guan and Mr. Joe Nieves in regard to Mr. Camello's hostile behavior towards him. Mr. Camello had displayed violent bursts of anger towards Plaintiff and other coworkers and Plaintiff was concerned for his and others' safety in the workplace. Management did not take any action to address Plaintiff's concerns despite the genuine fear that Plaintiff conveyed.
25. On or about February 6, 2015, Plaintiff was constructively demoted when his job duties were changed from a practicing engineer to those of an unskilled laborer when he was assigned to an "Inventory Administrator" position, and given the task of organizing the inventory cage. Once again, there was no change in Plaintiff's position classification as required by the Office of Personnel Management (OPM) nor was a new SF-50 issued to reflect the new job responsibilities.
26. When questioned during the EEOC investigation as to who was responsible for deciding Plaintiff's new job responsibilities, Mr. Nieves stated that Plaintiff's reassignment was made by Ms. Alamelu Ramesh. However, Ms. Ramesh stated that while she was aware of the changes in Plaintiff's responsibilities, she was not involved. Defendant's EEOC interrogatory answers stated the new job responsibilities were "part of his existing position as a General Engineer," however, Plaintiff was actually the only engineer required to perform these tasks.

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