

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COMPLAINT
JURY TRIAL DEMANDED

-----x
DEIRDRE SMALL and MALIKAH ALKEBULAN

Plaintiffs,

CV

03

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2139

vs.

DEARIE, J.

NEW YORK CITY TRANSIT AUTHORITY,

Defendant.
-----x

CHREIN, J.

Plaintiffs by their attorneys ARMANI B. SCOTT, ESQ. and LONNIE HART, JR., ESQ. complaining of the Defendants, respectfully shows and alleges as follows:

I. COMPLAINT

1. This case involves discrimination in employment based upon religion and gender. This action is brought by Deirdre Small and Malikah Alkebulan. Plaintiffs charge that the Defendant is discriminating against them regarding the terms and conditions of their employment in violation of the First Amendment to the Constitution of the United States, the Fourteenth Amendment to the Constitution of the United States, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.* Plaintiffs also asserts pendent State claims for religious discrimination pursuant to New York State Constitution Article I § 3 and New York State Executive Law Article 15 § 296 (1)(a).

II. JURISDICTION

2. This Court is vested with jurisdiction pursuant to 28 U.S.C. §§1331, 1343(3) and 1343(4), and 42 U.S.C. § 2000e-5(f)(3). Jurisdiction over Plaintiff's claims arising under State Law is based upon doctrine of supplemental jurisdiction and on 42 U.S.C. § 1988(a).

III. PARTIES

3. Plaintiff Deirdre Small is an African-American female, a United States citizen and a practicing Muslima who is currently employed by defendant New York City Transit Authority as a bus operator.

4. Plaintiff Malikah Alkebulan is an African-American female, a United States citizen, and a practicing Muslima who is currently employed by defendant New York City Transit Authority as a bus operator.

5. Defendant New York City Transit Authority (hereinafter "MTA") is a public benefit corporation created and existing under the laws of New York State.

IV. ALLEGATIONS OF FACT

6. As required by their Muslim religion, plaintiffs Small and Alkebulan, wear a head covering called a "Khimar".

7. Plaintiffs were wearing said Khimars since the beginning of their respective employment periods with the MTA.

8. Since Mrs. Alkebulan commenced employment in March 2002, the MTA has harassed and discriminated against both plaintiffs Alkebulan and Small by instituting an arbitrary, illegal and incoherent uniform policy.

9. The MTA's dress code for Bus Operators states that MTA issued hats are "optional" and not required to be worn while bus operators are driving in passenger service. (Attached and Annexed hereto as Exhibit A)

10. The MTA has harassed Mrs. Alkebulan relentlessly during her tenure as an MTA employee.

11. Mrs. Alkebulan was born into the Muslim faith and has worn her religious

head covering since 1990.

12. Mrs. Alkebulan commenced employment with the MTA on March 11, 2002, as a bus operator assigned to the Ulmer Park Depot and completed her probationary period with the MTA on March 16, 2003.

13. Upon information and belief, on or about March 11, 2002, while at the MTA Training Center located at 750 Zerega Avenue, Bronx, New York, MTA Superintendent Acquotta told Mrs. Alkebulan that she could not wear "that thing" (her Khimar) on her head.

14. Mrs. Alkebulan responded that wearing her Khimar was an obligatory religious practice. Mrs. Alkebulan also informed MTA Superintendent Campbell about her religious obligation to wear her Khimar.

15. Mrs. Alkebulan continued to wear her Khimar during her training tenure and began operating MTA buses while wearing same.

16. On or about March 28, 2002, Mrs. Alkebulan spoke with MTA General Superintendent DiPuma regarding official MTA policy on her Khimar. Upon information and belief, Superintendent DiPuma was unaware of any policy which prohibited Mrs. Alkebulan from wearing a Khimar while operating a bus for the MTA.

17. Upon information and belief, on or about April 1, 2002, MTA Superintendent DiPuma told Mrs. Alkebulan that MTA Chief of Transportation, K. Jennifer Sinclair, would be forwarding documentation regarding religious head cover. As of the date of filing, no documentation has been provided by the MTA.

18. Upon information and belief, on or about April 4, 2002, while at an MTA training facility, MTA Superintendent Campbell instructed Mrs. Alkebulan to remove her

Khimar as per the directive of MTA Superintendent Deviccion.

19. Upon information and belief, on or about April 15, 2002, Transport Workers Union, Local 100 (hereinafter "union") representative Lloyd Archer informed Mrs. Alkebulan there was no MTA policy on religious head cover and that she could wear her Khimar without incident.

20. Upon information and belief, on or about April 16, 2002, in the presence of union representative Jerry Baker, MTA Superintendent Richard DiPuma ordered Mrs. Alkebulan to wear a hat over her Khimar stating that nothing should be seen protruding from the hat.

21. Upon information and belief, on or about April 19, 2002, in the presence of union representative Jerry Baker, MTA Superintendent Deviccion ordered Mrs. Alkebulan to wear a hat over her Khimar while in MTA training classes.

22. Upon information and belief, on or about April 23, 2002, in the presence of union representative Jerry Baker, MTA Superintendent DiPuma ordered Mrs. Alkebulan to wear a hat during her operation of MTA busses. MTA Superintendent DiPuma informed Mrs. Alkebulan that this decision was the providence of training room supervisors due to her probation status.

23. Mrs. Alkebulan continued operating MTA buses without wearing a hat over her Khimar.

24. Upon information and belief, in May 2002, in the presence of Mrs. Alkebulan and union representative Jerry Baker, MTA Superintendent DiPuma failed to produce any MTA policy referencing religious head cover. MTA Superintendent DiPuma stated that he would permit Mrs. Alkebulan to operate MTA buses with her

Khimar and without a hat.

25. Upon information and belief, in June 2002, MTA Superintendent DiPuma stated that Mrs. Alkebulan was to wear a hat during the operation of MTA busses, as per the instructions of the MTA Brooklyn General Manager Kenneth Daube. MTA Superintendent DiPuma also stated that no written directives would be provided.

26. In June 2002, Mrs. Alkebulan was cited by MTA for being out of uniform due to her Khimar. Mrs Alkebulan was refused a copy of said citation.

27. On or about June 28, 2002, Mrs. Alkebulan attended a meeting with union Vice President, Amin Khan, MTA Chief of Transportation Sinclair, and other MTA union representatives.

28. Upon information and belief, Chief Sinclair stated that MTA policy required Mrs. Alkebulan to cover her Khimar. Mr. Khan suggested that Mrs. Alkebulan wear a hat until she completed her probationary period in order to maintain her job.

29. On or about July 12, 2002, Mrs. Alkebulan was ordered to turn in her identification to MTA Supervisor. She was informed that she was to be terminated immediately.

30. Mrs. Alkebulan followed the instructions of her union representative Jerry Baker and kept her MTA identification and badge.

31. Mrs. Alkebulan was held out of service for three days before her union secured her return to work.

32. Throughout her probationary period, Mrs. Alkebulan was harassed about wearing a hat to cover her Khimar.

33. MTA supervisors questioned Mrs. Alkebulan on a daily basis about

wearing a hat over her Khimar. Mrs. Alkebulan was also continually cited for being out of uniform if she was seen without a hat covering her Khimar, whether she was operating a bus or not.

34. On or about February 17, 2003, Mrs. Alkebulan was terminated for not wearing a hat over her Khimar. Union representative, Lloyd Archer secured Mrs. Alkebulan's return to work the following day.

35. On the advice of union representatives and under protest, Mrs. Alkebulan wore a baseball cap over her Khimar during the remainder of her probationary period.

36. Mrs. Alkebulan's probationary period expired on March 16, 2003, and she does not wear a hat to cover her Khimar while operating MTA busses.

37. While plaintiffs Alkebulan and Small are similarly situated they have been treated differently throughout their tenures at the MTA.

38. Mrs. Deirdre Small has been a practicing Muslima for twenty-seven years and has worn religious head covering since 1980.

39. Mrs. Small commenced employment with the MTA on June 29, 1998, as a Bus Operator assigned to the Flatbush Depot.

40. On or about June 29, 1998, Mrs. Small was told by MTA supervisors that her Khimar was to be worn in a way that would allow her MTA badge and patch to be prominently displayed.

41. Mrs. Small was not addressed again with regards to her Khimar until September 2002.

42. On or about September 23, 2002, Mrs. Small was called in to the office of the General Superintendent of the Flatbush Depot, Richard Dicciardello, and ordered to

wear an MTA-issued baseball hat over her Khimar.

43. Mrs. Small refused to wear any hat over her Khimar because it violates her Muslim beliefs to cover her Khimar with any other type of head covering.

44. Upon information and belief, on or about September 26, 2002, while operating an MTA bus in passenger service, Mrs. Small was stopped by MTA Superintendent Howard Citrinbaum and told that she had to wear a hat over her Khimar. Mrs. Small replied that she would not wear a hat over her Khimar because it violates her religious beliefs and based upon the MTA's own dress code, the hat was optional.

45. Upon information and belief, Superintendent Citrinbaum replied, "You can't drive a bus with that 'thing' on your head."

46. Mrs. Small asked for any regulation or rule that prohibited her from wearing a Khimar while in passenger service to be put into writing.

47. As of the date of this filing, the MTA has failed to provide Mrs. Small with any written rule or regulation which prohibits her from wearing a Khimar while in passenger service.

48. On or about September 30, 2002, MTA General Superintendent Richard Diccaridello confronted Mrs. Small while she attempted to begin her bus route and took her out of service without pay for refusing to wear an MTA issued baseball hat over her Khimar.

49. On or about September 30, 2002, based upon information and belief, Superintendent Citrinbaum informed MTA dispatcher Aversano that Mrs. Small was not to operate a bus because she would not wear a baseball hat over her Khimar.

50. On or about September 30, 2002, Mrs. Small provided the MTA via her

union representatives with a letter from Imam Siraj Wahhaj, a religious leader of the Masjid At-Taqwa Mosque located in Brooklyn, New York, which confirms that it violates Islamic beliefs for a Muslim woman to wear any type of head covering over her Khimar. (Attached and Annexed hereto as Exhibit B).

51. On or about October 1, 2002, Mrs. Small was permanently taken out of passenger service and placed on other duties inside of the Flatbush Depot.

52. Some of Mrs. Small's new duties include basic janitorial work, shifting busses within the depot, and transporting out-of-service buses to locations as far away from the depot as Tarrytown, New York and Lodi, New Jersey.

53. Mrs. Small has had absolutely no contact with MTA customers since September 30, 2002.

54. Upon information and belief, these re-assigned duties prevent Mrs. Small from acquiring valuable over time opportunities within the MTA.

55. As of the date of this filing, Mrs. Small is still not a passenger service operator, a position she performed without cause for change in her status from June 1998 until September 30, 2002.

56. Furthermore, upon information and belief, male Muslim bus operators employed with the MTA are allowed to wear a head covering called a "Kufi" while in passenger service without repercussions from the MTA.

57. Plaintiffs filed grievances against the MTA with their union, as well as with the U.S. Equal Employment Opportunity Commission (EEOC).

58. The EEOC issued a "Right to Sue" letter to plaintiff Small on February 11, 2003, and a "Right to Sue" letter to plaintiff Alkebulan on April 10, 2003, and this

Complaint is filed within 90 days thereof. (Attached and Annexed hereto as Exhibit C)

V. CLAIM ONE- GENDER DISCRIMINATION UNDER TITLE VII

59. Plaintiffs adopt and repeats the allegations of paragraphs 1 through 58 as though set forth at length herein.

60. All of the adverse actions taken against Plaintiffs were motivated by gender animus and were performed with the intent to discriminate based on gender.

61. The Defendant has continued to discriminate against Plaintiffs based on gender in that the Defendant has only taken disciplinary action against females of the Muslim religion for refusing to wear MTA issued baseball hats over their religious head cover.

62. Based upon information and belief, male MTA employees of the Muslim religion are allowed to wear religious head covering called a "Kufi" without having disciplinary action taken against them.

63. The Defendant's gender discrimination is willful and deliberate and is done under color of law, and they constitute a pattern, custom and practice of gender discrimination which prevents Muslim women from working as bus operators.

64. The Defendant's above described discriminatory conduct against the Plaintiffs violates their rights under 42 USC § 2000e-2, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of her sex, or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual or employment opportunities or otherwise adversely affect her status as an employee, because of such

individual's gender.

65. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiffs have suffered a loss of substantial income and professional opportunities with the MTA, as well as irreparable injury to their personal and professional dignity and reputation and have suffered mental anguish and extreme emotional distress.

66. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$300,00.00.

VI. CLAIM TWO- RELIGIOUS DISCRIMINATION UNDER TITLE VII

67. Plaintiffs adopt and repeat the allegations of paragraphs 1 through 66 as though set forth at length herein.

68. All of the adverse actions taken against Plaintiffs were motivated by religious animus and were performed with the intent to discriminate based on religion.

69. The Defendant has continued to discriminate against Plaintiffs based on religion in that the Defendant has only taken disciplinary action against members of the Muslim religion for refusing to wear MTA issued baseball hats over their religious head cover.

70. Based upon information and belief, any person who is a practicing Muslima and is sufficiently qualified, is not permitted to pursue their chosen profession as a Bus Operator without impediment or harassment.

71. The Defendant's religious discrimination is willful and deliberate and is

done under color of law, and they constitute a pattern, custom and practice of religious discrimination.

72. The Defendant's above described discriminatory conduct against the Plaintiffs violates their rights under 42 USC § 2000e-2, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of her religion, or to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual or employment opportunities or otherwise adversely affect her status as an employee, because of such individual's religion.

73. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiffs have suffered a loss of substantial income and professional opportunities, as well as irreparable injury to plaintiff's personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

74. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$300,00.00.

**VII. CLAIM THREE- GENDER DISCRIMINATION UNDER THE
FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

75. Plaintiffs adopt and repeat the allegations of paragraphs 1 through 74 as though set forth at length herein.

76. The Defendant's gender discrimination against Plaintiffs violates their rights under the Equal Protection Clause of the Fourteenth Amendment, which is

enforceable under 42 U.S.C. § 1983, and which guarantees equal protection of the law to all persons in the United States.

77. The Defendant's unlawful gender discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. Meanwhile, male MTA bus operators who are adherents of the Muslim religion are allowed to wear traditional religious headwear called a kufi without discipline or repercussion.

78. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiffs have suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiffs' personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

79. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

VIII. CLAIM FOUR-RELIGIOUS DISCRIMINATION UNDER THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

80. Plaintiffs adopt and repeat the allegations of paragraphs 1 through 79 as though set forth at length herein.

81. The Defendant's religious discrimination against Plaintiffs violates their rights under the First Amendment, which is enforceable under 42 U.S.C. § 1983, and which guarantees freedom to practice religion without discrimination to all persons in the United States.

82. The Defendant's unlawful religious discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny members of the Muslim religion equal opportunity to work as Bus Operators for the MTA.

83. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiffs have suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiffs' personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

84. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

IX. CLAIM FIVE-GENDER DISCRIMINATION UNDER NEW YORK STATE EXECUTIVE LAW SECTION 296

85. Plaintiffs adopt and repeat the allegations of paragraphs 1 through 84 as though set forth at length herein.

86. Defendant's conduct was motivated by the intent to discriminate against Plaintiffs based on gender in violation of New York Executive Law Section 296 *et seq.*

87. The Defendant's unlawful gender discrimination against the Plaintiffs is willful and deliberate and is based upon policies and practices which deny females of the Muslim religion equal opportunity to work as bus operators for the MTA. Meanwhile, male MTA bus operators who are adherents of the Muslim religion are allowed to wear traditional religious headwear called a Kufi without discipline or repercussion.

88. As a direct and proximate result of the Defendant's wrongful actions

complained of hercin, Plaintiffs have suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiffs' personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

89. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages in the amount of \$2,500,00.00.

X. CLAIM SIX-RELIGIOUS DISCRIMINATION UNDER NEW YORK STATE CONSTITUTION ARTICLE 1 § 3

90. Plaintiffs adopt and repeat the allegations of paragraphs 1 through 89 as though set forth at length herein.

91. Defendant's conduct was motivated by the intent to discriminate against Plaintiffs based on religion in violation of New York State Constitution Article 1 § 3.

92. The Defendant's unlawful religious discrimination against the Plaintiff is willful and deliberate and is based upon policies and practices which deny adherents of the Muslim religion equal opportunity to work as Bus Operators for the MTA.

93. As a direct and proximate result of the Defendant's wrongful actions complained of herein, Plaintiffs have suffered a loss of substantial income and professional opportunities, as well as irreparable injury to Plaintiffs' personal and professional dignity and reputation and has suffered mental anguish and extreme emotional distress.

94. As a consequence of Defendant's wanton and reckless disregard for Plaintiffs' civil rights, Plaintiffs are each entitled to compensatory and punitive damages

in the amount of \$2,500,00.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs prays that after a hearing on the matters alleged herein, the Court will grant the following relief:

A. Issue a declaratory judgment declaring that the wrongs complained of herein violate the rights of Plaintiffs guaranteed by the First Amendment to the Constitution of the United States, the Fourteenth Amendment to the Constitution of the United States, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) *et seq.*, New York State Constitution Article I § 3 and New York State Executive Law Article 15 § 296 (1)(a).

B. Judgment granting equitable relief directing that Defendant cease and desist from their discriminatory activity and reinstating Plaintiffs to their full status as Bus Operators.

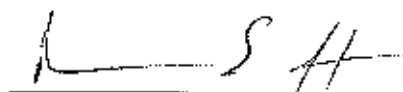
C. Award Plaintiffs compensatory and punitive damages.

D. Retain jurisdiction of this action for a sufficient time to ensure full compliance with the equitable relief requested herein.

E. Award Plaintiffs their costs incurred in this case, together with reasonable attorneys' fees and expenses and expert fees, pursuant to 42 U.S.C. §§ 1988 and 2000e-5(k).

F. Grant Plaintiffs such additional and further relief as the Court may deem just and equitable under the circumstances.

Dated: Brooklyn, New York
May 2, 2003



ARMANI B. SCOTT
Attorney for Plaintiffs
331 Vanderbilt Avenue,
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Brooklyn, New York 11205
(718) 783-3520
Bar Code: AS8751



LONNIE HART, JR.
Attorney for Plaintiffs
44 Court Street, Suite 807
Brooklyn, New York 11201
(718) 852-7000
Bar Code: LH 3560



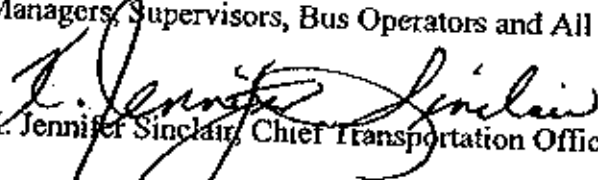
New York City Transit
Department of Buses

Temporary Bulletin

September 13, 2002

REMOVE FROM POSTING ON MAY 1, 2003

To: Managers, Supervisors, Bus Operators and All Concerned

From: 
K. Jennifer Sinclair, Chief Transportation Officer

Subject: BUS OPERATORS' WINTER UNIFORMS

During the period of October 15, 2002, through April 30, 2003, bus operators are required to wear their New York City Transit (NYCT) winter uniforms. However, uniform shorts are not to be worn after September 30, 2002. Bus operators are *not* considered ready for duty unless they are fully attired in the complete and proper uniform. The winter uniform is as follows:

- Light blue uniform shirt (properly worn, tucked inside the uniform trousers/culottes).
- The NYCT maroon tie or bow-tie is mandatory and must be properly worn with a long or short sleeve uniform shirt.
- The commando sweater or cardigan sweater vest may be worn with or without the bi-swing jacket.
- Navy-blue uniform trousers. Operators will be permitted to wear the grey uniform trousers and culottes until further notice (Navy blue trousers from previous uniform distributions are acceptable).
- Depot logo caps are optional. Depot logo caps may only be worn with the bill of the cap facing forward.
- NYCT issued safety uniform shoes/boots with slip-resistant soles. Bus operators may not wear other footwear while in service, unless granted permission by management (for medical reasons).
- Coats or sweatshirts are not to be worn while operating in customer service.
- Bus operators are required to have their signed employee identification (ID) passes in their possession and properly displayed at all times while on duty or on NYCT property.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Masjid At-Taqwa

1266 BEDFORD AVENUE BROOKLYN, N.Y. 11216

(718) 622-0800
Fax (718) 399-0341

September 27, 2002

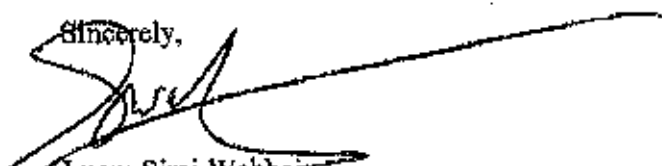
To Whom It May Concern:

This letter is to confirm that Sr. Deirdre R. Small is a Muslima in good standing. She is one of the Worldwide Community consisting one billion, three-hundred million muslims. In our religion, ALL muslim woman must cover from head to toe and the only places on the body of a muslim sister that are permissible to expose are the face and hands. It is forbidden for her to do otherwise. The head covering known as the khimar is an obligatory headdress of all Women in Islam. Nothing is to be worn over the khimar, such as hats, bandanas, etc.

Quran 18:31 And tell the believing women to lower their gaze and be modest, and to display of their adornment only that which is apparent, and to draw their veils over their bosoms and not to reveal their adornments save to their own husbands or fathers or husband's fathers, or their sons or their husband's sons, brothers sons or sisters sons, or their women, or their slaves, or male attendants who lack vigor, or children who know naught of womens's nakedness.

Please refer to the above information for contact.

Sincerely,


Imam Siraj Wabhaaj
Masjid At-Taqwa

DISMISSAL AND NOTICE OF RIGHTS

To: Ms. Deidre Small
1416 Brooklyn Avenue
Brooklyn, NY 11210

From: Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL. (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
160-A3-00528	Legal Unit	(212) 336-3620

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- [] The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- [] Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- [] The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- [] We cannot investigate your charge because it was not filed within the time limit required by law.
- [] Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- [] While reasonable efforts were made to locate you, we were not able to do so.
- [] You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- [x] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- [] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- [] Other (briefly state) _____

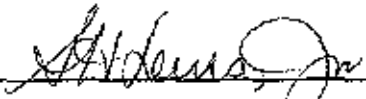
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission



Spencer H. Lewis, Jr., District Director

2/11/03

(Date Mailed)

Enclosure(s)

cc: Respondent(s):
Mr. Richard Schoolman, Esq.
Special Counsel
NYC Transit Authority
130 Livingston Street
Brooklyn, NY 11201

CP's Attorney:
Mr. Armani B. Scott, Esq.
Scott & Mason-Kinsey LLP
331 Vanderbilt Avenue, Suite 2
Brooklyn, NY 11205

DISMISSAL AND NOTICE OF RIGHTS

To: Matikah Alkebulan
2932 Avenue V, Apt 4D
Brooklyn, New York 11229

From: Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Table with 3 columns: Charge No., EEOC Representative, Telephone No.
160-A3-01032, Legal Unit R-1, (212) 336-3721

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- List of reasons for closing the file, including: 'The facts alleged in the charge fail to state a claim...', 'Your allegations did not involve a disability...', 'The Respondent employs less than the required number of employees...', 'We cannot investigate your charge because it was not filed within the time limit...', 'Having been given 30 days in which to respond, you failed to provide information...', 'While reasonable efforts were made to locate you, we were not able to do so.', 'You had 30 days to accept a reasonable settlement offer...', 'The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.', 'The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.', 'Other (briefly state)'

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

Handwritten signature of Spencer H. Lewis, Jr.

Spencer H. Lewis, Jr., District Director

Handwritten date: 4/10/03

(Date Mailed)

Enclosure(s)

cc: Respondent(s): New York City Transit Authority
130 Livingston Street
Brooklyn, New York 11201
Attn: Richard Schoolman
Special Counsel

C/P Attorney: Scott & Mason-Kinsey, LLP
Attorneys At Law
331 Vanderbilt Avenue, Suite 2
Brooklyn, New York 11205