

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK X

MAUREEN M. BILLINGS,  
Plaintiff.

DOCKET NO.: CV-19-11796  
(PED)

- against -

STATE OF NEW YORK, NEW YORK STATE  
DEPARTMENT OF CORRECTIONS AND  
COMMUNITY SUPERVISION (as a necessary  
party), ROGER A. MURPHY, PAUL J.  
ARTUZ, DIANE CURRA, each sued  
in their respective individual capacities,  
as well as their respective official capacities  
with the STATE OF NEW YORK and/or any  
of its agencies,

Defendants.

AMENDED  
COMPLAINT

*JURY TRIAL DEMANDED*

X

PLAINTIFF, MAUREEN M. BILLINGS, by and through her attorneys, the LAW OFFICES  
OF FREDERICK K. BREWINGTON, as and for her Complaint against the Defendants, states and  
alleges as follows:

**PRELIMINARY STATEMENT**

1. This is a civil action, seeking monetary relief, injunctive relief, including past and ongoing economic loss, compensatory damages, punitive damages, disbursements, costs and fees brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*, (as amended) First and Fourteenth Amendment to the United States Constitution, 42 U.S.C. §1983, American with Disabilities Act, 42 U.S.C. § 12112, and N.Y. Executive Law § 296, on the basis of Plaintiff's creed, disability, and Plaintiff's opposition to unlawful discriminatory practice, and retaliation. This action also seeks injunctive relief, monetary relief, including past and ongoing economic loss, compensatory damages, punitive damages, disbursements, costs and fees for the

official and individual violations by the individual defendants of Title VII of the Civil Rights Act of 1964 (as amended) 42 U.S.C. § 2000e *et seq.*, 42 U.S.C. §1983 and the First and Fourteenth Amendments to the United States Constitution American with Disabilities Act, 42 U.S.C. § 12112, and N.Y. Executive Law § 296, on the basis of Plaintiff's creed, disability, and Plaintiff's opposition to unlawful discriminatory practice, and retaliation.

2. Specifically, Plaintiff alleges that the Defendants Deputy Superintendent for Security ROGER A. MURPHY, Captain PAUL J. ARTUZ, and DIANE CURRA collectively and individually) negligently, wantonly, recklessly, intentionally, and knowingly sought to and did wrongfully deprive Plaintiff of her Constitutional rights, pursuant to the above mentioned statutes and causes of action by committing acts under color of law and depriving the Plaintiff of rights secured by the United States Constitution and laws of the State of New York.

3. Said acts were done knowingly, with the consent and condonation of STATE OF NEW YORK, and NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, with the intended and expressed purpose of punishing, isolating, removing, and violating the rights of Plaintiff as protected by statutes, rules and regulations.

#### **JURISDICTION AND VENUE**

4. Jurisdiction of this Court is invoked under 28 U.S.C. §§1331 and 1343. Pendent jurisdiction over Plaintiff's State Law claims exists pursuant to 28 U.S.C. §1367.

5. Prior hereto on August 21, 2017, Plaintiff filed a Complaint of discrimination with the New York State Division of Human Rights (hereinafter "NYSDHR") under Case No.:

10189879-17-E-CDO-E.

6. Plaintiff also cross filed said Complaint with the United States Equal Employment Opportunity Commission (hereinafter "EEOC") under Federal Charge No.: 16GB704185.

7. Following its investigation, on February 28, 2018, the NYSDHR rendered a finding of PROBABLE CAUSE to believe that Defendants have engaged in, or is engaging in the unlawful discriminatory practice which Plaintiff complained of.

8. On September 26, 2019, the EEOC issued to Plaintiff a Right to Sue Letter, a copy of which is attached herewith as Exhibit A.

#### **PARTIES**

9. Plaintiff MAUREEN M. BILLINGS (hereinafter "PLAINTIFF" or "MS. BILLINGS") is a Muslim woman, who has diabetes, and is a citizen of the United States and of the State of New York. At all times relevant is and was employed as a Corrections Officer with the New York State Department of Corrections, at the Bedford Hills Correctional Facility.

10. Defendant STATE OF NEW YORK (hereinafter STATE) is one of fifty states and or commonwealths of these United States, and is legally created and operating as a municipal subdivision of the United States as authorized by Congress and the United States Constitution corporation, with offices throughout its own boarders, including the Counties of Westchester.

11. At all time relevant, NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (herein "DOCCS") was and is an agency of the STATE.

12. At all times relevant, Defendant ROGER A. MURPHY (hereinafter AMURPHY@) was and is employed with Defendant DOCCS as the Deputy Superintendent for Security. Defendant MURPHY was acting in furtherance of the scope of his employment, acting under color of law, to wit under color of statutes, ordinances, regulations, policies, customs and usages of the State of New York, in both in his official capacity as an employee of the DOC, and in his individual capacity.

13. At all times relevant, Defendant PAUL M. ARTUZ (hereinafter "ARTUZ") was and is employed with Defendant DOCCS as a Captain. Defendant ARTUZ was acting in furtherance of the scope of his employment, acting under color of law, to wit under color of statutes, ordinances, regulations, policies, customs and usages of the State of New York, in both in his official capacity as an employee of the DOC, and in his individual capacity.

14. At all times relevant, Defendant DIANE CURRA (hereinafter "CURRA") was and is employed with Defendant DOCCS as a Lieutenant. Defendant CURRA was acting in furtherance of the scope of her employment, acting under color of law, to wit under color of statutes, ordinances, regulations, policies, customs and usages of the State of New York, in both in his official capacity as an employee of the DOC, and in her individual capacity.

#### **FACTUAL ALLEGATIONS**

15. MS. BILLINGS, is a practicing Muslim. In accordance with her religion, MS. BILLINGS is required to wear a hijab (an Islamic head covering) in public. A hijab is a veil worn by some Muslim women in the presence of any male outside of their immediate family which usually covers the head and chest.

16. PLAINTIFF is employed as a Correction Officer with the New York State Department of Corrections, at the Bedford Hills Correctional Facility.

17. On October 14, 2016, PLAINTIFF submitted a letter to the Diversity Management Office regarding "Religious Accommodation." In the letter, PLAINTIFF requested permission to wear her Islamic head covering, because it is a religious requirement to cover her hair.

18. Michael Washington, Director of Diversity Management acknowledged PLAINTIFF's request for a religious accommodation under Directive 3083 and notified PLAINTIFF that her request would be individually assessed.

19. PLAINTIFF's request for an accommodation to wear a hijab at work was approved, subject to certain conditions. There were various conditions for wearing the hijab, including, but not limited to: requiring PLAINTIFF to wear the hijab tucked under her uniform shirt; it must be no larger than 3 feet by 3 feet for safety reasons; the hijab must be worn fashioned so that it would immediately tear away should anyone try and grab it. Prior to the implementation of this accommodation, the hijab was to be inspected by the Deputy Superintendent of Security to confirm that it met the guidelines specified in this approval.

20. The Diversity Management office in Albany stated that "a supervisor should meet with her and advise her that she needs to demonstrate that the hijab meets the requirements laid out in the approval letter. If Ms. Billings indicates that she can't remove the hijab in front of other people, she can be provided with a private area to remove it, or if she refuses, told to leave the facility and come back with it available for inspection."

21. On or about Friday, April 28, 2017, MS. BILLINGS received written notification that she was approved to wear a hijab during work hours.

22. On Monday, May 1, 2017, PLAINTIFF was ordered to report to Defendant MURPHY'S office.

23. Because her religion prohibits her from being alone in a room with a man, PLAINTIFF was accompanied by a female union representative.

24. Defendant MURPHY reprimanded PLAINTIFF for wearing a hijab to work without first consulting with him, and told her to tuck the hijab into her shirt.

25. PLAINTIFF explained that she did not consult with him, or another supervisor, because there were no high ranking supervisors on duty on the weekend. PLAINTIFF also stated that she wore the hijab immediately since she felt it was an urgent matter.

26. On Tuesday, May 2, 2017, Defendant ARTUZ ordered PLAINTIFF to report to his office.

27. PLAINTIFF was accompanied by union representative, Officer Deborah Floyd.

28. Defendant ARTUZ stated that he needed to call Albany for consultation in regards to the hijab. Upon consultation, Defendant ARTUZ stated that the hijab must be three feet by three feet in size.

29. When PLAINTIFF asked Defendant ARTUZ to identify the directive that stated that rule, Defendant ARTUZ said, "You can like it or take it off."

30. PLAINTIFF and Officer Floyd cut down the hijab to the measurement discussed, outside of the presence of Defendant ARTUZ. Upon presenting the cut hijab to Defendant

ARTUZ, he indicated that he had to call Albany again.

31. After calling Albany, Defendant ARTUZ said to PLAINTIFF, "In order for you to wear your hijab into prison, you have three options. Option number one, you can take your hijab off, and go to your post and continue to work. Option number two, you can keep your hijab on and go home. That is your choice and your right. You have to deal with the consequences. Option number three, you have to demonstrate that your hijab could be pulled off quickly without you being choked. After all we would not want an inmate to choke you."

32. PLAINTIFF stated that she did not have a problem complying with the order so long as it was in front of a female supervisor. PLAINTIFF further informed Defendant ARTUZ that her religion prohibited her from disrobing in front of men who were not part of her immediate family.

33. Defendant ARTUZ insisted that PLAINTIFF remove her hijab in front of him, stating that there were no female supervisors that was at the rank of captain available.

34. Despite her reluctance, PLAINTIFF was forced to remove her hijab in front of Defendant ARTUZ in violation of her religion. Upon information and belief, there were at least two female supervisors on duty, including Defendant CURRA and Sergeant D. Skinner, when Defendant ARTUZ ordered PLAINTIFF to remove her hijab. Furthermore, Plaintiff was not provided a private area to remove the hijab, as outlined in the Diversity Management Office=s guidelines.

35. Following this meeting, en route to her post, PLAINTIFF fell twice because her knee had buckled.

36. Sergeant Soto then stated that she was not fit for duty, and sent PLAINTIFF to the medical clinic.

37. Upon her arrival at the medical clinic, PLAINTIFF was instructed to fill out Worker's Compensation papers and was sent home.

38. On her way out of the facility, PLAINTIFF was informed by Officer Valerie Calhoun that all employees were required to write a memorandum if they interacted with PLAINTIFF. Officer Calhoun also stated that she received a call from two supervisors yelling at her for PLAINTIFF leaving the prison.

39. After being sent home, MS. BILLINGS was seen by her doctor, who diagnosed her injury as a stress related injury.

40. Thereafter, PLAINTIFF returned to work, and presented her doctor's note, which indicated the diagnosis and cleared PLAINTIFF's return to duty.

41. When PLAINTIFF presented her doctor's note to Defendant CURRA stated that stress was a mental illness and mental illness is not covered under Worker's Compensation.

42. PLAINTIFF was directed to complete a mental illness forms prior to returning to work, despite never receiving a mental illness diagnosis. These forms were then denied for inserting the wrong date.

43. PLAINTIFF's healthcare provider, Bradley Cohen, D.O. of Neurology Medical Services of Long Island, signed a Worker's Compensation document, dated July 21, 2017. In the letter, Dr. Cohen reported that PLAINTIFF was "neurologically cleared and stable to return to work on August 1, 2017." He further noted that PLAINTIFF was not depressed and has no



emotional issues preventing her from returning to work. The document stated that PLAINTIFF was cleared to work without limitations on May 16, 2017.

44. Despite PLAINTIFF's medical clearance, Defendant CURRA summarily rejected the doctor's notes authorizing PLAINTIFF to return to duty.

45. On or about June 27, 2017, PLAINTIFF received a letter stating that she was being taken off the pay roll as of May 27, 2017 despite not having been issued any disciplinary sanctions.

46. Defendants retaliation against PLAINTIFF continued. Defendants stated that the medical documentation receipts, submitted by Plaintiff, dated May 15, 2017 which covered the period May 12, 2017 through May 15, 2017, and August 17, 2017 which covered the period July 21, 2017 through July 31, 2017 conformed to the Department's standards. However, Defendants' medical documentation receipt, dated July 25, 2017 states that the May 15, 2017 and August 17, 2017 documents do not conform for the period May 12, 2017 through August 11, 2017.

47. On or about August 4, 2017, Defendants informed PLAINTIFF that she had been overpaid \$13,598.04 for the time-period of May 16, 2017 through July 19, 2017.

48. As a result of the treatment to which she was being subjected, on or about August 14, 2017, PLAINTIFF filed a grievance with the New York State Department of Labor outlining the discriminatory and retaliatory treatment she was being subjected to by the Defendants.

49. On or about August 23, 2017 PLAINTIFF filed a grievance with the New York State Correctional Officers & Police Benevolent Association, Inc., outlining the discriminatory and retaliatory treatment she was being subjected to by the Defendants.

50. On or about September 13, 2017, PLAINTIFF submitted a letter to the Director of Diversity Management, Michael Washington. The letter provided notice of the incident of the hijab, and PLAINTIFF not being allowed to return to work.

51. On or about September 22, 2017, PLAINTIFF filed a grievance against the Office of Diversity Management stating that she had previously submitted grievances to the Office of Diversity Management on August 14, 2017 and August 23, 2017, but her grievances were ignored.

52. On or about September 27, 2017, PLAINTIFF submitted a letter to William M. Fitzpatrick of Defendants' Human Resources office. In that letter PLAINTIFF informed Mr. Fitzpatrick that Defendants had scheduled her for a medical examination. However, when she arrived, PLAINTIFF was told that the examination was a psychological evaluation. When PLAINTIFF stated that she wanted the evaluation tape, the doctor refused.

53. After being subjected to months of retaliation, and harassment, on or about December 7, 2017, PLAINTIFF was permitted to return to her position as a Correction Officer without any apology, explanation, compensation or justification for the discriminatory and retaliatory treatment to which she was subjected.

**AS AND FOR A FIRST COUNT**  
**TITLE VII**

54. Plaintiff repeats and reiterates the allegations set forth in ¶¶ 1 through 53 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

55. The above discriminatory, retaliatory and differential treatment and the pattern and practice based on religion and disability by defendants STATE and DOCCS its agents and employees, violates Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e.

56. Here, PLAINTIFF, who is a Muslim Corrections Officer has asserted that Defendants engaged in a pattern of unlawful discrimination related to her request for an accommodation to wear a hijab as part of her uniform. While Defendants purportedly approved her request, it granted its approval subject to certain conditions. In assessing whether she complied with those conditions, Defendants required her to appear before a supervisor to demonstrate that she satisfied those conditions.

57. At the compliance meeting Defendant ARTUZ, a male, provided PLAINTIFF with the following three choices: (1) Remove the hijab; (2) Wear the hijab, go home and suffer the consequences; or (3) Demonstrate that the hijab may be pulled off quickly without risk of choking.

58. PLAINTIFF informed Defendant ARTUZ that her religion forbade her undressing before a man. She offered to demonstrate in front of a female supervisor. Defendant ARTUZ told PLAINTIFF that no female supervisors were on duty, thus requiring PLAINTIFF to remove her hijab before him.. Given those options between economic livelihood and her

religious beliefs, PLAINTIFF removed her hijab as directed.

59. Defendants recognized that the hijab is worn by women of the Islamic faith and is a tenet of the religion and that PLAINTIFF had sought an accommodation to wear a hijab as part of her uniform.

60. Defendants asserted it approved PLAINTIFF's request for the accommodation subject to conditions related to safety and security concerns, and set forth these conditions in writing. According to Defendants, these conditions focused on the detach ability of the hijab.

61. PLAINTIFF complied with the conditions and Defendants ultimately approved her wearing the hijab.

62. Defendants engaged in discrimination related to a PLAINTIFF'S disability and retaliated against her for her response related to her request for the religious accommodation.

63. Shortly after her compliance meeting, she fell and was directed to go home. When she returned, she produced a medical note that diagnosed her absence as stress-related but which stated that PLAINTIFF was permitted to return to work without restrictions.

64. PLAINTIFF asserted that Defendants refused her permission to return to work.

65. Defendants found fault with the medical notes PLAINTIFF provided on multiple occasions seeking to return to work thereafter.

66. Defendants also chose to view her brief absence for stress as a "mental health diagnosis"and an event that required psychological evaluation despite PLAINTIFF's physician's assertion in another medical note that PLAINTIFF was "neurologically cleared"and emotionally stable to return to work. According to PLAINTIFF, Defendants's conduct precluded her return

to work for several months thereafter. The record includes medical notes that corroborated PLAINTIFF's assertion that she was authorized to return to work without restriction as of May 16, 2017 and which also corroborated that her mental stability to return to work. The record shows that Defendants authorized her return to work in December 2017.

67. Given the temporal proximity to the May 12, 2017 event related to her request for a religious accommodation, it is clear that Defendants discriminated against PLAINTIFF on the basis of a perceived disability, and retaliation.

68. As a direct result of said acts, PLAINTIFF has suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer distress, humiliation, great expense, physical damage, embarrassment, and damage to her reputation.

69. As a result of defendants' acts PLAINTIFF suffered and is entitled to damages sustained to date and continuing in excess of TWO MILLION(\$2,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees.

**AS AND FOR A SECOND COUNT**  
**42 U.S.C. § 1983**  
**(FIRST AMENDMENT & FOURTEENTH AMENDMENT)**

70. Plaintiff repeats and reiterates the allegations set forth in ¶¶ 1 through 69 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

71. Defendants MURPHY, ARTUZ and CURRA, acting under color of law, collectively and individually have engaged in actions and abuses which have deprived plaintiff

of liberty rights, property rights, due process, freedom of speech, privileges and immunities secured by the First and Fourteenth Amendments to the United States Constitution and laws in violation of 42 U.S.C. § 1983.

72. Defendants MURPHY, ARTUZ and CURRA were aware that PLAINTIFF was a Muslim female Corrections Officer, and had requested an accommodation to wear a hijab as part of her uniform. While Defendants purportedly approved her request, it granted its approval subject to certain conditions. In assessing whether she complied with those conditions, Defendants required her to appear before a supervisor to demonstrate that she satisfied those conditions.

73. At the compliance meeting Defendant ARTUZ, a male, provided PLAINTIFF with the following three choices: (1) Remove the hijab; (2) Wear the hijab, go home and suffer the consequences; or (3) Demonstrate that the hijab may be pulled off quickly without risk of choking.

74. PLAINTIFF informed Defendant ARTUZ that her religion forbade her undressing before a man. She offered to demonstrate in front of a female supervisor. Defendant ARTUZ told PLAINTIFF that no female supervisors were on duty, thus requiring PLAINTIFF to remove her hijab before him. Given those options between economic livelihood and her religious beliefs, PLAINTIFF removed her hijab as directed.

75. Defendant CURRA was aware of PLAINTIFF's medical condition, yet treated PLAINTIFF in a discriminatory and retaliatory manner.

76. Defendant CURRA rejected PLAINTIFF's healthcare provider's diagnosis of PLAINTIFF's medical condition, denied PLAINTIFF's return to work, and removed PLAINTIFF from DOCCS' payroll.

77. Defendants sought to wrongfully recoup \$13,598.00 from PLAINTIFF on the basis that PLAINTIFF was allegedly overpaid from the period May 16, 2017 through July 19, 2017.

78. As a direct result of said acts, PLAINTIFF has suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer distress, humiliation, great expense, physical damage, embarrassment, and damage to her reputation.

79. As a result of defendants' acts PLAINTIFF suffered and is entitled to damages sustained to date and continuing in excess of TWO MILLION (\$2,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees.

**AS AND FOR A THIRD COUNT**  
**AMERICAN WITH DISABILITIES ACT, 42 U.S.C. § 12112**

80. Plaintiff repeats and reiterates the allegations set forth in ¶¶ 1 through 79 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

81. Defendants STATE, DOCCS, MURPHY, ARTUZ and CURRA, acting under color of law, collectively and individually have engaged in actions and abuses which have deprived plaintiff of liberty rights, property rights, due process, freedom of speech, privileges and immunities secured by the American with Disabilities Act, 42 U.S.C. § 12112.

82. PLAINTIFF is an individual with a disability as defined by AAA (diabetes) - a disability as defined under and protected by the Americans with Disabilities Act.

83. Defendants MURPHY, ARTUZ and CURRA were aware that PLAINTIFF was a diabetic, and suffered from a stress related injury.

84. Defendants engaged in discrimination related to PLAINTIFF's disability and retaliated against her for her response related to her request for the religious accommodation.

85. Shortly after her compliance meeting, she fell and was directed to go home. When she returned, she produced a medical note that diagnosed her absence as stress-related but which stated that PLAINTIFF was permitted to return to work without restrictions.

86. PLAINTIFF asserted that Defendants refused her permission to return to work.

87. Defendants found fault with the medical notes PLAINTIFF provided on multiple occasions seeking to return to work thereafter.

88. Defendants also chose to view her brief absence for stress as a "mental health diagnosis" and an event that required psychological evaluation despite PLAINTIFF's physician's assertion in another medical note that PLAINTIFF was "neurologically cleared" and emotionally stable to return to work. According to PLAINTIFF, Defendants conduct precluded her return to work for several months thereafter. The record includes medical notes that corroborated PLAINTIFF's assertion that she was authorized to return to work without restriction as of May 16, 2017 and which also corroborated that her mental stability to return to work. The record shows that Defendants authorized her return to work in December 2017.

89. Given the temporal proximity to the May 12, 2017 event related to her request for



a religious accommodation, it is clear that Defendants discriminated against PLAINTIFF on the basis of a perceived disability, and retaliation.

90. As a direct result of said acts, PLAINTIFF has suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer distress, humiliation, great expense, physical damage, embarrassment, and damage to her reputation.

91. As a result of defendants' acts PLAINTIFF suffered and is entitled to damages sustained to date and continuing in excess of TWO MILLION (\$2,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees.

**AS AND FOR A FOURTH COUNT:**  
**N.Y. EXECUTIVE LAW §296**

92. Plaintiff repeats and reiterates the allegations set forth in ¶¶ through 91 inclusive, of this Complaint, with the same force and effect as though herein fully set forth.

93. The above discriminatory, retaliatory and differential treatment and the pattern and practice based on religion and disability by defendants STATE and DOCCS its agents and employees, violates Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 2000e.

94. Here, PLAINTIFF, who is a Muslim Corrections Officer has asserted that Defendants engaged in a pattern of unlawful discrimination related to her request for an accommodation to wear a hijab as part of her uniform. While Defendants purportedly approved her request, it granted its approval subject to certain conditions. In assessing whether she complied with those conditions, Defendants required her to appear before a supervisor to

demonstrate that she satisfied those conditions.

95. At the compliance meeting Defendant ARTUZ, a male, provided PLAINTIFF with the following three choices: (1) Remove the hijab; (2) Wear the hijab, go home and suffer the consequences; or (3) Demonstrate that the hijab may be pulled off quickly without risk of choking.

96. PLAINTIFF informed Defendant ARTUZ that her religion forbade her undressing before a man. She offered to demonstrate in front of a female supervisor. Defendant ARTUZ told PLAINTIFF that no female supervisors were on duty, thus requiring PLAINTIFF to remove her hijab before him.. Given those options between economic livelihood and her religious beliefs, PLAINTIFF removed her hijab as directed.

97. Defendants recognized that the hijab is worn by women of the Islamic faith and is a tenet of the religion and that PLAINTIFF had sought an accommodation to wear a hijab as part of her uniform.

98. Defendants asserted it approved PLAINTIFF's request for the accommodation subject to conditions related to safety and security concerns, and set forth these conditions in writing. According to Defendants, these conditions focused on the detach ability of the hijab.

99. PLAINTIFF complied with the conditions and Defendants ultimately approved her wearing the hijab.

100. Defendants engaged in discrimination related to a PLAINTIFF's disability and retaliated against her for her response related to her request for the religious accommodation.

101. Shortly after her compliance meeting, she fell and was directed to go home. When she returned, she produced a medical note that diagnosed her absence as stress-related but which stated that PLAINTIFF was permitted to return to work without restrictions.

102. PLAINTIFF asserted that Defendants refused her permission to return to work.

103. Defendants found fault with the medical notes PLAINTIFF provided on multiple occasions seeking to return to work thereafter.

104. Defendants also chose to view her brief absence for stress as a "mental health diagnosis" and an event that required psychological evaluation despite PLAINTIFF's physician's assertion in another medical note that PLAINTIFF was "neurologically cleared" and emotionally stable to return to work. According to PLAINTIFF, Defendants's conduct precluded her return to work for several months thereafter. The record includes medical notes that corroborated PLAINTIFF's assertion that she was authorized to return to work without restriction as of May 16, 2017 and which also corroborated that her mental stability to return to work. The record shows that Defendants authorized her return to work in December 2017.

105. Given the temporal proximity to the May 12, 2017 event related to her request for a religious accommodation, it is clear that Defendants discriminated against PLAINTIFF on the basis of a perceived disability, and retaliation.

106. As a direct result of said acts, PLAINTIFF has suffered and continues to suffer loss of income, loss of other employment benefits, and has suffered and continues to suffer distress, humiliation, great expense, physical damage, embarrassment, and damage to her reputation.

107. As a result of defendants' acts PLAINTIFF suffered and is entitled to damages sustained to date and continuing in excess of TWO MILLION (\$2,000,000.00) DOLLARS as well as punitive damages, costs and attorney's fees.

**PRAYER FOR RELIEF**

Plaintiff requests judgment as follows:

- a. First Cause of Action: in excess of two million (\$2,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- b. Second Cause of Action: in excess of two million (\$2,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- c. Third Cause of Action: in excess of two million (\$2,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- d. Fourth Cause of Action: in excess of two million (\$2,000,000.00) dollars as well as punitive damages, costs and attorney's fees.
- g. Attorney's fees and costs, pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 2000e-5(k);
- h. A declaratory judgment stating that Defendants wilfully violated Plaintiff's rights secured by federal and state laws as alleged herein;
- I. Injunctive relief: an injunction requiring Defendants to correct all present and past violations of federal and state law as alleged herein; to allow the Plaintiff to continue in the position from which Defendants' illegally terminated her; to enjoin the Defendants from continuing to act in violation of federal and state law as alleged herein; and to order such other injunctive relief as may be appropriate to prevent any future

violations of said federal and state laws; and

j. An Order granting such other legal and equitable relief as the court deems just and proper.

**PLAINTIFF DEMANDS A TRIAL BY JURY**

Dated: Hempstead, New York  
December 25, 2019

LAW OFFICES OF  
FREDERICK K. BREWINGTON

By: /S/ Frederick K. Brewington  
FREDERICK K. BREWINGTON  
*Attorneys for Plaintiff*  
556 Peninsula Boulevard  
Hempstead, New York 11550  
(516) 489-6959

**EXHIBIT A**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

RECEIVED

To: **Maureen M. Billings**  
**1584 Greenway Blvd.**  
**Valley Stream, NY 11580**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor** SEP 26 2019  
**New York, NY 10004**

LAW OFFICES OF  
**FREDERICK K. BREWINGTON**

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

EEOC Charge No.	EEOC Representative	Telephone No.
<b>16G-2017-04185</b>	<b>Holly M. Shabazz, State &amp; Local Program Manager</b>	<b>(212) 336-3643</b>

## 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 as defined by the Americans With Disabilities Act.

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

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)

**Charging party wishes to pursue matters in Federal District Court.**

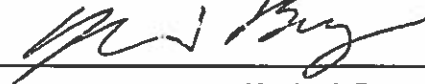
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, 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** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law 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



**Kevin J. Berry,  
District Director**

September 24, 2019

(Date Mailed)

Enclosures(s)

cc:

**NEW YORK STATE  
DEPARTMENT OF CORRECTIONS  
Office of Diversity Management  
1220 Washington Ave.  
Albany, NY 12226**

**Cathryn Harris-Marchese, Esq.  
The Law Offices of Frederick K. Brewington  
556 Peninsula Boulevard  
Hempstead, NY 11550**

**David J. Harvey, Esq.**