

09:48:58 1

JOSEPH BOSARGE,

2 sworn by the Administrative Judge, testified as
3 follows:

4 DIRECT EXAMINATION BY MR. TONKIN:

09:48:59 5

Q. How old are you, Mr. Bosarge?

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A. I'm 36 years old.

7

Q. And you're a white male. Is that correct?

8

A. No, I'm a Hispanic male.

9

Q. Hispanic male?

09:49:09 10

A. Yes.

11

Q. Okay. Will you briefly give us your work
12 background with United States Customs Service?

13

A. Yes, sir. I started working for Customs
14 approximately -- I have a little cold, Your Honor, I'm
15 sorry -- 1990, '91 in Laredo, Texas, with the office of
16 investigations. I was a special agent there for, I
17 think, three or four years, and I got promoted to
18 senior special agent.

09:49:51 20

19 I was there for a couple of more years
20 then I got transferred in 1996 or '97 to the office of
21 Internal Affairs in San Francisco. I was there for
22 approximately three years. And then I was promoted to
23 a group supervisor in Corpus Christi, Texas. But I
24 actually got -- wound up in El Paso, Texas, I think in
25 2000, June of 2000.

09:50:10 25

EXHIBIT
13

9:50:12 1 I was there in June of 2000 until, I
2 believe, 2002, September of 2002. Somewhere -- my
3 dates are a little bit fuzzy, but as a group
4 supervisor, until I was retired under office of
09:50:33 5 personnel management, and also retired under workers'
6 compensation for work-related injuries.

7 Q. So you're presently retired from the U.S.
8 Customs Service?

9 A. Yes, sir.

09:50:43 10 Q. Disability retirement?

11 A. Yes, sir.

12 Q. As well as office of workers' compensation
13 programs?

14 A. Yes, sir.

09:50:49 15 Q. Now, when you came to El Paso, what position
16 did you hold?

17 A. I was a group supervisor over the -- when I
18 first started I was over the asset forfeiture group.

19 Q. Would you say that you were in the inner
09:51:05 20 circle of management here in El Paso at that time?

21 A. Yes, when I first initially started I was in
22 the inner circle. I was given a lot of responsibility.
23 I was given two groups that were combined into one,
24 with the financial investigations and asset forfeiture,
09:51:22 25 which hadn't been done at that time. And we were

9:51:24 1 making quite a few seizures, residences, and making a
2 lot of cases for John Kelly, the SAC, and Patricia
3 Kramer, the assistant SAC.

4 Q. Do you know an Anita Trujillo?

09:51:37 5 A. Yes, I do.

6 Q. Okay. Did she eventually come to work for
7 your group?

8 A. Yes, she did.

9 Q. Did there come a time when there were any
09:51:45 10 problems between Ms. Trujillo and a Curtis Compton?

11 A. There were problems from the beginning. I had
12 heard a lot from Patti Kramer that Anita was trouble.
13 A lot of problems with her, and that her and Curtis had
14 some issues going back to this case that they were
09:52:02 15 working on. So I had a little bit of background
16 knowledge of that, that management was unhappy.

17 Q. Did there come a time when Anita Trujillo
18 filed an EEO complaint?

19 A. Yes, she did. She filed one on Mr. Compton.

09:52:22 20 Q. Did there come a time when management asked
21 you to do certain things or not to do certain things
22 with regard to Ms. Trujillo?

23 A. Yes, they did.

24 Q. Explain to the judge what that was.

09:52:40 25 A. Well, I was asked to -- when I started

09:52:46 1 supervising Ms. Trujillo, I was asked -- she was only
2 in my group for maybe 30 days or somewhere around that,
3 and I was asked to write a memo denying her promotion,
4 or signing a letter to deny her promotion to a grade
09:53:01 5 13. And I refused to do so because she had not been in
6 my group long enough for me to make that decision.

7 Mr. Gomez, who was the acting ASAC at the time --

8 Q. Is that Frank Gomez?

9 A. Yes, Frank Gomez, asked me to do that at the
09:53:16 10 request of Patricia Kramer, who also had told him that
11 she wanted him to do that. She needed to be denied
12 promotion, and I was to do it.

13 Q. Okay. Now, was this around the time that she
14 filed her EEO complaint?

09:53:30 15 A. I believe so, it was. Not on me at the time.

16 Q. I understand.

17 ADMINISTRATIVE JUDGE: This was -- I'm
18 sorry, was this before or after she filed the
19 complaint? Was that the question?

09:53:39 20 MR. TONKIN: Yes, Your Honor.

21 Q. You're aware she filed a complaint against
22 Nemo Britton and Curtis Compton. Is that correct?

23 A. Yes.

24 Q. She subsequently filed a complaint against
09:53:48 25 you?

09:53:48 1

A. Yes.

2

Q. Okay. But when she filed the complaint about Mr. Compton and Mr. Britton, is that when you were asked to sign this form?

3

4

A. I believe it was around that time. I'm not 100 percent sure. I'd have to look through my notes. And I have notes of all this, I just don't have it with me right now.

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ADMINISTRATIVE JUDGE: Let's back up a little. I'm confused.

09:54:10 10

11

THE WITNESS: Okay.

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ADMINISTRATIVE JUDGE: When you were asked to write a letter denying her promotion to GS-13, had she already filed an EEO complaint?

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09:54:18 15

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THE WITNESS: I believe she had, Your Honor, but not on me.

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ADMINISTRATIVE JUDGE: Who had she filed it against.

18

19

THE WITNESS: Curtis Compton and Nemo Britton. Oh, I know she did file on it, because that's the reason -- I think I'm pretty sure that's the reason they moved her out of Nemo Britton's group and into mine.

20

21

ADMINISTRATIVE JUDGE: Well, okay. Go ahead.

22

23

09:54:39 25

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9:54:40 1 THE WITNESS: I'm fairly sure that she
2 had filed one when I had denied her promotion.

3 Q. (BY MR. TONKIN) Did there come a time --

4 MR. TONKIN: May I proceed, Your Honor?

09:54:48 5 ADMINISTRATIVE JUDGE: Yes.

6 Q. Okay. Did there come a time that Ms. Kramer
7 took some action against Anita Trujillo regarding her
8 EEO complaint?

9 A. Well, yes, there did.

09:55:01 10 Q. Can you explain that to the judge?

11 A. Well, what happened after -- after I refused
12 to, like, not -- to write a memo saying that I didn't
13 think she should be promoted, because I hadn't
14 supervised her long enough I wrote a memo to Ms. Kramer
09:55:16 15 and to Ms. Trujillo basically just listing what she had
16 done since she'd been in my group. I didn't want to
17 make any decision at all.

18 And that was taken in consideration. And
19 I didn't hear anything back on that. And I just had
09:55:28 20 been -- I mean, Ms. Kramer would call me and tell me,
21 you know, "Really keep a tight eye on Anita," that,
22 "She's got problems." And it subsequently turned into
23 she was saying that Anita had a lot of problems with
24 the U.S. Attorney's Office, that she lied on
09:55:42 25 affidavits, and that I was to not let her really do

9:55:46 1 investigations a lot of times.

2 Q. Did you become aware of that complaint with
3 the U.S. Attorney's Office and the ultimate finding
4 with regard to the complaint registered by Ms. Kramer
09:56:00 5 against Ms. Trujillo?

6 A. Yes, I did. I believe so. Can you repeat
7 that again?

8 Q. I'm saying to you, what was the end result
9 after Ms. Kramer made her complaint about Anita lying?

09:56:17 10 A. She was -- Ms. Kramer eventually told me that
11 she was not -- that she was exonerated of that charge,
12 I believe.

13 But prior to that Mr. Gomez had called me
14 to the office, to the SAC office, with Ms. Trujillo,
09:56:32 15 and I was present in the meeting with Ms. Kramer where
16 it was -- the first time I kind of had noticed that
17 obviously they were very upset with Anita, and because
18 Ms. Kramer said to Anita -- and I wrote notes, too, of
19 this -- that basically, "If the investigation by
09:56:48 20 Internal Affairs doesn't find anything, I'm still going
21 to take action against you, because I know that you did
22 something wrong."

23 And it was common knowledge amongst the
24 supervisors, because after Anita filed on Curtis and
09:57:04 25 Nemo, when she came to my group, she had some

09:57:07 1 deficiencies, which I documented in memos to her and
2 management. And right after I documented those
3 deficiencies, Ms. Trujillo filed an EEO on me.

4 Q. Okay. Did Ms. Trujillo, when she was in your
09:57:20 5 group, ultimately meet the expectations that you had of
6 her?

7 A. Yes, ultimately, several months -- I believe
8 five months after the first time when I asked her to --
9 me to sign the denial letter, I got another request,
09:57:33 10 you know, every six months they come up for
11 evaluations, to deny again. And I refused to sign the
12 denial letter because I thought she was functioning as
13 well as other agents in the office at this time that
14 were getting promoted to a 13. So I refused to sign
09:57:49 15 it, the paper that Special Agent Gonzalez gave me with
16 a Post-it saying, Sign here.

17 Q. Were you instructed to sign that letter?

18 A. Yes.

19 Q. Who instructed you to sign that letter?

09:57:59 20 A. Pete Gonzalez, and then Patti Kramer.

21 Q. Did you, in fact, sign that letter?

22 A. No, I never did.

23 Q. Were you at any meeting with Ms. Kramer and
24 Mr. Pete Gonzalez regarding Anita Trujillo?

09:58:18 25 A. Absolutely. After I -- after I had refused to

09:58:22 1 sign the letter, I had telephonically, in front of
2 another supervisor, called the special agent in charge
3 John Kelly and informed him that I believed that
4 Ms. Kramer was basically discriminating against Anita
09:58:34 5 Trujillo and was taking adverse action against her.
6 And Mr. Kelly told me that no, it wasn't happening, and
7 that I didn't know what was going on. And he assured
8 me he wouldn't tell Ms. Kramer, who was on leave.

9 Ms. Kramer returned on leave several days
09:58:48 10 later, called me into her office with Mr. Gonzalez, and
11 scathed me for three hours, telling me that, you know,
12 I was going to sign the letter and that I was in
13 trouble at work, and I was going to get a letter of
14 reprimand. And for the first time in my career I was
09:59:01 15 placed in peril. She was telling me that my job was in
16 peril, so...

17 Q. Were you put on leave at all?

18 A. After this meeting, I left, and I still
19 refused to sign the letter. And a week later she
09:59:15 20 called me back in and was getting ready to write me up.
21 She showed me a letter of reprimand. And I went on
22 sick leave after that and I never returned back to
23 work.

24 Q. Now, Ms. Trujillo actually filed an EEO on
09:59:28 25 you, did she not?

9:59:29 1

A. Yes, sir.

2

Q. And what was the basis for that EEO that she filed on you?

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09:59:41 5

A. That I was involved in discriminating against her in a conspiracy, collusion with Curtis Compton and Nemo Britton.

6

7

Q. That wasn't the cases, was it?

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A. No, it wasn't the case at all. I rarely had contact with either one of them.

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09:59:51 10

Q. Is she aware of the fact that you are no longer part of this conspiracy to get her?

11

12

A. I'm not -- you know, I'm not sure. I haven't spoken with Anita.

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10:00:07 15

Q. Would Ms. Kramer ever say anything in this berating of you for three hours regarding your career and your abilities and your character?

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A. Absolutely. She had called me immature, not a team player, that this was going to directly affect my career. She was watching me. I felt very threatened and demeaned, based on this meeting and previous recent

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10:00:27 20

interactions from Ms. Kramer, with e-mails and other types of things. It was very clear to me that the more

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that I was defending Anita the more I was being put

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in -- getting in trouble at work. It was very clear to me, that.

10:00:43 25

0:00:44 1 Q. Were you ever present when Ms. Kramer would
2 make comments regarding Dominick Passanesi?

3 A. Yes, I was.

4 Q. Would you tell the judge what those comments
10:00:54 5 were?

6 A. I don't specifically know the -- and I'd have
7 to look in my notes, but essentially, Mr. Passanesi was
8 going on sick leave a lot, and she would make comments
9 that, "He's crazy," and that, you know, "He's just Dom.
10:01:08 10 He doesn't do things -- he does them his way," and
11 really made some -- I'd have to really look in my
12 notes, Your Honor, to specifically say. But she did
13 make remarks about him going on sick leave. And she
14 made remarks in other conversations, Jim Kadlec going
10:01:21 15 on sick leave. And she frequently would talk about a
16 lot of people, actually, when I was, you know, in her
17 inner circle, so to speak.

18 Q. Now, you have filed an EEO complaint, have you
19 not?

10:01:32 20 A. Yes, I have.

21 Q. Okay. And you're represented by a Peter Noon?

22 A. Yes.

23 Q. Okay. And that case is now pending before the
24 EEOC. Is that correct?

10:01:42 25 A. It's Agency decision on that.

0:01:43 1

Q. An Agency decision on that. Okay.

2

A. Yes.

3

Q. Now, you went out on office of worker

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compensation programs, or the federal workers'

10:01:55 5

compensation program?

6

A. Yes, sir.

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Q. Did the Customs Service or Department of

8

Homeland Security do anything to obstruct your

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disability retirement or workers' compensation claim?

10:02:15 10

MR. RYAN: I'm going to object to that,

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Your Honor. It's not as relevant, first of all. And

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then it's not specific to any management officials that

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are in question here today.

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ADMINISTRATIVE JUDGE: I'm going to

10:02:24 15

overrule it.

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Q. Did they do anything to obstruct your

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disability claim and the disability retirement claim?

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A. Absolutely. Mr. Gonzalez and Ms. Kramer --

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and at the time both didn't send my paperwork in.

10:02:39 20

Ms. Kramer was reading stuff of my private sick leave,

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stuff that she wasn't entitled to. She was pressuring

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the administrative staff into finding that I wasn't

23

entitled to the benefits that I was.

24

She put me on leave without pay when I

10:02:54 25

had sick leave available, refusing to accept my

0:02:57 1 doctor's notes, which was the only -- I mean, I was the
2 only person ever put on leave without pay that had sick
3 leave available. She completely went after me. It
4 took a year and a half to get the benefits. She wrote
10:03:06 5 letters that were with incorrect information on it to
6 workers' comp, which I have all of them, also. It
7 really put me in a very bad situation with that.

8 Q. Eventually, you did get an award from the
9 office of personnel management with regard to your
10:03:25 10 disability retirement. Is that correct?

11 A. Yes, I did. Despite Ms. Kramer writing that I
12 wasn't entitled to it, I was entitled to it, and I was
13 granted full benefits.

14 Q. And you did get an award from the office of
10:03:35 15 workers' compensation program. Is that correct?

16 A. Yes, I did.

17 Q. Now, prior to the episode with Ms. Trujillo,
18 what was your relationship with Ms. Kramer,
19 Mr. Gonzalez, Mr. Gomez?

10:03:46 20 A. Well, with Mr. Gomez it started out that, you
21 know, when I first came there he was happy. I didn't
22 even really mind working for him. I was making a lot
23 of cases, and he and Ms. Kramer were very nice to me.
24 I noticed when I -- the first time that I refused to
10:04:02 25 sign for Anita, and then I had some other issues with

0:04:05 1 Mr. Gomez on -- he wanted me to perform some
2 self-incrimination specs on the informant file myself,
3 and I told him I couldn't do that since I was the
4 keeper of the informant file. He didn't like that,
10:04:16 5 because he was going to have to do it himself.

6 It started to sour around there, and then
7 with Anita, with me, you know, eventually backing
8 Anita, you know, seeing that she was being
9 discriminated against. I mean, it was quite clear that
10:04:29 10 she had it in for her and they were protecting Curtis
11 Compton. And I just saw that, and the relationship had
12 spoiled. I had gotten a cash award from Ms. Kramer a
13 few months before the whole thing, and the minute I
14 started standing up for Anita, they went after me.

10:04:50 15 MR. TONKIN: May I have a second, Your
16 Honor?

17 ADMINISTRATIVE JUDGE: Yes. Can you tell
18 me what the nature of the disagreement or dispute
19 between Trujillo and Compton was, to your knowledge?

10:05:00 20 THE WITNESS: Me, Your Honor? Is this
21 for me, Your Honor?

22 ADMINISTRATIVE JUDGE: Yes.

23 THE WITNESS: There was -- what I had
24 been told by Ms. Kramer was that, essentially, Anita
10:05:11 25 had lied in an affidavit for a Title III, was one of

0:05:15 1

the issues. And I guess her and Mr. Compton worked on that together a lot.

3

And the other issue I had is that when I was in charge of the informant file I had done -- when

10:05:26 5

I first moved here I did a very thorough inspection, because it hadn't been done on these files, and I found numerous discrepancies in payments and a lot of stuff that wasn't documented. One of the issues that I found

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was an informant file that hadn't been witnessed by a

10:05:39 10

supervisor that needed to for the amount. And I

11

brought this to the attention of management, and it was

12

another dispute over Curtis's word against her word on

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the informant file. So I know it was that.

14

And then I believe there were other --

10:05:54 15

you know, the scuttlebutt in the office was that they

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didn't like each other because Curtis was having

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affairs with women in the office and Anita was friends

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with them. I mean, I don't know. That's all just

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hearsay on my part.

10:06:05 20

ADMINISTRATIVE JUDGE: Okay.

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THE WITNESS: But the other ones I do

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know of, that I was involved with the informant file

23

and the Title III, because what they were making me do

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when she worked for me is, she was apparently, like, 50

10:06:17 25

ROIs behind, writing reports of investigations for the

0:06:21 1 case, and she was ordered when she was in my group to
2 do nothing but write those reports. And she was
3 complaining to me that she couldn't write those reports
4 because they were really supposed to be written by
10:06:30 5 Curtis Compton.

6 So I was constantly in this interplay
7 with management and Anita. And when I started backing
8 her because -- I mean, I couldn't make my employee
9 write something she said she wasn't supposed to write.
10:06:41 10 So it was really a mess, and I was right in the middle
11 of it.

12 ADMINISTRATIVE JUDGE: Thank you.

13 THE WITNESS: Yes, Your Honor.

14 MR. TONKIN: I have nothing further, Your
10:06:49 15 Honor.

16 ADMINISTRATIVE JUDGE: Cross?

17 CROSS-EXAMINATION BY MR. RYAN:

18 Q. Mr. Bosarge, it sounds like Ms. Trujillo had a
19 number of disagreements, or problems, with management
10:07:00 20 officials while she was here. Is that fair to say?

21 A. I think that's fair to say.

22 Q. So she had filed an EEO complaint against you.
23 Is that correct?

24 A. Yes, sir.

10:07:12 25 Q. Under what basis?

0:07:14 1 A. That I was discriminating against her from
2 getting promoted, and I was just making
3 discriminatory -- that I was treating her unfairly,
4 like the other two supervisors she had had.

10:07:26 5 Q. So do you feel that she was incorrect in that?

6 A. I think she was incorrect completely in myself
7 doing that. I had given her that letter, and it
8 preempted -- it was just a letter of warning, which I'd
9 given the other employees. And once I gave her that
10:07:42 10 letter is when she filed on me.

11 Q. And what did the letter say?

12 A. It just -- I noted that when she came to my
13 group she was a hard worker, but had not been prepared
14 in the basic agent skills. That her past supervisors
10:07:58 15 hadn't, you know, really held her responsible for
16 report writing. And she's intelligent, she just didn't
17 know how to do it. So I wrote out a list of her faults
18 with reports of investigations, general reporting
19 requirements, and I put it right there, out, so she
10:08:13 20 knew the expectations, which I don't think anybody had
21 given her before.

22 Q. And that letter was a basis for the denial of
23 her GS-13 during that six-month period?

24 A. No, no, no, no.

10:08:26 25 Q. Okay. Did it work into her denial at some

0:08:28 1

point?

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A. No. I don't know that, because, like I said, I gave her that letter after she was in my group about one or two weeks.

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10:08:35 5

Q. Okay.

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A. I was under the impression that it was a whole reporting period of six months that she had to be evaluated. I just didn't feel that I should be the one making that decision, coming right into my group.

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10:08:45 10

Q. So was the information that you wrote in your memorandum to her about her deficiencies accurate?

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A. Yes.

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Q. Okay.

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10:08:53 15

A. It was accurate at that time. It wasn't accurate, you know, following some improvement with her.

16

17

Q. Okay. But at the time it was accurate?

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A. At the time it was accurate, yes.

19

10:09:04 20

Q. And as a result of you giving her an honest evaluation of her --

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A. It wasn't an evaluation, though. It wasn't an evaluation.

22

23

Q. It was -- how do you want to term it? A memorandum of her deficiencies?

24

10:09:12 25

A. Kind of just a letter to let her know her

0:09:15 1

expectations -- the expectations I had.

2

Q. So, as a result of you giving her your honest expectations and her, perhaps, deficiencies, she filed an EEO complaint against you?

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10:09:29 5

A. Yes.

6

Q. Okay. Isn't it --

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ADMINISTRATIVE JUDGE: And what was the basis for her complaint? I mean, did she base it on alleged hostile work environment, discrimination, age? Do you know?

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10:09:40 10

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THE WITNESS: I think it was hostile work environment, Hispanic, that I was like -- that I was treating her unfairly.

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ADMINISTRATIVE JUDGE: Okay.

10:09:51 15

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THE WITNESS: But a lot of the stuff that she was doing, Your Honor, was directed to me by management, you know. Taking her car away and doing other stuff. That was all directed by management. I didn't make those decisions.

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10:10:00 20

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ADMINISTRATIVE JUDGE: Did you implement them?

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THE WITNESS: Oh, I had to take her car away. I was ordered by Ms. Kramer. She was driving a convertible car, I guess, or a Camaro car that she liked, and Ms. Kramer didn't want that. And she wanted

0:10:11 1 her in the worst car. I mean, you know, that's about
2 the exact same time when the meeting I had to witness
3 with Gomez was, and I really knew that they were really
4 out after her, and I was -- kind of like I was their
10:10:24 5 implement to do that.

6 ADMINISTRATIVE JUDGE: Okay.

7 Q. (BY MR. RYAN) You weren't always privy to
8 discussions between Ms. Kramer and/or Gomez regarding
9 Ms. Trujillo's work problems?

10:10:35 10 A. No, not always, no.

11 Q. So, regarding Ms. Trujillo's complaint against
12 you that you had discriminated against her, she was
13 inaccurate, correct?

14 A. Yes.

10:10:49 15 Q. Okay. And you would doubt her ability to
16 effectively evaluate facts based upon that. Isn't that
17 true?

18 A. No.

19 Q. So she was incorrect, she falsely accused you
10:11:02 20 of discriminating against her, but yet she can
21 effectively evaluate facts?

22 A. You know, if you're asking for my opinion, you
23 know, it sounds like it is, and --

24 Q. What I'm asking you is whether you think that,
10:11:17 25 based upon her inaccurate and incorrect complaint

0:11:21 1 against you, whether she suffers from an ability to
2 evaluate facts correctly.

3 A. No. I thought she was suffering from
4 discrimination from three other, four other
10:11:29 5 supervisors. And at that point she wasn't in any
6 position to make a rational decision because she was
7 being attacked on all fronts.

8 Q. So she's just randomly throwing out EEO
9 complaints against management, correct?

10:11:42 10 A. I think she thought that. And another thing
11 that added to it, I think, after I gave her the letter,
12 Curtis Compton -- I was at the SAC office, Curtis
13 Compton pulled me aside, and I generally didn't
14 associate with him very often. We ducked into a small
10:11:56 15 file room to discuss this thing about the informant
16 file. And when we walked out she saw us together, and
17 I think her just associating me with him and
18 management, she just assumed, because Curtis had done
19 it, Nemo Britton had done it, that I would go ahead and
10:12:10 20 also implement. And on the surface, she comes over to
21 my group, and I did give her a letter rather quick.

22 Q. Doesn't that, in fact, confirm my question to
23 you that she incorrectly evaluated the situation
24 because she saw you with someone whom she believed to
10:12:23 25 be the management inside group, therefore you're part

0:12:25 1 of it?

2 A. I think she was under duress, to be honest
3 with you, and fighting for her life and her job, so...

4 Q. So, in doing that, she falsely claimed that
10:12:39 5 you were discriminated against her. Isn't that
6 correct?

7 A. You know what? I do what's right, and, I
8 mean, just because I personally -- about Anita, I mean,
9 I do what was right, and it was right to give her a
10:12:49 10 letter at the time.

11 Q. I'm not questioning or doubting whether you
12 were right or not about the letter. I'm asking you,
13 and you've confirmed --

14 A. Absolutely.

10:12:58 15 Q. You said the complaint was inaccurate; it
16 wasn't true?

17 A. Her complaint against me was not true,
18 absolutely.

19 Q. Okay. Now, you testified that Ms. Kramer
10:13:08 20 was -- made remarks about Mr. Passanesi's use of sick
21 leave, correct?

22 A. He was on sick leave, yes, a lot.

23 Q. Okay. Just yes or no.

24 A. Yes.

10:13:21 25 Q. Okay. So isn't it true that she had a problem

0:13:23 1

with his frequent use of sick leave?

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A. She did make mention that she thought he was abusing sick leave, also, to me, now that you mention that.

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10:13:32 5

Q. And isn't it true that Mr. Passanesi would go on annual leave, and then, at the last moment, at the end of his annual leave, would call in saying he's sick and he's not going to be coming in?

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7

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9

A. That, I'm not aware of.

10:13:45 10

Q. Okay. All right.

11

ADMINISTRATIVE JUDGE: When she talked about different people abusing sick leave and so forth, can you tell me who some of these individuals were?

12

13

14

10:14:01 15

THE WITNESS: Well, ma'am, it was Jim Kadlec, because one time he had -- she had attacked him pretty hard in a meeting, and he basically didn't want to come back to work. He wrote a cc mail, like, through the computer that said, I'm all stressed out. I'm going to go on stress leave, and all that. And she made comments about that.

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10:14:18 20

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ADMINISTRATIVE JUDGE: What was his last name? Jim what?

22

23

THE WITNESS: Kadlec.

24

10:14:25 25

ADMINISTRATIVE JUDGE: How do you spell that?

10:14:27 1

THE WITNESS: K-A-D-L-E-C. She would say all the time, "Dom's crazy. He's not with it."

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ADMINISTRATIVE JUDGE: You said Dom, or Jim Kadlec?

4

10:14:42 5

THE WITNESS: She didn't like Jim Kadlec, and she didn't like Dominick Passanesi.

6

7

ADMINISTRATIVE JUDGE: And Mr. Kadlec, he's a male?

8

9

THE WITNESS: Yes, Your Honor.

10:14:50 10

ADMINISTRATIVE JUDGE: Do you know approximately what his age was at the time, or what his age would be today?

11

12

13

THE WITNESS: 51.

14

ADMINISTRATIVE JUDGE: Do you know what race he is?

10:14:58 15

16

THE WITNESS: He's a white male.

17

ADMINISTRATIVE JUDGE: You mentioned that she spoke about others. Who else?

18

19

THE WITNESS: Oh, I mean, it was whoever was upsetting her at that time. Roberto Medina, the associate SAC. I mean, she always made disparaging comments about him, how he's a big fat-ass.

10:15:09 20

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23

ADMINISTRATIVE JUDGE: What was his name?

24

THE WITNESS: Roberto Medina.

10:15:30 25

ADMINISTRATIVE JUDGE: Curto?

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10:16:03 15
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10:16:20 25

THE WITNESS: Roberto, Roberto, Your Honor.

ADMINISTRATIVE JUDGE: Oh, Roberto.

THE WITNESS: Like Robert.

ADMINISTRATIVE JUDGE: Robert. Do you know how old he would be, approximately, today?

THE WITNESS: 40-something, Your Honor, 48.

MR. RYAN: Your Honor, I need to interject at this point that the Complainant is feeding the witness the information.

ADMINISTRATIVE JUDGE: I want his own opinion. Any idea how old Mr. Medina would be today?

THE WITNESS: Like 40 -- I think like 45. I stand by what I said.

ADMINISTRATIVE JUDGE: How old would he be about the same, when she was doing these things to him?

THE WITNESS: 42, maybe 43. It was about two years ago.

ADMINISTRATIVE JUDGE: And he's a male?

THE WITNESS: He's a male.

ADMINISTRATIVE JUDGE: What race would he be?

THE WITNESS: He's Hispanic. She hated

10:16:23 1 him.

2 ADMINISTRATIVE JUDGE: Anybody else she
3 was making these disparaging remarks about?

4 THE WITNESS: Renae Andrews a lot,
10:16:29 5 because I was involved, unfortunately, with Ms. Kramer
6 in a lot of altercations with Renae Andrews about when
7 Ms. Kramer was protecting Pledger, who was another
8 associate SAC.

9 ADMINISTRATIVE JUDGE: Is Renae a male or
10:16:42 10 female?

11 MR. TONKIN: Your Honor, Renae Andrews is
12 Renae Baros, the witness who testified previously.

13 ADMINISTRATIVE JUDGE: All right.

14 THE WITNESS: Ms. Kramer didn't like her,
10:16:52 15 either.

16 ADMINISTRATIVE JUDGE: Now, do you know
17 if any of these people had engaged in EEO activity at
18 that time?

19 THE WITNESS: I think that. And then
10:16:59 20 Cindy Fernandez. She didn't like Cindy Fernandez,
21 either. Yes, both of them had, because it was
22 commonplace that they were -- you know, everyone was
23 filing on Ms. Kramer at this time. I mean...

24 ADMINISTRATIVE JUDGE: But do you know,
10:17:10 25 at the time she was making these remarks, whether EEO

0:17:13 1 complaints had been filed?

2 THE WITNESS: No, I don't, Your Honor.

3 ADMINISTRATIVE JUDGE: You don't?

4 THE WITNESS: No, I don't.

10:17:17 5 ADMINISTRATIVE JUDGE: All right.

6 Continue.

7 THE WITNESS: Oh, and Mike Wilzewski,
8 also. She would make really bad comments about, Mike
9 Wilzewski. She removed him from being our associate
10:17:32 10 special agent in charge right as I came in. And she
11 didn't like him at all. And I have notes of a lot of
12 conversations that I had with Ms. Kramer about who she
13 would talk about and the dates and stuff. I have them
14 filed in a box, boxes.

10:17:45 15 ADMINISTRATIVE JUDGE: And Mike is male?

16 THE WITNESS: Yes, ma'am.

17 ADMINISTRATIVE JUDGE: Approximately how
18 old was he at that time?

19 THE WITNESS: 48.

10:17:50 20 ADMINISTRATIVE JUDGE: About 48?

21 THE WITNESS: Actually, he was maybe 50
22 at that time, Your Honor.

23 ADMINISTRATIVE JUDGE: All right. And do
24 you know what race he was?

10:17:58 25 THE WITNESS: White male, Your Honor.

0:18:01 1 ADMINISTRATIVE JUDGE: Do you know if he
2 had engaged in EEO activity at that time?

3 THE WITNESS: No, I don't think he had,
4 Your Honor.

10:18:09 5 ADMINISTRATIVE JUDGE: Okay. Continue.

6 Q. (BY MR. RYAN) Your knowledge of
7 Ms. Fernandez's difficulties at work --

8 ADMINISTRATIVE JUDGE: Mr. Ryan?

9 MR. RYAN: Yes, I'm here, I'm asking the
10 question.

11 ADMINISTRATIVE JUDGE: Okay.

12 MR. RYAN: Can you hear me, Your Honor?

13 ADMINISTRATIVE JUDGE: I'm sorry?

14 MR. RYAN: Can you hear me?

10:18:25 15 ADMINISTRATIVE JUDGE: Yes, I can.

16 Q. (BY MR. RYAN) Okay. Mr. Bosarge, your
17 knowledge of Ms. Fernandez's difficulties at work began
18 when? When you first came?

19 A. You know, I'm not completely sure when she
10:18:37 20 came to me and talked about it.

21 Q. So -- but the issues that --

22 A. I'm very unsure about that. I would have to
23 look at my notes before I comment on Ms. Fernandez,
24 actually, Your Honor.

10:18:50 25 Q. Some of the issues that you testified that she

10:18:51 1 was -- that management had a problem with her were once
2 she allegedly lied on a -- what did you call it?

3 A. Ms. Trujillo, you mean?

4 Q. I'm sorry, I'm sorry, I stand corrected.

10:19:03 5 We're talking about Ms. Trujillo. I'm sorry. Let me
6 ask that first question over again.

7 What was your knowledge -- when did you
8 first learn of Ms. Trujillo's difficulties at work?
9 Was that when you first started here?

10:19:15 10 A. Absolutely. When I first came in, and looking
11 through the informant files, I think when I was doing
12 the inspection when I found out about that. And she
13 was working on this case with Curtis Compton, and I
14 think they gave her some time off for it, I believe.

10:19:28 15 Q. Okay. Well, let's talk about the issues that
16 you are aware of that she was having difficulties with.
17 I believe you mentioned that management had, or at
18 least thought, that she had lied on a -- I guess a
19 document. It was a numbered document, A3, or what did
10:19:44 20 you call it?

21 A. I think it was for a Title III affidavit.

22 Q. What is that?

23 A. It's for a wiretap. It's probable cause,
24 writing up the probable cause for -- to get a wire.

10:19:55 25 Q. Okay. So you believe that management -- or

10:19:57 1 management had told you that she had provided false
2 information for that?

3 ADMINISTRATIVE JUDGE: Hold on. I heard,
4 That was a wiretap affidavit, from the witness, and
10:20:07 5 that's all I heard.

6 MR. RYAN: I asked him whether or not --
7 what it was that management had a problem with
8 regarding that, and so that was my question.

9 Q. What was the problem that management
10:20:22 10 articulated to you?

11 A. Well, the problem that they articulated to
12 me -- see, when it was just that she was -- starting
13 off in the infancy, Your Honor, Ms. Trujillo was --
14 had -- like I said, his Kramer would talk about, "Oh,
10:20:36 15 she's out of control. She's doesn't -- she's having
16 problems." I didn't know specifically what the
17 problems were at the time, with the exception of the
18 informant paperwork that I had done.

19 And I had heard -- I had several agents
10:20:49 20 in my office who liked Ms. Trujillo and said, "She's a
21 very hard worker." And then they had taken her off of
22 basically doing any cases, and she was kind of in this
23 limbo land. They put her out working in ICAT for
24 Mr. Medina and some other people. And I had kind of a
10:21:06 25 history of taking in employees who were not really

10:21:09 1 doing up to speed and making them very successful.

2 MR. RYAN: Your Honor, can I ask some
3 questions here? It's not really responsive to my
4 questions.

10:21:15 5 ADMINISTRATIVE JUDGE: Yeah, you have to
6 respond. Client's attorney can always ask questions
7 when we go back to redirect.

8 Q. So there was a problem with this Title III
9 affidavit, correct?

10:21:26 10 A. Right, that's what they told me.

11 Q. Okay. And also, I believe you testified that
12 she was something like 50-some-odd reports behind in
13 writing these up?

14 A. Some several reports, yeah. 30, 50. It was a
15 large amount.

16 Q. Okay. And she was being, for lack of a better
17 word, bugged by management to get those done?

18 A. They were a year overdue, somewhere around
19 there.

10:21:54 20 Q. Okay. And then she felt stressed out as a
21 result of this? Do you know?

22 A. She felt that it wasn't her place, and she
23 didn't know a lot of the information, that Curtis
24 Compton should have been doing a lot of this.

10:22:05 25 Q. Okay.

10:22:05 1

A. Because it was his thing to do.

2

Q. So, as a result of some of these --

3

management's problems with her work, or their

4

perception of her work, she filed the EEO complaint,

10:22:17 5

right?

6

A. Yes.

7

Q. Okay.

8

A. They had also transferred her out of Compton's

9

group into this ICAT group, which they're not really an

10:22:26 10

enforcement group.

11

Q. Okay.

12

A. That's when she worked for Nemo Britton.

13

Q. Okay.

14

MR. RYAN: That's all the questions I

10:22:44 15

have, Your Honor.

16

ADMINISTRATIVE JUDGE: Redirect?

17

MR. TONKIN: Yes, Your Honor.

18

REDIRECT EXAMINATION BY MR. TONKIN:

19

Q. Did Ms. Trujillo get the training that she

10:22:57 20

needed prior to the time she came to work for you?

21

A. No way.

22

Q. So she had not been trained properly?

23

A. I didn't think she'd been trained properly at

24

all.

10:23:07 25

Q. Okay. His comment was that she -- you

0:23:09 1 testified that she was not truthful in her complaint
2 against you. Do you remember that?

3 A. Yes.

4 Q. Did you say her perception was that you did
10:23:22 5 these things?

6 A. I'd state it was her, like, perception that I
7 was with them, because she had previous managers that
8 had kind of banded together on this.

9 Q. Okay. So would it be a question of her
10:23:35 10 complaint against you not being true, or that her
11 perception was that you and -- had conspired with
12 management to do her in?

13 A. Right, because of the timing, probably, of
14 the -- I mean, to my awareness, she'd never been --
10:23:48 15 received a letter of what exactly was expected out of
16 her to do. And I think the timing of me coming in and
17 giving her that, she just assumed that, Here it is, you
18 know. I'm going to come in and go after her instead of
19 really trying to help her, which is what I wanted to
10:24:02 20 do. She just didn't see that at the time because of
21 the stress and the persecution that was being done to
22 her.

23 Q. Now, with respect to her working for you, she
24 worked for you for a number of months?

10:24:14 25 A. Yes.

0:24:15 1 Q. And during this period of time, you trained
2 her?

3 A. Yes. It was hard, because it was -- when she
4 first came to my group she could work full-time and do
10:24:24 5 stuff. And then we were working through the thing.
6 And then she had the incident where they were having
7 the investigation on her with U.S. Attorney's Office
8 about lying in the document, so they told her she
9 couldn't do anything but administrative work. And then
10:24:38 10 I would assign her a lot of administrative work that
11 she would do.

12 And then she got to go back on full duty
13 again for a little bit, and there was a marked
14 improvement in her writing ability, which I documented
10:24:47 15 to her and to management. And like I said, I thought
16 she was performing much better. I had two other
17 employees who subsequently got -- who got the same type
18 of letter from me that also got promoted to a 13, who I
19 thought were much more deficient than she was. They
10:25:03 20 were both white males. Chris Oslin and Brian Johnson
21 had gotten, both, a similar letter that I had written
22 to Ms. Trujillo.

23 Q. Okay. So Oslin and Johnson had deficiencies.
24 Is that your testimony?

10:25:30 25 A. Oh, absolutely.

0:25:33 1 Q. And you gave a letter -- a similar letter that
2 you gave to Anita Trujillo, you gave to Chris Oslin and
3 Brian Johnson?

4 A. Yes, sir.

10:25:43 5 Q. Okay. And with respect to Oslin and Johnson,
6 were they of the same quality as Anita Trujillo?

7 A. I would say that Brian Johnson's were worse
8 than Anita Trujillo's. I'd say Chris Oslin's were a
9 little bit better. As a matter of fact, I recommended
10 Chris Oslin for promotion because I had thought he had
11 improved a significant amount.

12 Q. Okay. What about Brian Johnson?

13 A. No, I never recommended him. They transferred
14 him out of my group, and Ms. Kramer promoted him.

10:26:21 15 MR. TONKIN: No further questions, Judge.

16 MR. RYAN: I have a couple to follow-up,
17 Your Honor.

18 ADMINISTRATIVE JUDGE: Re-cross.

19 RE-CROSS-EXAMINATION BY MR. RYAN:

10:26:27 20 Q. You don't know what actual training
21 Ms. Trujillo had received, do you, prior to you coming?

22 A. No, just from her -- she had been on numerous
23 years and she went to the basic agent school. She
24 should be able to make -- you know, do basic report
10:26:43 25 writing.

0:26:44 1 Q. So the same training that you received, right,
2 as you came up through the ranks?

3 A. Well, I had supervisors that helped mentor me
4 through, also.

10:26:51 5 Q. But you don't know all of her supervisors in
6 her career, do you?

7 A. Pretty much. She made me aware of all the
8 ones that she had.

9 Q. So you're saying that all of her supervisors
10:27:01 10 prior to you didn't give her adequate training?

11 A. I'm saying that, when she reported to my
12 group, she could not write an adequate ROI for someone
13 that had been in her length of time.

14 Q. Well, whose problem is that? Is that the
10:27:14 15 investigator's or management officials? I mean...

16 A. Well, it was my problem when she was in my
17 group.

18 Q. All right. So it's that when she filed her
19 complaint against you, now we're terming it she had an
10:27:30 20 incorrect perception of you. Is that what you're
21 saying?

22 A. Yes.

23 Q. So she has a problem with perceptions?

24 A. At that time.

10:27:43 25 Q. So it sounds to me like you're saying that

0:27:45 1 Ms. Kramer --

2 ADMINISTRATIVE JUDGE: Stop right there.
3 I heard, At that time. That's all I heard. That's all
4 I heard, Mr. Ryan.

10:27:51 5 MR. RYAN: That was the end of his
6 response.

7 ADMINISTRATIVE JUDGE: Okay. All right.
8 Go ahead.

9 Q. (BY MR. RYAN) Are you saying that Ms. Kramer
10 discriminated against Ms. Trujillo because she's
11 Hispanic?

12 A. I don't know what reason she discriminated
13 against her, but she surely discriminated against her.

14 Q. On what basis?

10:28:13 15 A. Well, probably because she had made
16 allegations against Curtis Compton, who is Ms. Kramer's
17 right-hand man.

18 Q. So, in order to protect Curtis Compton, she's
19 going to come down on Anita Trujillo?

10:28:25 20 A. Absolutely.

21 Q. So did they conspire together, Curtis Compton
22 and Ms. Kramer, to do that?

23 A. I'd say absolutely. Ms. Kramer -- I mean,
24 when I was involved in the conspiracy, when I was
10:28:34 25 implicated, Ms. Kramer, you know, I read her my

10:28:37 1 affidavit, my response to Anita's EEO things. And she
2 wanted to make sure everybody was in line and covered
3 and told me not to worry about it.

4 Q. Not to worry about it because Ms. Trujillo had
10:28:52 5 incorrect perceptions, correct?

6 A. No, not to worry about it because things were
7 going to happen to Ms. Trujillo that I was not allowed
8 to know right now that would eventually clear us all.
9 And later on she was intimating that it was -- now I
10:29:04 10 know it was that her dealings with the U.S. Attorney's
11 Office and the Title III document. So she was saying
12 that Anita wasn't going to be credible because of her
13 lying on an affidavit. She didn't say it at that time,
14 she just said, "Don't worry about it, you know,
10:29:17 15 Anita's -- it's going to come out, whatever's on
16 Anita."

17 Q. And it had nothing to do with her race, her
18 sex, her --

19 A. I don't know. She made comments. Like, I
10:29:28 20 remember one time when we did a bridge operation -- now
21 that you mention that, we did a bridge operation. We
22 were looking for currency on southbound, which is
23 typically a job --

24 Q. I'm talking about Trujillo.

10:29:38 25 A. I'm talking about her, also.

0:29:40 1 Q. Okay.

2 A. This is Trujillo.

3 Q. Okay.

4 A. And as part of, like, a thing, I sent several
10:29:44 5 positive e-mails and several positive things to
6 Ms. Kramer when I thought Anita -- when I thought Anita
7 was doing well. I also wrote on paperwork and said,
8 "She's doing well." And Anita made a buying seizure
9 down at the bridge, and I told Ms. Kramer that, and she
10:29:57 10 said, "Yeah, that's all she's good for, is being an
11 inspector. So, you know, she's not meant to be an
12 agent."

13 And she said that on several occasions,
14 that Ms. Trujillo was not good enough to be an agent.
10:30:09 15 She belongs to be an inspector. Now that you mentioned
16 that, that jogged my memory, and I do have, I believe,
17 the e-mail I sent to Ms. Kramer, or the documentation
18 where I said, "Hey, good seizure, Anita." I tried to
19 really praise her when she did good stuff, and, when
10:30:22 20 she didn't, kind of get her to move in a positive
21 direction.

22 Q. You believe that Ms. Kramer had opportunity to
23 observe Ms. Trujillo's duty performance?

24 A. No.

10:30:32 25 Q. Why?

0:30:32 1

A. Because she's three levels down the line.

2

Q. Well, she's evaluating her work, though, isn't she?

3

4

A. No, I'm supposed to be evaluating her work,

10:30:40 5

but she wasn't in my group long enough for me to do it the first time they asked me to not promote her.

6

7

Q. But you wrote this memorandum, though, right?

8

A. Right. Well, if you're saying actually

9

observing hands-on, no. I mean, she's going by word of mouth, but a lot came from --

10:30:54 10

11

Q. You and other supervisors?

12

A. -- her previous supervisors, Curtis Compton.

13

Fred Schroeder also weighed in a lot on it. I think he ultimately signed the refusal to promotion. I didn't sign it.

10:31:07 15

16

Q. Okay. So Ms. Trujillo receives the same

17

training that every agent has received from the Agency, the formal training, correct?

18

19

A. Yes, she has.

10:31:23 20

21

Q. And would that make you a competent agent, give you the necessary skills, at least to begin?

22

A. You know, it really didn't, for me personally.

23

If you're asking about me personally, I had several --

24

I had really good supervisors in Laredo, Carlos de los Santos, who took me under his wing and helped me out.

10:31:39 25

0:31:42 1 I felt like when I was a 13, when I had been as long as
2 Special Agent Trujillo, I was trained a little bit
3 better.

4 Q. Okay.

10:31:51 5 MR. RYAN: That's all the questions I
6 have.

7 MR. TONKIN: I have a few questions, Your
8 Honor.

9 ADMINISTRATIVE JUDGE: We're going to
10:31:55 10 stick right to direct and cross, redirect and re-cross.

11 MR. TONKIN: That's what I'm going to go
12 into.

13 ADMINISTRATIVE JUDGE: I've got a couple
14 of questions. Was it Brian Johnson?

10:32:03 15 THE WITNESS: Yes, Your Honor.

16 ADMINISTRATIVE JUDGE: Who was the other
17 individual?

18 THE WITNESS: Chris Oslin.

19 ADMINISTRATIVE JUDGE: What was the first
10:32:10 20 name.

21 THE WITNESS: Christopher, O-S-L-I-N,
22 Oslin.

23 ADMINISTRATIVE JUDGE: Okay. O-S-L-I-N.
24 All right.

10:32:20 25 MR. TONKIN: Your Honor, these --

0:32:22 1 ADMINISTRATIVE JUDGE: You mentioned a
2 couple of times some investigations. What office was
3 that investigating? Who was doing the investigation?
4 Trujillo's -- where she had lied.

10:32:32 5 THE WITNESS: The office of Internal
6 Affairs, I believe, was doing the investigation.

7 ADMINISTRATIVE JUDGE: Oh, yeah. All
8 right. And Kramer allegedly said that Trujillo was
9 good enough -- not good enough to be an agent --
10:32:45 10 inspector, or was it vice versa?

11 THE WITNESS: She said that when I had
12 made -- because typically, inspectors seize currency.
13 That's one of the jobs they do.

14 ADMINISTRATIVE JUDGE: I got that part.

10:32:57 15 THE WITNESS: And she's a former
16 inspector. And, because of that, when I mentioned it
17 as a positive, she said, "Well, yeah she's a good
18 inspector, but she doesn't belong being a special
19 agent."

10:33:05 20 ADMINISTRATIVE JUDGE: Okay.
21 Mr. Bosarge, I appreciate your appearing. You are not
22 allowed to discuss your testimony, what questions were
23 asked, what your answers were, even who was in that
24 room, with anybody outside that room.

10:33:20 25 MR. TONKIN: Your Honor, if I may?

0:33:21 1 ADMINISTRATIVE JUDGE: Yes?

2 MR. TONKIN: Two areas that was brought
3 up on this re-cross I'd like to ask a few questions on.

4 ADMINISTRATIVE JUDGE: Are you saying
10:33:30 5 that he went outside?

6 MR. TONKIN: Yes, ma'am, he did.

7 ADMINISTRATIVE JUDGE: All right. Well,
8 then you need to object. In the future we're going to
9 do direct, cross, redirect, re-cross. If he goes
10:33:41 10 outside, you need to make objections.

11 MR. TONKIN: Very well, Your Honor.

12 REDIRECT EXAMINATION BY MR. TONKIN:

13 Q. You remember Counsel asked you about, if she
14 had the basic training that every agent has?

10:33:49 15 A. Yes, sir.

16 Q. Is there something more than basic training
17 from the academy that agents have?

18 A. There is the asset forfeiture removal school.
19 And the financial course, I think, is in one. I do not
10:34:00 20 recall, I think Ms. Trujillo went to that, but after
21 the fact, after she had been in my group a while.

22 Q. I'm talking about on field training.

23 A. Oh, oh. I mean, supervisors -- and that was
24 one of the problems. When I showed up in El Paso I
10:34:13 25 would look at reports, and a lot of agents were doing,

0:34:16 1 you know, really poor reports. And U.S. Attorney's
2 Office had made such an issue of our poor report
3 writing that they had come in and brought two U.S.
4 Attorneys in on two occasions to tell them what to do
10:34:26 5 in the reports and how to do sufficient stuff. The
6 same stuff, you know, the same thing that I had brought
7 up when I was in there. They just kind of got on after
8 I did. Because the reports were horrible.

9 Q. Now, the next thing is, Counsel asked you
10:34:41 10 about Kramer discriminating against Trujillo, and you
11 said because she was protecting Curtis Compton. Then
12 you made some comment about Kramer and an affidavit
13 which you prepared for the EEO investigation. What was
14 that all about?

10:34:54 15 A. Well, after Ms. Kramer -- and I think it was
16 around the 4th of July -- she'd been in my group in
17 June. After she had filed on me, I was worried because
18 I hadn't had anybody file on me before and I didn't
19 know what to do. Like I said, I was on the inside,
10:35:09 20 where I could go into Ms. Kramer's office anytime and
21 talk with her. And I felt like I could really do
22 whatever I wanted to do with her because I thought she
23 wanted the same edict I did, to really improve the way
24 agents are doing their job.

10:35:22 25 And so I go in to her and I ask her

0:35:24 1 advice and she gave me, "Hey, write this. Write -- you
2 know, just say what happened, you know. Don't worry
3 about what you're writing, because, essentially, Anita
4 has no credibility." And then after I finished my
10:35:34 5 affidavit she looked it over, and that was it.

6 Q. Did she direct you on how to write your
7 affidavit?

8 A. She just told me a little bit. That, you
9 know, I don't need to admit anything type deal, and
10:35:45 10 just tell what happened and my side because, you know,
11 Anita was not credible.

12 MR. TONKIN: Nothing further, Your Honor.

13 ADMINISTRATIVE JUDGE: Okay. Thank you,
14 Mr. Bosarge. You may leave.

10:35:57 15 THE WITNESS: Thank you, Your Honor.

16 ADMINISTRATIVE JUDGE: I'll give the
17 parties a 15-minute break, and then we're going to
18 return. Who's the next witness?

19 MR. TONKIN: Cynthia Fernandez, Your
10:36:03 20 Honor.

21 ADMINISTRATIVE JUDGE: All right. So
22 we'll have Fernandez, and then the next couple of
23 witnesses after that will be on board ready to go after
24 she testifies.

10:36:11 25 MR. TONKIN: Yes, ma'am.