

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NEVALON MITCHELL, JR.

Plaintiff,

v.

ERIC K. SHINSEKI

Defendant.

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Civil No. **PJM 09-1287**

MEMORANDUM OPINION

This Memorandum Opinion addresses Defendant Eric K. Shinseki's Renewed Motion to Dismiss and for Summary Judgment [Document No. 51].

Plaintiff Nevalon Mitchell Jr. brought a claim of racial discrimination and retaliation under Title VII of the Civil Rights Act of 1964 against his employer Shinseki, as Secretary of the United States Department of Veteran Affairs. Shinseki filed a Renewed Motion to Dismiss and for Summary Judgment [Document No. 51] and the Court held a hearing on Defendant's Renewed Motion on June 13, 2011.

During the hearing, Shinseki conceded that Mitchell was entitled to receive pre-judgment interest on the unpaid salary differential for the period in which he received compensation at the GS-12 Staff Chaplain level when he should have been receiving compensation at the GS-13 Supervisory Chaplain position level. The Court directed Mitchell to file an Interest Worksheet setting forth the pre-judgment interest on the unpaid salary differential and directed Shinseki to advise the Court if the amount sought by Mitchell was acceptable. The Court also indicated that once the amount of pre-judgment interest owed to Mitchell was resolved, the Court would enter summary judgment in favor of Shinseki [Document No. 59].

On July 5, 2011, Mitchell filed the Interest Worksheet for Prejudgment Interest [Document No. 60] asserting that he is entitled to \$239.81 in pre-judgment interest. Shinseki has filed a Response agreeing to pay said amount and indicating that a request for payment has already been processed [Document No. 61].

Accordingly, because the issue of pre-judgment interest owed to Mitchell has been resolved, summary judgment will be **ENTERED** in favor of Shinseki and the case will be **CLOSED**.

A separate Order will **ISSUE**.

July 26, 2011

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE