

RECEIVED

AUG 23 2016

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

MICHELE PAYNE, et al.,

CIVIL ACTION NO. 1:13-CV-02732

VERSUS

CHIEF JUDGE DRELL

ERIC K. FANNING, SECRETARY  
OF THE ARMY

MAGISTRATE JUDGE PEREZ-MONTES

---

---

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) is GRANTED IN PART and Payne's, Holaway's, and Calhoun's constitutional discrimination claims are DISMISSED WITH PREJUDICE.

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) Plaintiffs' Title VII claims for lack of exhaustion is DENIED.

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) is GRANTED IN PART and Payne's, Holaway's, and Calhoun's Whistleblower Protection Act claims are DISMISSED WITH PREJUDICE.

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) is GRANTED IN PART and all of Calhoun's Title VII claims are DENIED AND DISMISSED for failure to timely exhaust administrative remedies.

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) is GRANTED IN PART and Holaway's Title VII claims for discrimination in student loan reimbursement and benefits for her foot injury are DENIED AND DISMISSED for failure to timely exhaust administrative remedies.

IT IS ORDERED that Defendant's motion to dismiss (Doc. 39) is DENIED on the issue of exhaustion of Holaway's claim of discrimination in her pay grade and her retaliation claim.

IT IS ORDERED that Defendant's motion for summary judgment (Doc. 39) is GRANTED as to Holaway's Title VII claims for racial discrimination as to her pay grade, reprisals through ostracism and emails, and a hostile work environment, and that those claims are DENIED AND DISMISSED WITH PREJUDICE.


IT IS ORDERED that Defendant's motion for summary judgment (Doc. 39) is DENIED as to Holaway's Title VII claims of retaliation through denial of a training opportunity and an increase in Holaway's workload.

IT IS ORDERED that Defendant's motion for summary judgment (Doc. 39) is GRANTED as to Payne's Title VII claims of retaliation through issuance of a Letter of Counseling and a Letter of Reprimand, and her hostile work environment claim, and those claims are DENIED AND DISMISSED WITH PREJUDICE.

IT IS ORDERED that Defendant's motion for summary judgment (Doc. 39), on Payne's Title VII claims of retaliation through denial of a training opportunity, unfavorable performance evaluations, placing Payne on an FPPE, and demotion, is DENIED.

Accordingly, the claims remaining for adjudication are: Payne's claims that she was denied training opportunities, given poor performance evaluations, placed on FPPE and demoted in retaliation for participation in protected activity; and, Holloway's claims that she was denied a training opportunity, that her workload increased in retaliation for being named as a witness in an EEO complaint and that she was constructively discharged.

SIGNED in Chambers at Alexandria, Louisiana this 23<sup>rd</sup> day of August 2016.



CHIEF JUDGE DEE D. DRELL  
UNITED STATES DISTRICT JUDGE