

**OFFICE OF COMPLIANCE**  
**LA 200, John Adams Building, 110 Second Street, S.E.**  
**Washington, DC 20540-1999**

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JOE D. CLARK,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 01-AC-388(RP)
	)	Date: June 17, 2004
OFFICE OF THE ARCHITECT	)	
OF THE CAPITOL	)	
	)	
Appellee .	)	
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**Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.**

**DECISION OF THE BOARD OF DIRECTORS**

On September 30, 2003, Hearing Officer Sylvia Bacon issued the attached Decision and Judgment. The Hearing Officer concluded that the Respondent had not committed an act of retaliatory discrimination in connection with the May 24, 2001 termination<sup>1</sup> of the Appellant's employment as a Personnel Assistant, pay grade GS-6/step 4.

The Board has considered the decision in light of the record, the petition for review, and the parties' briefs. The Board finds that the Hearing Officer's conclusions are supported by substantial evidence and affirms the Hearing Officer's determination that the record does not establish proscribed discrimination. See *Office of the Architect of the Capitol v. Office of Compliance, et al.*, 2004 U.S. App. LEXIS 4541 (Fed. Cir. 03/11/2004); *Francisca Laguna v. Office of the Architect of the Capitol*, Case No. 02-AC-54(CV,FL) (Board of Directors Decision, dated April 8, 2004). We rely upon the Hearing Officer's finding and conclusion that the Appellant did not prove that his prior protected activity motivated the Appellee's decision to

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<sup>1</sup> The Hearing Officer assumed, *arguendo*, that the Appellant's resignation on the eve of his scheduled involuntary separation date did not constitute a voluntary resignation. The Board, for purposes of this decision, as did the Hearing Officer, finds it unnecessary to resolve that question.

terminate his employment.

We are satisfied that the Hearing Officer applied the correct legal standards in analyzing this case notwithstanding the decision's omission of reference to specific case law citation.. We do not agree with the Appellant that the decision is independently deficient for its failure to cite case law. “[I]t is the validity of the judgment, not the quality of any opinion supporting it, that has legal significance, and the court’s failure to cite any cases has no relevance to whether the court reached the correct legal result.” *James Constant v. United States*, 929 F.2d 654, at 657 (Fed Cir. 1991).

Finally, we find without merit the Appellant’s claim that the Hearing Officer breached applicable confidentiality requirements by considering an earlier Board decision in which the Appellant was a party. The Office provided that decision to the Hearing Officer on July 14, 2003, several weeks after it was posted on the Office’s website, pursuant to Section 416 (f) [confidentiality] of the Congressional Accountability Act.

## **ORDER**

Pursuant to Section 406(e) of the Congressional Accountability Act and Section 8.01(d) of the Office’s Procedural Rules, the Board affirms the Hearing Officer’s merits determination of no discrimination in this matter.

*It is so ordered*

Issued, Washington, D.C. : June 17 , 2004

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of June, 2004, I delivered a copy of this Decision of the Board of Directors to the following parties by the below identified means:

First-Class Mail Postage-Prepaid

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First-Class Mail Postage-Prepaid,  
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Kisha L. Harley  
Office of Compliance