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REPORT No. 77/23
PETITION 2528-17
REPORT ON INADMISSIBILITY

BRIDGET ALLEN
UNITED STATES OF AMERICA

Approved electronically by the Commission on June 7, 2023.

Cite as: IACHR, Report No. 77/23, Petition 2528-17. Inadmissibility. Bridget Allen. United States of America. June 7, 2023.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Bridget Allen
Alleged victim:	Bridget Allen
Respondent State:	United States of America ¹
Rights invoked:	No provisions cited of the American Declaration on the Rights and Duties of Man ²

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	December 22, 2017
Additional information received at the stage of initial review:	July 26, 2018, August 31, 2018, May 2, 2019
Notification of the petition to the State:	May 12, 2020
State's first response:	September 4, 2020

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration on the Rights and Duties of Man (ratification of the OAS Charter on June 19, 1951)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Exhaustion of domestic remedies or applicability of an exception to the rule:	Partially
Timeliness of the petition:	No

V. ALLEGED FACTS**The petitioner**

1. The petitioner, an African American woman, alleges that the State has systematically violated her rights under the Civil Rights Act, as well as the rights of Black Americans generally.

2. According to the petitioner, the State has covertly eliminated the protections offered by the Civil Rights Act ("the CRA") Title VI (of the CRA). She indicates that Title VI serves to protect the rights of Black persons and other minorities from racial discrimination and retaliation when seeking public services.

3. The petitioner submits that she has been subjected to multiple incidents of racial discrimination, which remain unremedied. From the record, it appears that her main complaint relates to the

¹ Hereinafter "the United States," "the US", or "the State"

² Hereafter "the American Declaration" or "the Declaration." The petitioner does however cite various United Nations instruments including the Convention on the Prevention and Punishment of Genocide, the Optional Protocol to the International Covenant on Civil and Political Rights (OP ICCPR), and the Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) and the Convention on Economic, Social and Cultural Rights.

³ The observations submitted by each party were duly transmitted to the opposing party.

circumstances surrounding her eviction⁴ from her home in Alexandria, Virginia, and her subsequent unsuccessful attempts to obtain relief from various authorities, including the courts. For the petitioner, her experience was largely caused by racial discrimination by various parties, including the courts. The petitioner indicates that she lived in a condominium at a complex known as Park Place Condominiums. According to her, prior to her eviction, she was subjected to sexual harassment by a white employee of Park Place Condominiums. The petitioner claims that she reported this incident to the Alexandria Office of Human Rights (“AOHR”), but that the AOHR declined to investigate. The petitioner contends that this refusal was racially motivated.

4. The petitioner also claims that the US Department of Housing and Urban Development (HUD) also refused to investigate her claims involving her allegations of sexual harassment (pursuant to the Fair Housing Act (“FHA”) and Title VI.

5. The petitioner also claims that she was wrongly subjected to “illegal fines” levied against her by the Park Place Condominiums. The petitioner further alleges that these illegal fines constituted civil rights violations that affected not only her, but other Black owners/residents of the Park Place Condominiums. The petitioner states that the imposition of these fines was the subject of litigation before the Alexandria Circuit Court (“ACC”) between 2009 and 2011. The petitioner indicates that the ACC ultimately upheld the imposition of these fines. The petitioner generally claims that she was treated differently because of her race, indicating, for example, that she was served a summons to appear in only 24 hours.

6. Between 2013–2015, the petitioner appears to have challenged her eviction (and related claims) before the US Court of Federal Claims (“CFC”). According to the petitioner the CFC ultimately denied her any redress. The petitioner further claims that she was denied due process. In this regard, she claims that the CFC refused to hold any pre-trial hearings and that this is contrary to the practice observed for other claimants. The petitioner also alleges that Chief Judge Patricia Campbell-Smith characterized the petitioner’s claims as “meritless” and banned the petitioner from filing any additional cases with the CFC.

7. During this litigation, the petitioner also alleges that the CFC refused to provide information on how to file Title VI complaints; and that court staff destroyed complaints that she had actually submitted to the CFC. The petitioner also claims that on at least three occasions (in 2013) the staff of the CFC prevented her from obtaining subpoenas that she needed to pursue her claims. The petitioner alleges that the treatment that she received from the CFC was largely prompted by racial discrimination. As a result of the eviction, the petitioner asserts that she is now homeless.

8. The petitioner also mentions that in 2014, her Supplemental Nutrition Assistance Benefits (SNAP) benefits were terminated by the Alexandria Department of Human Services (ADHS) without notice, a hearing, or opportunity to appeal. The petitioner further submits that the US Department of Agriculture (USDA) refused to investigate the termination of SNAP benefits. The petitioner claims that the termination of her SNAP benefits (and the subsequent refusal to investigate it) were racially motivated.

9. According to the petitioner, while employed at a company called Goodwill Industries in 2014, she was verbally abused in racial terms by a manager; and suffered a workplace injury, which Goodwill Industries refused to take responsibility for. In relation to the workplace injury, the petitioner states that her injury required her to be transported to hospital by ambulance for emergency medical treatment. The petition alleges that the injury resulted in numbness, and decreased mobility which made it impossible for her to return to work.

10. The petitioner claims that her attempts to seek redress from Goodwill Industries were ignored. The petitioner states that she took her complaints to the US Department of Labor’s Office of Contract Compliance (“DOL-OFCCP”), but that the DOL-OFCCP refused to investigate. The petitioner claims that the DOL-

⁴ The petition does not specify a date on which the eviction occurred, but based on other information in the petition, it appears that the eviction took place sometime between 2009 and 2013. Generally, the petition is somewhat incoherent with numerous gaps in information supplied.

OFCCP erroneously transferred the complaint to the Equal Employment Opportunities Commission (“EEOC”), which, according to the petitioner, had no jurisdiction to deal with her complaints.

11. The petitioner generally alleges that the State's failure to enforce Title IV of the Civil Rights Act has led to widespread violation of human rights of black Americans generally. In support of her contention, she cites, as an example, the 2015 report of the US Department of Justice (“DOJ”) regarding the events that occurred in Ferguson, Missouri that led to the death of Michael Brown by a police officer. According to the petitioner, the report demonstrates that Black Americans are routinely targeted and forced into debtor's prisons and other schemes to forcibly take their assets, restrict their freedom, and deprive them of rights.

12. The petitioner contends that the DOJ generally does not monitor the Title VI activities of the courts or officials who are involved in the system of debtor's prisons (throughout the US). The petitioner also argues that the DOJ continues to allow police forces unfettered discretion to monitor themselves.

13. Generally, the petitioner argues that the non-enforcement of Title VI has caused black Americans to suffer human rights abuses including cruel, inhuman or degrading treatment; discrimination based on race; gender-based discrimination and other acts. The petition generally claims that US Federal Government Agencies are generally denying services to black Americans and retaliating against them for seeking to complain about racial discrimination. In this regard, the petitioner cites the example of a Ricardo Jones, a Black American who was an investigator with the EEOC in New York for nine years⁵. According to the petitioner, Jones was a whistle-blower who exposed the erosion of civil and human rights faced by Black people in US at the hand of its own government, through the DOJ and EEOC. The petitioner claims that Ricardo Jones was denied any whistle-blower protection, and that he ultimately lost his job, his home and career.⁶

14. The petitioner generally claims that the domestic laws do not ensure due process for the protection of the rights allegedly violated; and that access to domestic remedies has not been permitted or exhausting them has been impeded. –The petitioner does not provide any substantiating evidence or coherent argument to support this claim–. According to information supplied by the petitioner, her claims (contained in the petition to the IACHR) have also been submitted to the United Nations human rights system by communication dated December 8, 2017. The document is described as a “UN OHCHR Petition and Complaint.” –However, the petitioner does not specify which procedure or human rights body of the United Nations she submitted her document to–.

The United States of America

15. The State rejects the petition as inadmissible on several grounds. The State contends that (a) the Claims presented in the petition are beyond the *ratione personae* and *ratione materiae* competence of the Commission; (b) the petitioner has not exhausted domestic remedies; (c) the petition is untimely; (d) the petition appears to be duplicative of other procedures (pursuant to Article 33 of the Commission's Rules of Procedure) and (e) the petition fails to state facts that tend to establish violations of rights set forth in the American Declaration and that the claims are otherwise it is manifestly groundless.

(a) Ratione materiae and ratione personae

16. The State submits that the petition does not allege violations of the American Declaration, but instead, violations of international instruments that are beyond the competence of the Commission. In this regard, the State notes that the petition alleges violations of United Nations instruments such as the Genocide Convention, the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), the Convention on Torture (CAT), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The State submits that any claims made by the petitioner under these instruments are inadmissible

⁵ The petitioner also mentions the example of a person called Carl Robertson, a Black veteran and his family who became homeless after being evicted in 2014. The petitioner claims that Carl Robertson subsequently made a Title VI complaint to the Department of Veterans Affairs (Office of the Inspector General) but so far has received no response.

⁶ The petitioner provides no date (s) regarding the allegations relating to Ricardo Jones.

because the Commission lacks competence (*ratione materiae*) to apply any instrument beyond the American Declaration with respect to the United States.

17. The State also contends that, to the extent that petitioner articulates generalized allegations beyond those cognizable in relation to petitioner, that the petition should be dismissed because the Commission lacks competence *ratione personae* to entertain such broad general claims based on a theory of *actio popularis*. In this regard, the State notes that the petition contains claims related to alleged violations suffered by black persons in the US, (apart from the petitioner). The State also submits that the petitioner's allegations relating to debtor's prisons are also inadmissible, as the Commission's governing instruments do not allow for an *actio popularis*.

(b) Exhaustion of domestic remedies

18. The State argues that to the extent that the petitioner might allege violations of the American Declaration, the petition is inadmissible for failure to invoke and exhaust domestic remedies. In this regard, the State submits, for example, that the petitioner Section 42 U.S.C. § 1983 provides redress against government officials for alleged violations of human or constitutional rights. The State indicates that there is no indication that the petitioner availed herself of that remedy. The State notes that, instead, the petitioner unsuccessfully pursued a series of claims before the U.S. Court of Federal Claims, a court of special jurisdiction, which has no power to redress alleged violations of civil or constitutional rights. Accordingly, the State submits that even if the petitioner invoked and exhausted the jurisdiction of the U.S. Court of Federal Claims, this would not be sufficient to satisfy the Commission's exhaustion requirements.

(c) Timeliness

19. The State contends that even if the Commission determines that petitioner has exhausted her domestic remedies, the petition should be dismissed as untimely. In this regard, the State submits that the petition was received on December 22, 2017, more than six months after decisions were rendered by the U.S. Court of Federal Claims in 2013 and 2014 dismissing the petitioner's claims.

(d) Duplication

20. The State contends that the petition violates the rule against duplication as prescribed by Article 33 of the Commission's Rules of Procedure. In this respect, the State notes that the petition appears to have also been submitted to the United Nations human rights system as a document styled as a "UN OHCHR Petition and Complaint." The State submits that this constitutes a duplication that renders the petition inadmissible.

(e) Failure to state facts/claims manifestly groundless

21. The State contends that, pursuant to Article 34 of the Commission's Rules of Procedure, the petition is inadmissible for failure to state facts that establish a violation of the American Declaration; and that the claims therein are manifestly groundless. In this regard, the State submits that the petitioner's allegations that the United States has covertly eliminated the protections offered by the Title VI of the Civil Rights Act are manifestly groundless and do not establish any violations of the American Declaration.

22. The State expressly rejects the petitioner's claims that she was subjected to discrimination by the State of Virginia or the Federal government. The State contends that the petitioner has failed to state facts that tend to establish that she suffered from unequal treatment before the law based on race, sex, language, creed, or any other factor within the meaning of Article II of the Declaration. The State concludes that the petitioner's claims of discrimination are inadmissible because they are manifestly groundless and fail to state any facts to establish any violation of the American Declaration.

23. The State also contends that the petitioner's claims of discrimination perpetrated by private entities are also manifestly groundless and fail to demonstrate violations of the American Declaration. The State submits that for alleged private abuses to be attributable to the United States, the petitioner would have to show that such abuses occurred either as a result of control exercised or instructions given by the United States. The State argues that the petitioner has shown nothing of the kind.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS

24. As a preliminary consideration, the Commission notes that the claims of the petitioner are mainly about various alleged acts of racial discrimination that the petitioner attributes largely to a failure of the State to enforce Title VI of the Civil Rights Act. However, the Commission observes that the submissions from the petitioner are largely disjointed and incoherent, making it difficult to clearly identify the scope or nature of the petitioner's claims or to assess whether the petitioner has satisfied the requirement of exhaustion of domestic remedies. Given the interconnectedness of these issues, the Commission will analyze them concurrently in this section.

25. The Commission further notes that the petitioner has mentioned other (named and unnamed) parties as alleged victims. However, the Commission has not identified any basis to consider claims other than those presented in relation to the petitioner herself. However, the Commission will consider the information presented in relation to these parties for the purpose of providing context to the petitioner's claims relating to racial discrimination. The Commission will therefore only consider the allegations relating to the petitioner herself.

26. Regarding the issue of domestic remedies, in keeping with the Commission's Rules of Procedure (Article 31), and Article 20 (c) of its Statute, a petitioner is required to satisfy the rule of exhaustion of domestic remedies or otherwise demonstrate that an exception to this requirement is warranted. To satisfy this rule, a petitioner must exhaust the remedies that are suitable, i.e., those that are available and effective for remedying the situation denounced. If the State fulfills its burden to contest the exhaustion of domestic remedies, the petitioner must submit arguments about her compliance with the exhaustion of remedies.

27. The Commission will consider the claims of the petitioner relating to (a) the alleged eviction; (b) the alleged revocation of SNAP benefits; and (c) the alleged work injury suffered at Goodwill Industries.

28. As to the petitioner's claim regarding the circumstances of her eviction, the Commission notes that between 2013 and 2015, the petitioner appears to have unsuccessfully challenged the eviction before the US Court of Federal Claims. The State contends that to the extent that the petitioner is claiming violations of her human rights, she was obligated to pursue an action under Section 42 U.S.C. § 1983 (which provides redress against government officials for alleged violations of human or constitutional rights). According to the State there is no indication that the petitioner pursued or exhausted this remedy. The petitioner herself has not provided any arguments to demonstrate that she pursued or exhausted this remedy; or that she is entitled to an exception to the requirement to exhaust this remedy. Based on the record, the Commission concludes that the petitioner's claim is inadmissible for failure to pursue or exhaust this remedy. Further, the Commission notes that the claim was not presented to the IACHR until 2017, at least two years after the petitioner had litigated her claim before the US Court of Federal Claims. Accordingly, the Commission also finds even assuming that the rights remedies were exhausted, this claim is untimely pursuant to Article 32 of its Rules of Procedure.

29. Regarding the petitioner's claim about the revocation of her SNAP benefits, the Commission notes that she has not provided any information to indicate that she pursued or exhausted any judicial domestic remedies (or that she is entitled to an exception to the requirement to exhaust domestic remedies). The Commission notes that the petitioner has also not provided any similar information regarding her claims relating to her work injury at Goodwill Industries. Having regard for the foregoing, the Commission concludes that these claims by the petitioner are inadmissible for failure to exhaust domestic remedies.

30. As a supplemental observation, the Commission notes that the State has also contested the admissibility of the petition on the ground of duplication. In this regard, the record indicates that the petitioner

submissions include a document described as a “UN OHCHR Petition and Complaint” and dated December 8, 2017.

31. Article 33 (1) of the Commission’s Rules of Procedure provides that the Commission “shall not consider a petition if its subject matter:

a. is pending settlement pursuant to another procedure before an international governmental organization of which the State concerned is a member; or

b. essentially duplicates a petition pending or already examined and settled by the Commission or by another international governmental organization of which the State concerned is a member.

32. The Commission notes that there is no information in the record that clearly specifies the procedure or human rights body (of the United Nations) to which the petitioner submitted the document. There is accordingly no information upon which the Commission might determine whether the petitioner’s document is either (a) pending settlement before another international governmental organization) or (b) reflects a duplication of the petition filed before the Commission. Having regard for these considerations, the Commission concludes that there is no ground for finding the petition inadmissible because of duplication.

33. However, given the preceding analysis regarding exhaustion of domestic remedies and the failure to submit the petition in a timely manner according to its rules of procedure of the IACHR, the Commission concludes that the petition is inadmissible.

VII. DECISION

1. To find the instant petition inadmissible; and

2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 7^h day of the month of June 2023.
(Signed:) Margarete May Macaulay, President; Roberta Clarke, Second Vice President; Joel Hernández García and Julissa Mantilla Falcón, Commissioners.