



Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

September 21, 2018

Jacqueline Stevens
Northwestern University
Dept. of Political Science
601 University Place
Evanston, IL 60208

Re: FOIA 2015-27249

Dear Prof. Stevens,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek investigatory materials relating to certain complaints against immigration judges (IJs). We apologize for the delay in providing this response; the response was delayed both by the complexity of the request, and the litigation surrounding *AILA v. EOIR*.

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U. S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. Additionally, each complaint was evaluated for release in conformity with *AILA v. EOIR*, No. 13-840 (D.D.C. filed June 6, 2013). In each case, it was determined that the public interest in release did not outweigh the privacy interest of the immigration judge.

There will be no charge for the enclosed documents.

Please note that the following complaint numbers did not contain any responsive records: 253, 513, 678, 682, and 718. These complaints may have been combined with other complaints, or may have been expunged from the record pursuant to an agreement or order.

In the following cases, documents not created or maintained by EOIR were referred to other agencies for direct response to you:

#789: Report of Investigation (Office of the Inspector General)
#770: Memorandum of 6/4/2013 w/attachment (Office of the Inspector General)
#731: Report of Investigation (Office of the Inspector General)

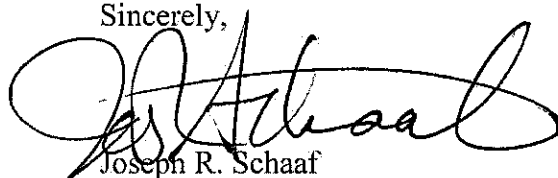
#762: E-mails and documents Oct 2012 (ICE)
E-mail of 2/11/2013 (Office of Professional Responsibility)
Letter of 8/8/2014 (Office of Professional Responsibility)
E-mail of 7/12/2012 (ICE)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

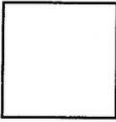
Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a horizontal line.

Joseph R. Schaaf
Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2015-27249



Single Complaint Detail

Complaint Number: 695

Immigration Judge: (b) (6)

Complaint Date: 05/10/12

Current ACIJ
Weisel, Robert D.

Base City
(b) (6)

Status
CLOSED

Final Action
Decision - suspension

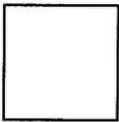
Final Action Date
03/20/13

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|---------------------|---------------------|
| (b) (6) | In-court conduct | DHS (b) (6) |
| (b) (6) | | |
| (b) (6) | | |
| (b) (6) | | |
| (b) (6) | | |

Complaint Narrative:

It was alleged the Judge took no action on these cases despite the fact the respondents repeatedly failed to appear. He has failed to render a decision despite ACIJ's repeated instructions to do so.

| Complaint History | |
|-------------------|--|
| 11/26/12 | Proposed suspension |
| 11/30/12 | Database entry created |
| 12/10/12 | Request response extension until Jan 17th |
| 01/16/13 | IJ submits his response |
| 01/29/13 | Ij oral response on 02/01/13 |
| 03/20/13 | Decision - suspension Mitigated to 25 days 25 days From: 2013-05-15 To: 2013-06-08 |
| 04/08/13 | IJ's rep contacts EOIR regarding possible intermittent suspension |
| 04/18/13 | (b) (5) |
| 04/19/13 | Subsequent action filed (b) (6) |
| 04/29/13 | Appeal hearing scheduled for June 12 |
| 05/14/13 | Appeal hearing scheduled for June 26th |



Single Complaint Detail

Complaint Number: 695

Immigration Judge: (b) (6)

Complaint Date: 05/10/12

Current ACIJ
Weisel, Robert D.

Base City
(b) (6)

Status
CLOSED

Final Action
Decision - suspension

Final Action Date
03/20/13

| Complaint History | |
|-------------------|---|
| 06/26/13 | Hearing held; awaiting (b) (6) decision |
| 06/19/14 | Decision subsequently upheld (b) (6) upheld 25 day suspension |

Processing, FOIA (EOIR)

From: Weisel, Robert (EOIR)
Sent: Friday, September 28, 2012 5:08 PM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR); Reinfurt, Sandy (EOIR)
Subject: FW: VD decision

We'll talk
Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Weisel, Robert (EOIR)
Sent: Friday, September 28, 2012 4:53 PM
To: (b) (6) (EOIR)
Subject: RE: VD decision

(b) (6)

I must remind you I have already given you several deadlines that have not been followed.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Friday, September 28, 2012 4:36 PM
To: Weisel, Robert (EOIR)
Subject: VD decision

Bob –

I had steady period of time to work on it today, hoping to finish today. I didn't finish. I'm taking it home with me to see if I can finish over the weekend. I'll let you know first thing Mon. a.m.

(b)

000001

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Thursday, September 27, 2012 3:53 PM
To: Keller, Mary Beth (EOIR)
Cc: Reinfurt, Sandy (EOIR); Weisel, Robert (EOIR)
Subject: RE: IJ (b) (6)
Attachments: (b) (6) Old Database.pdf; (b) (6).pdf

As requested here are both databases.

Thank you
Deborah

-----Original Message-----

From: Keller, Mary Beth (EOIR)
Sent: Thursday, September 27, 2012 1:19 PM
To: Moutinho, Deborah (EOIR)
Cc: Reinfurt, Sandy (EOIR); Weisel, Robert (EOIR)
Subject: IJ (b) (6)

D-
Cld u pls send the old and new db info on (b) (6) to ACIJ Weisel and copy Sandy Reinfurt? Tx.
Mtk

Sent from my BlackBerry Wireless Device

000002

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|------------|---------------|---------|---------------|-------------|--------------------|---------|--------------------------|
| (b) (6) | 11/27/2009 | 12/3/2009 | WRITTEN | SARAH M. BURR | BIA | N/A | | <input type="checkbox"/> |

NATURE OF COMPLAINT

Matter of (b) (6) referred to OCIJ based on 2 pages of ij's questioning on credibility.

MOST RECENT ACTION

12/03/2009 ACIJ reviewed and determined no problem with the questioning and no further action required.

COMP HISTORY

12/03/2009 Forwarded to ACIJ

12/03/2009 ACIJ reviewed and determined no problem with the questioning and no further action required.

LEGACY DATA

IMMIGRATION JUDGE: (b) (6)
IJ NAME: (b) (6) **COMP DATE:** 6/9/2009 **DATE RECEIVED:** 6/9/2009 **TYPE:** WRITTEN **ACIJ:** SARAH M. BURR **COMPLAINANT:** Deputy Chief, Counsel (b) (7)(C) **COMPLAINANT AGENCY:** ICE **OIG/OPR:** CLOSED **CLOSED:**

NATURE OF COMPLAINT

In the matter of (b) (6) the IJ failed to issue a decision per the Board's April 2004 decision.

MOST RECENT ACTION

06/09/2009 Letter forwarded to ACIJ for handling.

COMP HISTORY

06/09/2009 Letter forwarded to ACIJ for handling.

LEGACY DATA

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|---------|---------------|-------------|--------------------|---------|--------------------------|
| (b) (6) | 12/8/2008 | 12/23/2008 | WRITTEN | SARAH M. BURR | BIA | N/A | | <input type="checkbox"/> |

NATURE OF COMPLAINT

In Matter of (b) (6) BIA found that IJ improperly administratively closed proceedings. BIA disagrees with the IJ's observation that the requirement that both parties agree to administrative closure implies that there must be a non-frivolous basis for keeping the case open.

MOST RECENT ACTION

12/23/2008 Forwarded to ACIJ for handling.

COMP HISTORY

12/23/2008 Forwarded to ACIJ for handling.

LEGACY DATA

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|------|---------------|-------------|--------------------|---------|--------------------------|
| (b) (6) | 3/17/2007 | 3/17/2007 | ORAL | SARAH M. BURR | ACIJ | N/A | | <input type="checkbox"/> |

NATURE OF COMPLAINT

Failure to complete work assigned within designated time frame pursuant to ACIJ direction resulted in reassignment of cases.

MOST RECENT ACTION

02/25/2010 ACJ spoke to the ij regarding issuing off-calendar decisions and has extended the deadline from 1/25/10 to 3/5/10. If decisions are not entered disciplinary action will be taken.

COMP HISTORY

10/22/2007 Additional information submitted to deciding official, following meeting between the parties.

11/08/2007 Grievance denied.

11/28/2007 NAJ advised that they would not be invoking arbitration on this matter.

02/25/2010 ACJ spoke to the ij regarding issuing off-calendar decisions and has extended the deadline from 1/25/10 to 3/5/10. If decisions are not entered disciplinary action will be taken.

LEGACY DATA

On May 18, 2007, proposed 14 day suspension issued for failure to meet an assignment deadline. Two prior suspensions for closely related conduct in past years, as well as IJ's continuation of taking cases off calendar considered. Response received and proposed 14 day suspension upheld by deciding official on June 28, 2007. IJ has grieved the disciplinary action.

| | | | | | | | | |
|-----------------------------------|------------------|----------------------|-------------|-------------|--------------------|---------------------------|----------------|-------------------------------------|
| IMMIGRATION JUDGE: (b) (6) | | | | | | | | |
| (b) (6) | | | | | | | | |
| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
| (b) (6) | | 9/10/2003 | ORAL | | (b) (6) | DHS DC | N/A | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

Alleged that IJ did not allow sufficient lunch break as of 12:00 p.m.

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Investigated on Sept. 10, 2003 ... advised that IJ had allowed 45 minute lunch break after 1:00 p.m. ... matter closed

IMMIGRATION JUDGE: (b) (6)
IJ NAME: (b) (6) **COMP DATE:** 7/22/2003 **DATE RECEIVED TYPE:** ORAL **ACIJ:** **COMPLAINANT:** Investigator (b) (6) **COMPLAINANT AGENCY:** OPM **OIG/OPR:** CLOSED

NATURE OF COMPLAINT
 IJ failed to schedule appointment for background reinvestigation

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

ACIJ wrote letter directing IJ to respond ... IJ compiled ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|---------|------|--------------------|--------------------|---------|-------------------------------------|
| (b) (6) | 5/9/2003 | | WRITTEN | | ACIJ Brian O'Leary | EOIR/OCIJ | N/A | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

ACIJ proposed suspension for continued use of office computer for stock trading

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Decision dated June 11, 2003 ordering 3 day suspension ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OJPR | CLOSED |
|----------|-----------|---------------|---------|------|-------------|--------------------|----------|-------------------------------------|
| (b) (6) | 5/8/2003 | | WRITTEN | | N/A N/A N/A | OGC | N/A | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

Letter and e-mail requesting completion of financial disclosure forms

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

ACIJ wrote letter directing IJ to respond ... IJ completed financial disclosure forms as directed ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

IJ NAME: (b) (6) **COMP DATE:** 3/3/2003 **DATE RECEIVED TYPE:** ACIJ **COMPLAINANT:** ACIJ Brian O'Leary **COMPLAINANT AGENCY:** EOIR/OCIJ **OIG/OPR:** CLOSED

(b) (6) **COMPLAINANT:** ACIJ Brian O'Leary **COMPLAINANT AGENCY:** EOIR/OCIJ **OIG/OPR:** N/A

NATURE OF COMPLAINT

ACIJ proposed suspension for failure to timely complete decisions

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Decision dated Feb. 25, 2003 ordering 10 day suspension ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|------|------|-------------|--------------------|---------|-------------------------------------|
| (b) (6) | | 1/1/2002 | N/A | | N/A N/A N/A | N/A | N/A | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

Failure to issue timely decisions

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

5 day suspension on May 13, 2002 ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|---------|------|-------------|--------------------|---------|-------------------------------------|
| (b) (6) | 8/14/2000 | | WRITTEN | | N/A N/A N/A | DHS | OPR | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

OPR opened inquiry into allegations of injudicious behavior and breach of confidentiality ... improper disclosure of I-589 information, intemperate behavior (ex parte communication)

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Ongoing cooperation with OPR ... IJ exonerated of professional misconduct by OPR on Jan. 13, 2004 ... ACIJ discussed OPR report with IJ on Jan. 30, 2004 — matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

| IJ NAME: | COMP DATE | DATE RECEIVED | TYPE | ACIJ | COMPLAINANT | COMPLAINANT AGENCY | OIG/OPR | CLOSED |
|----------|-----------|---------------|------|------|-------------|--------------------|---------|-------------------------------------|
| (b) (6) | | 1/1/2000 | | N/A | N/A N/A N/A | N/A | OPR | <input checked="" type="checkbox"/> |

NATURE OF COMPLAINT

Use of office equipment, Internet, and official time in unauthorized manner

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Sept. 26, 2000 written counseling ... matter closed



All Complaints (Detail)

Complaint Number: 527

Immigration Judge: (b) (6)

Complaint Date: 08/03/11

Current ACIJ
Bur, Sarah M.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed as merits-related

Final Action Date
08/20/11

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|---------------------|---------------------|
| (b) (6) | Legal | BIA |

Complaint Narrative: Reversal of IJ's 47 page discretionary grant of asylum.

| Complaint History | |
|-------------------|---------------------------------------|
| 08/08/11 | Complaint referred to ACIJ |
| 08/09/11 | Database entry created |
| 08/20/11 | Complaint dismissed as merits-related |



All Complaints (Detail)

Complaint Number: 305

Immigration Judge: (b) (6)

Complaint Date: 06/19/10

Current ACIJ
Bur, Sarah M.

Base City
(b) (6)

Status
CLOSED

Final Action
Written reprimand

Final Action Date
09/21/10

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|----------------------|---------------------|
| | Out-of-court conduct | EOIR |

Complaint Narrative: IJ failed to submit (b) (6) SF-278, after several requests to do so.

| Complaint History | |
|-------------------|---|
| 06/21/10 | Database entry created |
| 06/24/10 | Ethics office sent ACIJ correspondence regarding IJ's failure to submit SF 278 and fine. |
| 06/28/10 | ACIJ instructed ij to file 278 |
| 07/27/10 | The ACIJ requested the IJ pay a fine for late filing and submit requested corrections prior to 7/30 |
| 09/21/10 | Written reprimand |



All Complaints (Detail)

Complaint Number: 48

Immigration Judge: (b) (6)

Complaint Date: 12/03/09

Current ACIJ
Burr, Sarah M.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed because it cannot be substantiated

Final Action Date
12/03/09

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|---------------------------------|---------------------|
| (b) (6) | Due process In-court conduct | BIA |

Complaint Narrative: Matter of (b) (6) transcript excerpt reveals borderline shortness of tone, but BIA found no clear error and did not address IJ's tone.

| Complaint History | |
|-------------------|--|
| 12/15/08 | Alleged conduct occurred |
| 12/03/09 | Complaint dismissed because it cannot be substantiated |
| 12/03/09 | Complaint referred to ACIJ |
| 03/31/10 | Database entry created |



All Complaints (Detail)

Complaint Number: 156

Immigration Judge: (b) (6)

Complaint Date: 06/09/09

Current ACIJ
Buc, Sarah M.

Base City
(b) (6)

Status
CLOSED

Final Action
Oral counseling

Final Action Date
06/06/09

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|------------------|---------------------|---------------------|
| (b) (6) Legal | | DHS (b) (6) |

Complaint Narrative: Matter of (b) (6) IJ failed to issue a decision per the Board's April 2004 decision.

| Complaint History | |
|-------------------|----------------------------|
| 06/06/09 | Complaint referred to ACIJ |
| 06/06/09 | Oral counseling |
| 07/17/09 | IJ renders decision. |
| 04/30/10 | Database entry created |



All Complaints (Detail)

Complaint Number: 288

Immigration Judge: (b) (6)

Complaint Date: 12/23/08

Current ACIJ
Bur, Sarah M.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed as merits-related

Final Action Date
12/23/08

| A-Number(s) | Complaint Nature(s) | Complaint Source(s) |
|-------------|---------------------|---------------------|
| (b) (6) | Legal | BIA |

Complaint Narrative: Matter of (b) (6) IJ administratively closed proceedings over DHS objection. BIA disagrees with IJ's observation that there must be a non-frivolous basis for keeping the case open.

| Complaint History | |
|-------------------|---------------------------------------|
| 12/23/08 | Complaint dismissed as merits-related |
| 12/23/08 | Complaint referred to ACIJ |
| 06/09/10 | Database entry created |

Processing, FOIA (EOIR)

From: ELR Tracking (EOIR)
Sent: Tuesday, September 25, 2012 12:47 PM
To: Weisel, Robert (EOIR)
Cc: Keller, Mary Beth (EOIR); Reinfurt, Sandy (EOIR)
Subject: RE: VD cases

Follow Up Flag: Follow up
Flag Status: Completed

Bob,

Sandy Reinfurt will assist with this. She will follow up with you. Thanks.

Jeff

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 25, 2012 10:19 AM
To: Rosenblum, Jeff (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: VD cases

That would be great, Jeff. Thanks. I don't think a teleconference is needed. Have a nice trip.
Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Rosenblum, Jeff (EOIR)
Sent: Tuesday, September 25, 2012 10:12 AM
To: Weisel, Robert (EOIR); Keller, Mary Beth (EOIR)
Subject: RE: VD cases

(b) (5)

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 25, 2012 10:10 AM
To: Keller, Mary Beth (EOIR); Rosenblum, Jeff (EOIR)
Subject: FW: VD cases

(b) (5)

Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

000020

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 5:04 PM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob –

It's COB Sept 24. You wanted an email about this now. For the reasons I wrote earlier this am it's not finished yet. With cases all day and ½ hr for lunch there was no time to work on it today. I will be staying late again tonight to see how far I get.

(b)

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 9:30 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob –

I put in an addition 8 hours Wednesday and Thursday in hopes of finishing. I made good progress, but didn't finish. . I wanted badly to work over the weekend at home, but I had no opportunity at all as we visited our grand kids in DC I will not have it completed by today.

I have spent 31 hours on it since your email of September 12. 25 on my own time, which means without pay, time mainly taken away from my family, an even more important value to me than this work. I don't ask anything in return except your trust in my good faith. I will continue working hard, including on my own time, to finish it.

I ask for your trust because I've earned it honestly. I've given you all that I can with the resources I have in response to your demand September 12 that it get done immediately—total subordination to your demand, as you graciously modified it in response to my pleas based on the earnestness of the work I am trying to do. You should have no doubt about my good faith, both in my commitment to meet the deadlines you impose and in my evaluation of the importance of the project I am working on.

I have had conflicts similar to this with EOIR before. When superiors who are not working on such a project get frustrated because of the time I'm taking to complete it, they show signs they think I am being unreasonable in taking so long. Then as now I try my hardest to comply, but EOIR mis-interprets my failure to meet administrative deadlines in such a context as insubordination. It is definitely not, not in the past and not now. I respect your desire that I complete this as soon as possible, and I do understand your frustration in my not having done so. The proof is the unpaid time I devote to complying. But I can't just "whip it out" when you say, "I direct you." This is not a report or an essay or a summary in which style, rhetoric, perspective, understanding and even thoroughness may be less important. This is law, it is going to the Board as something new, and my experience is that it will be ignored if I don't do it right,

I don't ask for anything special. Any other IJ working on a new issue ought to have the same kind of support and understanding I am seeking here. Our organization and the body of evolving law we apply need such efforts. . In general I am completing the same number of cases as most of my colleagues. True, I may be slower at some things than others, less efficient, just as I may be more efficient at some other things. My earlier estimate was that the decision was just about done, and it was. But after letting it lie fallow a while and looking at it afresh I had some different perspectives on what was important and what was not, and I devoted considerable time to understanding the whole issue in a better light. This took time and effort, but I believe it has paid off. I am sure that some judges can do this whole project more efficiently than I. I have asked EOIR for help on time management two years ago and still not received a response, and I know that that is a weakness. But having a weakness (amidst strengths, as everyone does) is

not insubordination. And I hope I've convinced you that the burden of my weakness has fallen much more heavily on my own shoulders than on yours, or EOIR's, or anyone else's. In other words, I have already taken responsibility for the values I seek to implement in this project, and EOIR has not been hurt by my choices as far as I can tell. It will, however, stand to benefit if I am allowed to complete it.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Thursday, September 20, 2012 9:51 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I direct this decision be completed and signed no later than Monday, September 24th(COB). You are further directed to advise this has been done by that time by return e mail.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, September 19, 2012 4:46 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob --

Today is September 19. I have not had time to look at any email from today or yesterday until now, so I still haven't seen the one you said I failed to respond to. Just so you don't think I'm holding something back, I've failed to respond to all my email from yesterday, because I haven't had time to see any of it yet. I'll hurry to respond to this one because it's almost COB.

I cancelled cases for that day, last Thursday I believe it was, except for one aged case and a VD where the person wanted to leave, and devoted six hours to the VD decision. That was not nearly enough. I want to let you know that I'm as dedicated to getting this done as you are to seeing me get it done – more so, I'm sure, because I'm spending my own time on it – 4 hours over the weekend, and 7 hours at night so far this week. That's 17 hours, 11 unpaid, since I last wrote you. I'm sure it's going to take at least another 6, but I am pleased about the progress so far.

(b)

PS – Oh, now I see yesterday's email is part of this one. I hadn't noticed until I just finished writing now.

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 19, 2012 8:59 AM
To: (b) (6) (EOIR)
Subject: FW: VD cases

You have failed to respond to my e mail of September 18th. Again, I direct you to report to me on the status of these cases by C.O.B. today.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

000022

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 18, 2012 8:50 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I am directing you to report on the status of these cases by C.O.B. today. Thank you.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 12:58 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Thank you. I'll do that.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 9:45 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Cancel tomorrow's cases

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 08:27 AM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob –

Here's what I'd prefer to do if you insist they must get done by Monday. I will postpone the cases that I can today and tomorrow, or, if it makes more sense, tomorrow and Friday, and finish it during that time. (b) (6) has already done a good job on much of what needs to be done, but I recognize this is an issue that the Board on first glance will consider settled – that this cannot be done – and will easily dismiss it before they start if I don't say what needs to be said in a rhetorically convincing manner. In other words, on the subtleties of the law and the manner of presentation I feel I must put the finishing polish on the decision. That's pretty much where I'm at now. And you may think such work should not take six hours but I think it does. There's no point in putting all this effort into something and then have it fizzle at the end because it must be done tomorrow instead of Friday.

Over the years I've had this problem several times. In the end I've always come through – I've written decisions I'm proud of and that have had some effect. That happened with the in absentia cases, for example, though the Board's response has been only half-way so far. Even so, I got disciplined for not finishing that sooner. The discipline ruined my project, since my cases were distributed to others. I spent 2 weeks out of work asking myself why I even try in this place. I came back, started from scratch, and 2 years later produced something I'm still proud of and still use in every in absentia case where I decide to terminate, and the Board goes along with me, even though they've not issued a precedent decision.

So here we have cases that have no problem with them except that they're still on my calendar. The people have all left the US. DHS is certainly not trying to enforce any order that does not yet exist. That's one of the reasons I have made this a less urgent priority time-wise than other cases.

000023

Finally, to direct me to get it done by tomorrow reveals your frustration with me, and I can understand that. But I want you to understand that I am doing something worthwhile here, and I will get it finished, and, yes, I will have to make it a priority in fact and not just in theory, in order to finish it. Apart from your frustration and my not prioritizing it in fact, there is no reason they have to get done by tomorrow. Respectfully beg you to let me learn what I can from this procedure and finish it this week.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 6:44 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

(b) (6)

I am directing you to decide the cases by tomorrow, create an outline and give it to a law clerk to write up by Monday. Thank you.

From: (b) (6) (EOIR)
Sent: Tuesday, September 11, 2012 07:19 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

I can't say I haven't been diligent, and I haven't been lucky either, in that cases haven't cancelled. Today, Bob, I'm no further ahead with this than when I wrote the note below. I don't want you to think I haven't been trying, or that I've forgotten about this. With old cases, motions, and the "normal" hearing of cases almost 8 hours every day (and 14 new ones on this a.m.'s master calendar) I still haven't had those 4-6 hours. I've thought about your suggestion, to make it priority no. one, but that's been too hard, since the daily schedule of hearings has in fact been priority no. 1. I'll keep trying. If you have any suggestions for how I might do this all differently I'd appreciate them.

(b)

From: Weisel, Robert (EOIR)
Sent: Wednesday, August 29, 2012 7:34 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Thank you

From: (b) (6) (EOIR)
Sent: Wednesday, August 29, 2012 07:12 AM
To: Weisel, Robert (EOIR)
Subject: VD cases

Bob –

I estimate some 4-6 hours will be needed to finish the decision, mainly re-writing and re-arranging some parts, and maybe at most 2 hours research which (b) (6) is glad to follow up. If I'm diligent, AND if I'm lucky, I'll make and find the time to get it done this week. I would love to, and will try to.

(b) (6)

000024

Processing, FOIA (EOIR)

From: Weisel, Robert (EOIR)
Sent: Monday, September 24, 2012 7:14 PM
To: Rosenblum, Jeff (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Re: VD cases

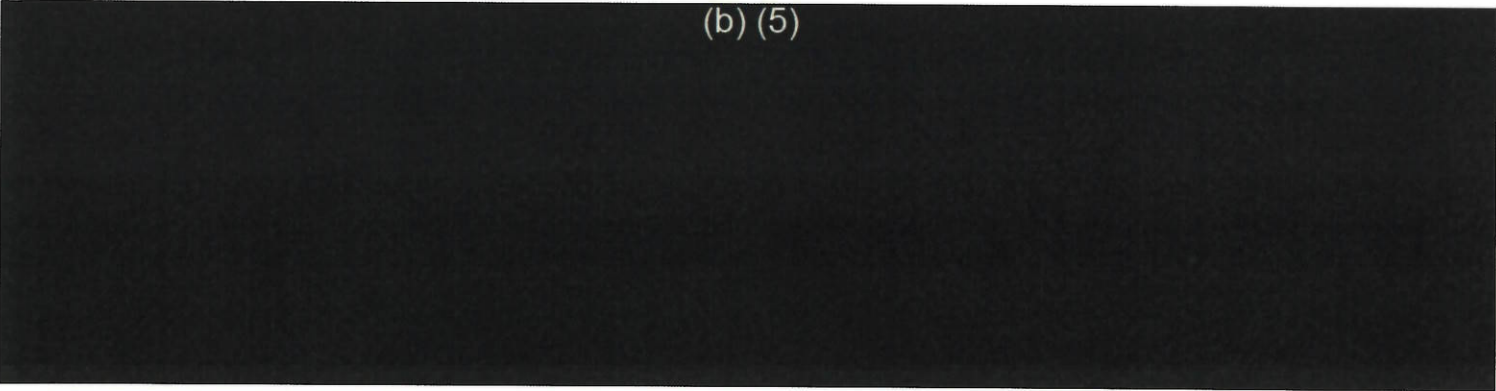
Great. Any time before 4pm works for me.

From: Rosenblum, Jeff (EOIR)
Sent: Monday, September 24, 2012 05:11 PM
To: Weisel, Robert (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: VD cases

Do you two want to try to discuss briefly tomorrow? I have a 1 p.m. meeting, but otherwise I'm generally around. Thanks.

From: Weisel, Robert (EOIR)
Sent: Monday, September 24, 2012 11:32 AM
To: Rosenblum, Jeff (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: FW: VD cases

(b) (5)



From: Keller, Mary Beth (EOIR)
Sent: Monday, September 24, 2012 10:55 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

(b) (5)



From: Weisel, Robert (EOIR)
Sent: Monday, September 24, 2012 10:15 AM
To: Keller, Mary Beth (EOIR)
Subject: FW: VD cases

Mary Beth:
Any suggestions?
Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 9:30 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob –

I put in an addition 8 hours Wednesday and Thursday in hopes of finishing. I made good progress, but didn't finish. . I wanted badly to work over the weekend at home, but I had no opportunity at all as we visited our grand kids in DC I will not have it completed by today.

I have spent 31 hours on it since your email of September 12. 25 on my own time, which means without pay, time mainly taken away from my family, an even more important value to me than this work. I don't ask anything in return except your trust in my good faith. I will continue working hard, including on my own time, to finish it.

I ask for your trust because I've earned it honestly. I've given you all that I can with the resources I have in response to your demand September 12 that it get done immediately—total subordination to your demand, as you graciously modified it in response to my pleas based on the earnestness of the work I am trying to do. You should have no doubt about my good faith, both in my commitment to meet the deadlines you impose and in my evaluation of the importance of the project I am working on.

I have had conflicts similar to this with EOIR before. When superiors who are not working on such a project get frustrated because of the time I'm taking to complete it, they show signs they think I am being unreasonable in taking so long. Then as now I try my hardest to comply, but EOIR mis-interprets my failure to meet administrative deadlines in such a context as insubordination. It is definitely not, not in the past and not now. I respect your desire that I complete this as soon as possible, and I do understand your frustration in my not having done so. The proof is the unpaid time I devote to complying. But I can't just "whip it out" when you say, "I direct you." This is not a report or an essay or a summary in which style, rhetoric, perspective, understanding and even thoroughness may be less important. This is law, it is going to the Board as something new, and my experience is that it will be ignored if I don't do it right,

I don't ask for anything special. Any other IJ working on a new issue ought to have the same kind of support and understanding I am seeking here. Our organization and the body of evolving law we apply need such efforts. . In general I am completing the same number of cases as most of my colleagues. True, I may be slower at some things than others, less efficient, just as I may be more efficient at some other things. My earlier estimate was that the decision was just about done, and it was. But after letting it lie fallow a while and looking at it afresh I had some different perspectives on what was important and what was not, and I devoted considerable time to understanding the whole issue in a better light. This took time and effort, but I believe it has paid off. I am sure that some judges can do this whole project more efficiently than I. I have asked EOIR for help on time management two years ago and still not received a response, and I know that that is a weakness. But having a weakness (amidst strengths, as everyone does) is not insubordination. And I hope I've convinced you that the burden of my weakness has fallen much more heavily on

my own shoulders than on yours, or EOIR's, or anyone else's. In other words, I have already taken responsibility for the values I seek to implement in this project, and EOIR has not been hurt by my choices as far as I can tell. It will, however, stand to benefit if I am allowed to complete it.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Thursday, September 20, 2012 9:51 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I direct this decision be completed and signed no later than Monday, September 24th(COB). You are further directed to advise this has been done by that time by return e mail.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, September 19, 2012 4:46 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob --

Today is September 19. I have not had time to look at any email from today or yesterday until now, so I still haven't seen the one you said I failed to respond to. Just so you don't think I'm holding something back, I've failed to respond to all my email from yesterday, because I haven't had time to see any of it yet. I'll hurry to respond to this one because it's almost COB.

I cancelled cases for that day, last Thursday I believe it was, except for one aged case and a VD where the person wanted to leave, and devoted six hours to the VD decision. That was not nearly enough. I want to let you know that I'm as dedicated to getting this done as you are to seeing me get it done – more so, I'm sure, because I'm spending my own time on it – 4 hours over the weekend, and 7 hours at night so far this week. That's 17 hours, 11 unpaid, since I last wrote you. I'm sure it's going to take at least another 6, but I am pleased about the progress so far.

(b)

PS – Oh, now I see yesterday's email is part of this one. I hadn't noticed until I just finished writing now.

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 19, 2012 8:59 AM
To: (b) (6) (EOIR)
Subject: FW: VD cases

You have failed to respond to my e mail of September 18th. Again, I direct you to report to me on the status of these cases by C.O.B. today.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

000027

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 18, 2012 8:50 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I am directing you to report on the status of these cases by C.O.B. today. Thank you.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 12:58 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Thank you. I'll do that.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 9:45 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Cancel tomorrow's cases

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 08:27 AM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob –

Here's what I'd prefer to do if you insist they must get done by Monday. I will postpone the cases that I can today and tomorrow, or, if it makes more sense, tomorrow and Friday, and finish it during that time. (b) (6) has already done a good job on much of what needs to be done, but I recognize this is an issue that the Board on first glance will consider settled – that this cannot be done – and will easily dismiss it before they start if I don't say what needs to be said in a rhetorically convincing manner. In other words, on the subtleties of the law and the manner of presentation I feel I must put the finishing polish on the decision. That's pretty much where I'm at now. And you may think such work should not take six hours but I think it does. There's no point in putting all this effort into something and then have it fizzle at the end because it must be done tomorrow instead of Friday.

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So here we have cases that have no problem with them except that they're still on my calendar. The people have all left the US. DHS is certainly not trying to enforce any order that does not yet exist. That's one of the reasons I have made this a less urgent priority time-wise than other cases.

000028

Finally, to direct me to get it done by tomorrow reveals your frustration with me, and I can understand that. But I want you to understand that I am doing something worthwhile here, and I will get it finished, and, yes, I will have to make it a priority in fact and not just in theory, in order to finish it. Apart from your frustration and my not prioritizing it in fact, there is no reason they have to get done by tomorrow. Respectfully beg you to let me learn what I can from this procedure and finish it this week.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 6:44 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

(b) (6)

I am directing you to decide the cases by tomorrow, create an outline and give it to a law clerk to write up by Monday. Thank you.

From: (b) (6) (EOIR)
Sent: Tuesday, September 11, 2012 07:19 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

I can't say I haven't been diligent, and I haven't been lucky either, in that cases haven't cancelled. Today, Bob, I'm no further ahead with this than when I wrote the note below. I don't want you to think I haven't been trying, or that I've forgotten about this. With old cases, motions, and the "normal" hearing of cases almost 8 hours every day (and 14 new ones on this a.m.'s master calendar) I still haven't had those 4-6 hours. I've thought about your suggestion, to make it priority no. one, but that's been too hard, since the daily schedule of hearings has in fact been priority no. 1. I'll keep trying. If you have any suggestions for how I might do this all differently I'd appreciate them.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, August 29, 2012 7:34 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Thank you

From: (b) (6) (EOIR)
Sent: Wednesday, August 29, 2012 07:12 AM
To: Weisel, Robert (EOIR)
Subject: VD cases

Bob –

I estimate some 4-6 hours will be needed to finish the decision, mainly re-writing and re-arranging some parts, and maybe at most 2 hours research which (b) (6) is glad to follow up. If I'm diligent, AND if I'm lucky, I'll make and find the time to get it done this week. I would love to, and will try to.

(b) (6)

000029

Processing, FOIA (EOIR)

From: Weisel, Robert (EOIR)
Sent: Wednesday, October 03, 2012 9:16 AM
To: Keller, Mary Beth (EOIR); Reinfurt, Sandy (EOIR)
Subject: FW: VD decision update

fyi

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, October 03, 2012 8:49 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD decision update

I agree. It's unacceptable to me, too. I wish I knew a better way.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Tuesday, October 02, 2012 12:21 PM
To: (b) (6) (EOIR)
Subject: RE: VD decision update

Thank you for this e mail. Again, the length of time this is taking to complete remains unacceptable.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Tuesday, October 02, 2012 7:21 AM
To: Weisel, Robert (EOIR)
Subject: VD decision update

Bob –

I did not work at all this past weekend on the VD decision I'm certifying to the Board, as I had hoped to. So I am still where I was Friday, which happens to be at p. 20 (99%+ complete up to that point), and 10 more pages of draft that I believe will reduce to 5 when I cull out repetitions, reword, and clean up. With all my extra effort Last week it went slow but well.

Today is MCH day, so I don't know that I'll get anything done on it at all. I urgently want to complete it by Thursday, and will work as hard as I've been working these past 3 weeks to accomplish that.

(b) (6)

000030

Processing, FOIA (EOIR)

From: Weisel, Robert (EOIR)
Sent: Wednesday, October 03, 2012 9:15 AM
To: Keller, Mary Beth (EOIR); Reinfurt, Sandy (EOIR)
Subject: FW: VD decision

fyi

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, October 03, 2012 8:43 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD decision

Bob --

I certainly don't need the reminding, Bob. I'm very aware of the deadlines you've imposed and have moved heaven and earth to try to meet them. I'm doing this almost entirely on my own time now, unpaid, and taking your deadlines as seriously as my commitment to the issue I am addressing in these cases, and to the five people whose lives will be affected by it. The only reason I haven't just slapped something together to meet the deadline is I want my finished decision to be worthy of the certification I intend to do to the BIA. As I've told you, these cases raise an issue the Board has not yet addressed. Nor is it being addressed by other IJs I know of. All that matters, too, and should not be forgotten. Also, these five people are all out of the US, so no harm is being done to them or DHS by my giving first priority to writing a good decision. The only harm is to us, or me, and I am trying to keep that to a minimum by devoting so much of my own time to this.

That this takes me more time than I usually imagine it will is indeed a fault for which I welcome appropriate correction or training or support. But please don't think I'm ignoring your deadlines. I have paid very serious attention to them.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Friday, September 28, 2012 4:53 PM
To: (b) (6) (EOIR)
Subject: RE: VD decision

(b) (6)

I must remind you I have already given you several deadlines that have not been followed.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Friday, September 28, 2012 4:36 PM
To: Weisel, Robert (EOIR)
Subject: VD decision

000031

Bob –

I had steady period of time to work on it today, hoping to finish today. I didn't finish. I'm taking it home with me to see if I can finish over the weekend. I'll let you know first thing Mon. a.m.

(b) (6)

000032

Processing, FOIA (EOIR)

From: Reinfurt, Sandy (EOIR)
Sent: Friday, October 05, 2012 1:10 PM
To: Keller, Mary Beth (EOIR)
Cc: Rosenblum, Jeff (EOIR)
Subject: RE: History (b) (6)

Great! Thanks MB

From: Keller, Mary Beth (EOIR)
Sent: Friday, October 05, 2012 12:38 PM
To: Reinfurt, Sandy (EOIR)
Cc: Rosenblum, Jeff (EOIR)
Subject: RE: History (b) (6)

(b) (5)

From: Keller, Mary Beth (EOIR)
Sent: Friday, October 05, 2012 10:37 AM
To: Rosenblum, Jeff (EOIR) (Jeff.Rosenblum@EOIR.USDOJ.GOV)
Subject: FW: History (b) (6)

Just fyi

From: Keller, Mary Beth (EOIR)
Sent: Friday, October 05, 2012 10:37 AM
To: Reinfurt, Sandy (EOIR); Weisel, Robert (EOIR)
Subject: History (b) (6)

Bob and Sandy,

In preparation for our 11 am meeting, here is what I have come up with as far as history on this judge:

| | | |
|--|-------------------|----------------------------------|
| May 13, 2002 decisions | 5 day suspension | Failure to timely issue |
| February 25, 2003 decisions | 10 day suspension | Failure to timely complete |
| June 11, 2003 usage despite admonishment | 3 day suspension | Inappropriate computer 000033 |

| | | |
|------------------------------------|-------------------|-----------------------------|
| April 6, 2005 | Reprimand | Painting the court hallway |
| June 28, 2007 deadline | 14 day suspension | Failure to meet assignment |
| September 21, 2010 instructions | Reprimand | Failure to file 278 despite |

(b) (6) was also counseled in June 2009 for failure to issue a decision per a 2004 BIA decision,

(b) (5)

(b) (5)

(b) (5)

MaryBeth Keller
Assistant Chief Immigration Judge
EOIR/OCIJ

(b) (6)

[\[REDACTED\]@usdoj.gov](mailto: [REDACTED]@usdoj.gov)

000034

Processing, FOIA (EOIR)

From: Weisel, Robert (EOIR)
Sent: Tuesday, November 27, 2012 10:28 AM
To: Keller, Mary Beth (EOIR)
Subject: FW: proposed 30 day suspension
Attachments: proposed 30 day suspension.pdf; Attachments 1-12.pdf; Attachments 13-23.pdf

As we discussed.

Bob

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Weisel, Robert (EOIR)
Sent: Tuesday, November 27, 2012 8:59 AM
To: (b) (6) (EOIR)
Cc: O'Leary, Brian (EOIR)
Subject: proposed 30 day suspension

Judge (b) (6) :

Attached please find a letter from Chief Immigration Judge Brian O'Leary, and the attachments. If you would like a hard copy of the documents, please let me know.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

November 26, 2012

(b) (6)

Immigration Judge

(b) (6)

Re: Letter of Proposed Suspension

Dear Judge (b) (6)

This letter is notice that I propose that you be suspended from your position as an Immigration Judge, IJ-0905-00/04, with the Executive Office for Immigration Review (EOIR), for a period of 30 calendar days. This proposal is in accordance with 5 C.F.R. Part 752 and Department of Justice Order 1200.1 (Human Resources), Part 3, Chapter 1, and is taken to promote the efficiency of the Federal service. This action is based on the charge outlined herein.

Part I provides a background relating to this proposal letter. Part II enumerates the charge and explains the evidence upon which this proposed suspension is based. Part III discusses some of the factors that I considered in proposing the penalty for your misconduct. Part IV outlines the procedures for responding to this notice of proposed suspension.

I. BACKGROUND

On April 11, 2002, then-Chief Immigration Judge (CIJ) Michael J. Creppy issued a decision letter notifying you that you would be suspended for 5 calendar days for failure to issue timely decisions in cases assigned to you by your then-supervisor, Assistant Chief Immigration Judge (ACIJ) Phillip T. Williams. *See Attachment 1.*

On February 25, 2003, then-CIJ Creppy issued a decision letter notifying you that you would be suspended for 10 calendar days for failure to develop and submit a proposal for issuing certain decisions, and later to complete those decisions. *See Attachment 2.*

On June 11, 2003, then-CIJ Creppy issued a decision letter notifying you that you would be suspended for 3 calendar days for continuing to use an office computer for stock trading purposes after being admonished by your supervisor not to do so. *See Attachment 3.*

On June 28, 2007, then-CIJ David L. Neal issued a decision letter notifying you that you would be suspended for (b) (6) for failure to meet an assignment deadline. See Attachment 4.

On September 21, 2010, then-ACIJ Sarah Burr reprimanded you for failure to follow supervisory instructions. See Attachment 5.

On the afternoon of May 3, 2012, eleven cases were scheduled on your docket for hearings. On or about May 10, 2012, (b) (7)(C) Deputy Chief Counsel, Department of Homeland Security, reported to ACIJ Robert Weisel, your current supervisor, that five respondents from your docket on May 3, 2012 did not appear for hearing and you took no action. The five respondents at issue bear A#s (b) (6), (b) (6), (b) (6), (b) (6), and (b) (6). Shortly thereafter, ACIJ Weisel discussed this matter with you. You informed ACIJ Weisel that you were consolidating these five cases into one decision.¹ Over the next several months, when ACIJ Weisel inquired about the status of the decision, you advised him that you were working on the decision. See Attachment 6.

On August 28, 2012, ACIJ Weisel inquired through e-mail about the status of this decision. See Attachment 7.

On August 29, 2012, you responded that you would try to finish the decision by the end of the week. See Attachment 8.

On September 11, 2012, nearly two weeks later, you informed ACIJ Weisel that you had not made any progress on writing the decision for your VD cases. See Attachment 9.

On Wednesday, September 12, 2012, ACIJ Weisel directed you to decide the cases by September 13, 2012, and provide outlines to a law clerk to write the decisions by Monday, September 17, 2012. You responded with reasons why the cases did not need to be decided by the next day, but that if ACIJ Weisel insisted the cases be decided the next day, you would cancel your hearings. In an effort to provide you with a means to assist you, ACIJ Weisel authorized you to cancel your hearings for Thursday, September 13, 2012. You subsequently canceled your hearings to work on the decision. See Attachment 10.

On September 18, 2012, ACIJ Weisel directed you to report on the status of your VD cases by close of business. You did not respond to ACIJ Weisel. See Attachment 11.

On September 19, 2012, ACIJ Weisel again directed you to report on the status of your VD cases by close of business. You replied that you had not read any of your emails from September 18 and 19. You reported, however, that you had not decided the VD cases despite having spent 17 hours working on them. See Attachment 12.

¹ You characterized these cases as voluntary departure (VD) cases. VD is a form of affirmative relief that allows the respondent to depart the United States voluntarily.

On September 20, 2012, ACIJ Weisel again directed you to have the decision completed and signed by close of business on Monday, September 24, 2012. ACIJ Weisel further directed you to inform him when you had completed the decision. *See Attachment 13.*

On the morning of September 24, 2012, you informed ACIJ Weisel that you had spent an additional 8 hours (31 total hours since September 12, 2012) working on the decision, but that you had not completed it. *See Attachment 14.*

On September 24, 2012, at approximately 5:04 p.m., you informed ACIJ Weisel that you still had not finished the decision, but that you would be staying late to see how far you get. *See Attachment 15.*

On September 25, 2012, ACIJ Weisel requested an update. You replied that you had spent 6 hours on the decision the previous night. You stated that you hoped to finish the decision that week. *See Attachment 16.*

On September 28, 2012, you informed ACIJ Weisel that although you had a steady period of time to work on the decision that day, it was not finished. You further stated that you would be taking it home over the weekend. *See Attachment 17.*

On September 28, 2012, ACIJ Weisel reminded you of your failure to meet several deadlines for the completion of the decision. On October 3, 2012, you replied that you did not need the reminding and that you have been paying serious attention to ACIJ Weisel's deadlines. *See Attachment 18.*

On October 2, 2012, you informed ACIJ Weisel that you did not work on the decision over the weekend, but that you hoped to complete it by Thursday (October 4, 2012). *See Attachment 19.*

On October 2, 2012, ACIJ Weisel informed you that the amount of time you were taking to complete the decision remained unacceptable. On October 3, 2012, you responded that you agreed. *See Attachment 20.*

On October 10, 2012, ACIJ Weisel reminded you of your repeated failure to complete the decision. You did not respond to him. *See Attachment 21.*

On or about September 28, 2012, (b) (6), a judicial law clerk in the (b) (6) Immigration Court, provided ACIJ Weisel with a synopsis of the work that she had completed for you in regard to the cases at issue. Apparently, this decision has been in preparation at least as far back as February 10, 2012. *See Attachment 22.* The Case Access System for EOIR (CASE) database indicates that the five cases at issue have been adjourned numerous times without any action taken. For example, case A.(b) (6) to date, has been adjourned 20 times since March 6, 2007. Similarly, 894 has been adjourned 17 times, 781 has been adjourned 11 times, 491 has been adjourned 13 times and 262 has been adjourned 10 times.² Furthermore, when ACIJ

² I am referencing the last three numbers of the case numbers.

Weisel attempted to listen to the hearings, he discovered that the cases at issue had not been recorded, which indicates that either you failed to follow proper protocol, which compromised the integrity of the record, or that nothing substantive occurred at the scheduled hearings. The reasons you entered for the adjournments of the cases (*i.e.*, the codes) in the CASE database appear to be incompatible with the actions you took on the cases. Thus, your failure to record the hearings also made it impossible to discern the accuracy of the codes that you entered. See Attachment 23.

As of the date of this proposal letter, you still have not completed the decision.³

II. CHARGE: Failure to Follow Supervisory Instructions

The background section above is hereby fully incorporated by reference. On multiple occasions, ACIJ Weisel, your supervisor, issued you explicit, written instructions to complete the decision for the cases at issue by various deadlines. See Attachments 6-21. Despite ACIJ Weisel's instructions, you failed to comply with any of the required deadlines, and as of the date of this proposal letter, you still have not completed the decision. Therefore, you failed to follow supervisory instructions.

III. PENALTY

In determining the appropriate penalty, I considered that you have been an Immigration Judge since 1995. This factor weighs in favor of mitigation. However, I find your conduct to be extremely serious. Your supervisor is charged with managing the workload of the immigration court, and it is imperative that Immigration Judges under his supervision respect his authority and comply with his directives. Your continuous failure to follow your supervisory instructions on multiple occasions concerns me greatly, and has caused me to lose confidence in your ability to perform your duties.

I have also considered your extensive disciplinary history, much of which related to similar misconduct. Specifically, your disciplinary history consists of: a (b) (6) on (b) (6) (b) (6) a (b) (6) on (b) (6) a (b) (6) suspension on (b) (6); a (b) (6) (b) (6) on June 28, 2007; and a letter of reprimand on (b) (6). This history demonstrates a pattern of misconduct in general, and failure to follow instructions specifically, which further causes me to question your ability to follow orders from management. In addition, based on the fact that you have repeatedly been formally disciplined, I strongly question your potential for rehabilitation.

As an Immigration Judge, you stand in the shoes of the Attorney General, and as the Chief Immigration Judge, I fully expect you to act in a manner befitting that role. It is imperative that management has the capability give instructions, and you are required to follow management's directives. I question your ability to carry out your job duties if you cannot comply with your supervisor's straightforward, written instructions.

(b) (6)

Finally, I considered whether a lesser sanction would be appropriate, and, in my judgment, it would not. This is particularly so because of your history of repeated misconduct. Your prior discipline has clearly put you on notice that this type of behavior would not be tolerated. Thus, based on my consideration of all of the relevant factors, I believe that a (b) (6) is fully warranted and promotes the efficiency of the Federal service.


IV. PROCEDURE

David Margolis, Associate Deputy Attorney General, Office of the Deputy Attorney General, will make the final decision regarding this proposal. Within 20 calendar days from the date that you receive this letter, you may respond to Mr. Margolis orally or in writing, regarding this proposal. If you wish to make an oral reply, please contact Jeff Rosenblum, Chief Counsel, Employee and Labor Relations Unit, Office of the General Counsel, at (b) (6) to make the arrangements. Your response, if any, should be addressed to Mr. Margolis, sent c/o Mr. Rosenblum, at the following address: Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, VA, 22041, or electronically at (b) (6) @usdoj.gov. Consideration will be given to extending the time for your reply, if you submit a written request to Mr. Margolis, c/o Mr. Rosenblum, within 10 calendar days after receipt of this letter stating the reasons for your request. No final decision on this proposal will be made until after your reply, if any, is received and considered. Your present duty and pay status are not affected by this letter.

In responding to this proposal, you have the right to be represented by an attorney or other representative of your choice. Should you choose to designate someone to be your representative, you must make the designation in writing to Mr. Margolis, c/o Mr. Rosenblum. You and/or your representative, if a current Department of Justice employee, will be allowed a reasonable amount of official time to review the material relied upon in support of this proposed action and to prepare and present a response.

Should you have any questions regarding the rules or procedures governing this action, you may contact Larry Kidd, Labor and Employee Relations Specialist, Employee and Labor Relations Unit, Office of the General Counsel, at (b) (6)

Sincerely,


Brian M. O'Leary
Chief Immigration Judge

Attachments

ATTACHMENT 1



U. S. Department of Justice
Executive Office for Immigration Review
Office of the Chief Immigration Judge

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041
April 11, 2002

The Honorable (b) (6)

(b) (6)

Dear Judge (b) (6)

On March 20, 2002, you were issued a notice proposing that you be suspended for a period of five calendar days without pay for failing to issue timely decisions in cases assigned to you. You replied to the proposal by letter dated March 29, 2002.

In making my decision in this matter I have given full consideration to the proposal, to the evidence provided to you with the proposal letter, and to your written reply.

After careful consideration, I find that you have failed to issue timely decisions in cases assigned to you, as specified in the letter proposing your suspension. This has been a long-standing problem for you and, as you correctly note, was the reason for your reassignment from (b) (6). The problem that precipitated this proposed suspension was your failure to issue a decision in the (b) (6) case (A (b) (6)) for over two years, including months after your reassignment from (b) (6). You are aware that court policy (Operating Policy and Procedure Memorandum, 93-01) mandates that an immigration judge must issue his or her written decision, in non-detained cases, within 60 calendar days from the final hearing date, unless he or she has requested and received an extension of time from their Assistant Chief Immigration Judge. You failed to issue a decision in this case after Assistant Chief Immigration Judge Williams brought the case to your attention, and even after Judge Williams set a deadline for you of March 8, 2002, by which to complete the case. In fact, you did not issue a decision in this case until March 22, 2002, after Judge Williams threatened you with dismissal if you did not complete the case by that date.

As to the specific disciplinary action proposed, I have considered that you have been an Immigration Judge for a number of years and are very knowledgeable with respect to immigration law. However, your inordinate delay in issuing a decision in the (b) (6) case negatively affected the efficiency of the Immigration Court in carrying out its function under the immigration laws. Thus, it is my decision that a five-day suspension is warranted in this case. I anticipate that this suspension will have the desired corrective effect on you so that delays in issuing decisions such as you have experienced in the past will not recur. You will be suspended effective (b) (6) through (b) (6) inclusive. You are to report for duty at your regularly scheduled hour on (b) (6).

I note that your reply to the proposal that you be suspended included a request for information in addition to that which was provided to you in support of the proposal, plus additional time to analyze that additional information and to submit an additional response. I do not believe that the additional information that you have requested is necessary to reach a decision in this matter, nor do I believe that an additional response would be helpful; hence, I am denying those requests.


You have the right to appeal this suspension under the Department of Justice employee grievance procedures. A copy of the grievance procedures may be found at <http://www.usdoj.gov/jnd/ps/chpt3-2.html>. Your appeal under these procedures, if any, must be filed in writing with the Office of General Counsel, ELR Unit, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia 22041, within fifteen calendar days from the date you receive this letter.

You may file an EEO complaint, instead of an appeal under the grievance procedures, if you believe that this decision is based on discrimination because of race, sex, color, religion, age, physical or mental handicap, national origin, retaliation, or sexual orientation. If you elect to file a formal complaint of discrimination, you must contact an EEO counselor within forty-five calendar days from your receipt of this letter. To speak with an EEO counselor, call (703) 305-0994.

Should you feel that your actions in this matter were the result of some unusual stress in your life or should you wish to speak to a professionally trained counselor regarding your actions, I recommend that you contact the Employee Assistance Program (800) 626-0386. This is a voluntary referral and is offered to assist you in coping with an personal problems you may be experiencing.

If you have any questions regarding this letter or your appeal rights, you may contact Daniel Echavarren, Associate General Counsel, at (b) (6)

Sincerely,


Michael J. Creppy
Chief Immigration Judge

ATTACHMENT 2



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

February 25, 2003

The Honorable (b) (6)
Immigration Judge

(b) (6)

Dear Judge (b) (6)

On February 3, 2003, you were issued a notice proposing that you be suspended for a period of ten calendar days without pay for failure to develop and submit a proposal for issuing certain decisions, and later to complete those decisions, as instructed to do by Assistant Chief Immigration Judge Brian O'Leary.

In making my decision in this matter I have given full consideration to the proposal and to the supporting evidence attached to the proposal. You failed to respond to the proposal despite two extensions of time to do so. It is clear from everything before me that you failed to develop and submit the proposal requested by Judge O'Leary and that you failed to complete the decisions, as stated in the letter proposing your suspension.

As to the specific disciplinary action proposed, I have considered the financial impact that this would have on you but weighed against that the serious impact that a failure to follow instructions of a supervisor can have on the management of an organization. In the final analysis I believe that a ten-day suspension is warranted and necessary to ensure that what happened in this case does not reoccur. Consequently, you will be suspended for the period of (b) (6) through (b) (6) inclusive. You are to report for duty at your regularly scheduled hour on (b) (6)

You have the right to appeal this suspension under the Department of Justice employee grievance procedures. A copy of the grievance procedures may be found at <http://www.usdoj.gov/jmd/ps/chpt3-2.html>. Your appeal under these procedures, if any, must be filed in writing with the Office of General Counsel, ELR Unit, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, within fifteen calendar days from the date you receive this letter.

You may file an EEO complaint, instead of an appeal under the grievance procedures, if you believe that this decision is based on discrimination because of race, sex, color, religion, age,

physical or mental handicap, national origin, retaliation, or sexual orientation. If you elect to file a formal complaint of discrimination, you must contact an EEO counselor within forty-five (45) calendar days from your receipt of this letter. To speak with an EEO counselor, call (703) 305-0994.

If you have any questions regarding this letter or your appeal rights, you may contact Bruce Waxman, Labor Counsel, at (b) (6)

Sincerely,



Michael J. Creppy
Chief Immigration Judge

Please acknowledge receipt of this letter by e-mail upon receipt.

ATTACHMENT 3



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

June 11, 2003

Honorable (b) (6)
(b) (6)

Dear Judge (b) (6):

On May 9, 2003, you were issued a notice proposing that you be suspended without pay for a period of three calendar days for continuing to use an office computer for stock trading purposes after being admonished by your supervisor not to do so.

In making my decision in this matter I have given full consideration to the proposal, to the Office of the Inspector General Report of Investigation ("OIG Report") that was provided to you with the proposed suspension letter, and to the written reply submitted by you on June 2, 2003. Your request for a third extension of time to present additional argument in support of your position is denied. You were given approximately three weeks to prepare your response. It may be that you could not spend as much time as you would like to have spent preparing your response because apparently you did not begin work on your response until the day before your response was due.

In response to the proposal you state very narrowly that you stopped using the office computers for "making any sales or purchases of stocks, [for] keeping track of such purchases or sales, and [for] obtaining account information relating to the purchases and sales." However, you concede that you continued to use the office computers to obtain financial information to facilitate the purchase and sale of such stocks - transactions which you then almost immediately executed through your home computer - but argue that this conduct was not specifically prohibited by your supervisor. I find this argument to be disingenuous. A fair reading of Judge Dean's memorandum to you makes clear that he was advising you to cease stock trading activities on office computers and during work time. He did not make the distinction between doing all the research and preparation for trading in the office and sending the buy and sell orders through another computer because you were apparently not splitting up your stock trading activities in that manner at the time. The fact that you asserted to the OIG that at one point you stopped "cold turkey" from using the office computer for any stock trading purposes belies your argument that you were unaware that what you were doing was proscribed. Moreover, Judge Dean specifically stated in his memorandum that you should only use government time for official business. The OIG Report, at pages 12 and 15, identifies a number of instances where you continued to access internet financial sites from the office computer during work hours for the clear purpose of stock trading, after receiving Judge Dean's admonishment. For example: on

October 20, 2000, you were on a financial site for 1 hour and 16 minutes during the middle of the work day; and on December 29, 2000, you were on a financial site from 8:43 a.m. to 9:31 a.m.

As to the specific disciplinary action proposed, I have considered the financial impact that this would have on you but weighed against that the serious impact that a failure to follow instructions of a supervisor can have on the management of an organization. In the final analysis I believe that a three-day suspension is warranted and necessary to ensure that what happened in this case does not reoccur. Consequently, you will be suspended for the period of (b) (6) through (b) (6) inclusive.

You have the right to appeal this suspension under the Department of Justice employee grievance procedures. A copy of the grievance procedures may be found at <http://www.usdoj.gov/jmd/ps/chpt3-2.html>. Your appeal under these procedures, if any, must be filed in writing with the Office of General Counsel, ELR Unit, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, within fifteen calendar days from the date you receive this letter.

You may also file an EEO complaint regarding this suspension if you believe that my decision is based on discrimination because of race, sex, color, religion, age, physical or mental handicap, national origin, retaliation, or sexual orientation. If you elect to file a formal complaint of discrimination, you must contact an EEO counselor within forty-five (45) calendar days from your receipt of this letter. To speak with an EEO counselor, call (703) 305-0994.

If you have any questions regarding this letter or your appeal rights, you may contact Bruce Waxman, Labor Counsel, at (b) (6)

Sincerely,



Michael J. Creppy
Chief Immigration Judge

Please acknowledge receipt of this letter by e-mail upon receipt.

ATTACHMENT 4



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

June 28, 2007

(b) (6)

Immigration Judge

(b) (6)

Dear Judge (b) (6):

On May 18, 2007, Assistant Chief Immigration Judge Sarah Burr proposed your suspension for a period of 14 calendar days. Judge Burr's proposal was based on a charge of failing to meet an assignment deadline. Judge Burr's letter is incorporated herein by reference. I am sustaining the charge for the reasons set forth in that letter. For the reasons stated below, I find that a suspension of 14 calendar days is the appropriate penalty and promotes the efficiency of the service.

In making my decision, I have considered your July 11, 2007 written response which was sent to me via e-mail. In your response, you acknowledge that you failed to meet the deadlines set by Judge Burr. You further state, that you believe the deadlines set by Judge Burr were unrealistic, that her proposal put "quality over quantity" and "creates a threatening professional atmosphere." You also state that you believe Judge Burr's proposal will impact the impartiality of judges.

I do not find your arguments persuasive. As your supervisor, Judge Burr has the authority and ability to assess your workload and to determine realistic deadlines, which I am satisfied she did in this case. I find that Judge Burr's deadline for you to complete your *in absentia* cases did not jeopardize your ability to issue quality decisions in these particular matters. Finally, I do not find that Judge Burr's proposal impacts your impartiality as a judge because she did not dictate how you should decide in those cases, but merely required that you rule on those cases by a date certain.

In determining the appropriate penalty, I have considered the relevant Douglas factors. I find it particularly troubling that you have been disciplined twice in the past for failing to complete decisions in a timely manner. On (b) (6) you were issued a letter suspending you for (b) (6) for failing to issue timely decisions and on (b) (6) you were issued a letter suspending you for (b) (6) for similar misconduct. Based on your prior discipline, you were on notice that your failure to complete cases within a reasonable amount of time would

June 28, 2007
page 2

not be tolerated. I have also considered the impact of your misconduct on your colleagues who had to be called upon to complete your cases because of your repeated failure to adjudicate them.

Additionally, I note that this is the third time that this misconduct has occurred and that Judge Burr is the third different supervisor who has proposed discipline for precisely this type of misconduct. I observe too that your response neither acknowledges any wrongdoing, nor recognizes the harm that your misconduct imposes on your colleagues or the court; and from this observation, I glean that lesser measures than the discipline imposed would not be effective to deter future misconduct of this kind. Furthermore, you are again placed on notice that misconduct of this nature will not be tolerated.

You may file a grievance of this discipline. As a member of the bargaining unit represented by the National Association of Immigration Judges (NAIJ), you are subject to the grievance procedures in Article 8, section 8.7, of the collective bargaining agreement between the NAIJ and the Office of the Chief Immigration Judge, Executive Office for Immigration Review. A copy of Article 8 is enclosed.

If you believe this action is based in whole or in part on discrimination because of race, sex, color, religion, age, physical or mental handicap, national origin, retaliation, or sexual orientation, you may file an EEO complaint. If you elect to file a formal complaint of discrimination, you must contact an EEO counselor within forty-five calendar days from your receipt of this letter. To speak with an EEO counselor, contact Wanda Owens at (b) (6) or Andrew Press at (b) (6).

Judge Burr will determine the dates that you will serve your suspension. Should you have any questions or need assistance in this matter, contact Larry Kidd, Employee Relations Specialist, Employee and Labor Relations Unit, Office of the General Counsel, at (b) (6).

Sincerely yours,



David L. Neal
Chief Immigration Judge

cc: Sarah Burr, ACIJ
Larry Kidd, ER Specialist

ATTACHMENT 5



U.S. Department of Justice

Executive Office for Immigration Review

Immigration Court

Assistant Chief Immigration Judge

(b) (6)

September 21, 2010

(b) (6)

Immigration Judge

(b) (6)

Dear Judge (b) (6)

You are hereby advised that this letter constitutes an official reprimand. This reprimand is based on your failure to follow instructions, as detailed below.

Pursuant to regulations promulgated by the U.S. Office of Government Ethics, you are required to annually file a public financial disclosure report (SF-278) by May 15 of each year. On May 25, 2010, Paralegal Specialist Kelly Billingsley, from EOIR's Office of General Counsel (OGC), sent you an email requesting information about your failure to timely file your SF-278. Ms. Billingsley informed you that she had not yet received the SF-278 and that it was overdue. Ms. Billingsley finished her email by requesting that you provide her with an update of the status of your report, but you never responded.

On June 15, 2010, Associate General Counsel Brigitte Frantz sent you a follow-up email reminding you that the new deadline for filing the SF-278 with OGC was June 16, 2010. In her email, Ms. Frantz also informed you that if you did not file the SF-278 by the deadline, you would be subject to a \$200 late filing fee. Ms. Frantz ended her email by informing you that if you had any questions you could contact her.

On June 23, 2010, I sent you an email requesting further information about the status of your filing the SF-278.

On June 28, 2010, I spoke with you personally in my office about your failure to timely file the SF-278. During our conversation I gave you a new deadline of Friday, July 2 to have your SF-278 completed and forwarded to OGC. You agreed to have your form completed and submitted by this deadline.

(b) (6)

On July 1, 2010, six weeks after the initial deadline by which you were required to have filed the SF-278 with the Agency, Ms. Frantz received your SF-278. When Ms. Frantz received your SF-278, she noted that it was missing information. When Ms. Frantz attempted to contact you, via email, to ascertain this information, you never responded to her.

On July 27, 2010, I sent you an additional email after being informed by OGC that you had not responded to Ms. Frantz's e-mail, and that you had failed to pay the \$200 late filing fee. In my email, I ordered you to contact Ms. Frantz by Friday, July 30, and resolve any issues with the previously submitted SF-278 by that date. I also ordered you to pay the late filing fee of \$200.

On August 11, 2010, over a week after I ordered you to pay the late filing fee, OGC received a check for \$200 from you. Despite my explicit instructions in my July 27 email, you never contacted Ms. Frantz to resolve the corrections needed to your previously submitted SF-278. Thus, you failed to follow supervisory instructions.

In considering the appropriate penalty for your failure to follow instructions, I considered your long tenure as an Immigration Judge.

However, as your supervisor, I expect you to follow my instructions when given. If you have concerns or are unfamiliar with the necessary steps to complete a particular action, I expect you to come see me for guidance. Your failure to follow supervisory instructions brings into question your ability to complete required tasks.

I also note that you previously failed to timely file your SF-278. In a letter dated August 8, 2003, Associate General Counsel Chuck Adkins-Blanch informed you that you failed to timely file your SF-278, and that you failed to amend previously submitted SF-278 filings for the years 2000 and 2001. Mr. Adkins-Blanch's letter also served to provide you with information pertaining to the consequences for your failures. Thus, you were on notice that this conduct would not be condoned.

Therefore, I find that a letter of reprimand is warranted and appropriate under the circumstances.

A copy of this letter of reprimand will be placed in your Official Personnel Folder and will remain for a maximum of three years.

As a member of the bargaining unit represented by the National Association of Immigration Judges (NAIJ), you may grieve this reprimand pursuant to the provisions of Article 8, of the collective bargaining agreement between NAIJ and the Office of the Chief Immigration Judge, Executive Office for Immigration Review.

(b) (6)

Should you have any questions or need assistance in this matter, you may contact Larry Kidd, Office of General Counsel, Employee/Labor Relations Unit, at (b) (6). Please acknowledge receipt of this reprimand in the space provided below.

Sincerely,

Sarah M. Burr

Sarah M. Burr
Assistant Chief Immigration Judge

| | | |
|---------|---|---------|
| I | acknowledge receipt of this reprimand as noted below: | |
| (b) (6) | | |
| E | | |
| | | 9/21/10 |
| | | Date |

ATTACHMENT 6

DATE: 11/19/2013
TIME: 10:17 AM

Immigration Judge Individual Calendar
JUDGE (b) (6)
From 05/03/2012 to 05/03/2012

Hearing Date:
05/03/2012 - Thursday

| Start Time | End Time | H. Alien Name | A-Number | H/C Type | T/V Nat Alien Repts. Type Adj | Lan Comp. Date | Comp. Type | Adj Resn To | Adjourn Cal. Type |
|------------|----------|---------------|----------|----------|-------------------------------|----------------|------------|-------------|---------------------|
| 08:30 | 10:00 | (b) (6) | | ARMV 45 | NA (b) (6) | ENG 07/19/2012 | O | 45 | P I |
| 01:00 | 02:00 | | | ARMV 17 | ES | ENG | | 45 | 07/15/2012 P I |
| 01:00 | 02:00 | | | ARMV 17 | ES | SP | | 17 | 01/29/2012 P |
| 02:00 | 03:00 | | | ARMV 24 | GV | ENG | | 45 | 07/16/2012 P I |
| 02:00 | 03:00 | | | ARMV 24 | GV | MGE | | 13 | 11/28/2012 P I |
| 04:30 | 05:00 | | | ARMV 34 | CH | ENG | | 13 | 06/14/2012 P |
| 04:30 | 05:00 | | | ARMV 34 | ID | ENG | | 13 | 06/14/2012 P |
| 04:30 | 05:00 | | | ARMV 34 | CO | ENG | | 13 | 06/14/2012 P |
| 04:30 | 05:00 | | | ARMV 34 | HA | ENG | | 13 | 06/14/2012 P |
| 04:30 | 05:00 | | | ARMV 34 | CS | ENG | | 13 | 06/14/2012 P |
| 04:30 | 05:00 | | | ARMV 34 | ID | ENG | 06/01/2010 | O | V 13 06/14/2012 P I |
| 04:30 | 05:00 | | | ARMV 34 | CH | ENG | | 13 | 06/14/2012 P I |

Total Case(s) for Judge (b) (6) 12

ATTACHMENT 7

From: Weisel, Robert (EOIR)
Sent: Tuesday, August 28, 2012 2:57 PM
To: (b) (6) (EOIR)
Subject: RE: Waiver, 5 year case (b) (6) A (b) (6)

I'll grant it. On another topic, what is going on with the VD decision?

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Tuesday, August 28, 2012 2:45 PM
To: Weisel, Robert (EOIR)
Cc: (b) (6) (EOIR)
Subject: RE: Waiver, 5 year case (b) (6) A (b) (6)

Bob--

First MCH 1/15/08, set to IC 7/15/09 for asylum. An earlier date was not available to me. It was later postponed to 8/25/10 but I can't tell the reason. Then resp. sent motion 12/15/09 saying he was married to a USC and will seek adjustment. Case reset for MCH 2/2/10, when AOS application and I-130 rec'd. So, it was a total of 2 yrs and 1 month from first MCH until receipt of I-130.

(b)

From: (b) (6) (EOIR)
Sent: Tuesday, August 28, 2012 1:07 PM
To: Weisel, Robert (EOIR)
Subject: RE: Waiver, 5 year case (b) (6) A (b) (6)

Bob --

I'll have to get the file again and find out and write you back.

Wm

From: Weisel, Robert (EOIR)
Sent: Monday, August 27, 2012 3:58 PM
To: (b) (6) (EOIR)
Subject: RE: Waiver, 5 year case (b) (6) A (b) (6)

(b)

Why didn't you adjudicate the asylum application between 2007 and February 2010 when it morphed into an I-130?

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237

NY, NY 10278

From: (b) (6) (EOIR)
Sent: Monday, August 27, 2012 3:11 PM
To: Weisel, Robert (EOIR)
Cc: (b) (6) (EOIR)
Subject: Waiver, 5 year case (b) (6) A (b) (6)

Bob -

I request a waiver of the 5-yr completion deadline for this case rec'd, Sept. 18, 2007 (a little less than 5 years ago, but will be 5 yrs by Sept. 30). It was an asylum case that turned into an I-130 case in Feb 2010 (marriage to USC). In August 2010 I have a notation from TA at MCH: "I have a funny feeling this was never sent to Stokes." After another postponement the case was set for a merits hearing in Sept. 2011. At it Respondent revealed he had been convicted in Turkey of a crime that may be called "murder," with a 12-year sentence of which he served 3 years. But he claims that the defense of self-defense was not available to him under Turkish law, and it was in fact done in self defense, so it is not categorically an offense causing inadmissibility to the US. The case was set for a post hearing conference today. In the time being, DHS filed an I-261 Aug. 17, 2012, and respondent filed the conviction documents from Turkey August 22. DHS needs to re-work the I-261, and has 30 days to do so. Then, after respondent pleads the parties need to brief the new issues of inadmissibility and waiver availability based on the new charges and the documents. I've set the case for March 27 in hopes of being able to make a decision if neither party wants additional testimony. But it may take longer, depending in part on whether either party needs testimony. Code is 47, new charge filed by DHS.

(b) (6)

ATTACHMENT 8

From: (b) (6) (EOIR)
Sent: Wednesday, August 29, 2012 07:12 AM
To: Weisel, Robert (EOIR)
Subject: VD cases

Bob –

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To: (b) (6) (EOIR)
Subject: Re: VD cases

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(b) (6)

ATTACHMENT 10

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 12:58 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Thank you. I'll do that.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 9:45 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Cancel tomorrow's cases

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 08:27 AM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob –

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Over the years I've had this problem several times. In the end I've always come through – I've written decisions I'm proud of and that have had some effect. That happened with the in absentia cases, for example, though the Board's response has been only half-way so far. Even so, I got disciplined for not finishing that sooner. The discipline ruined my project, since my cases were distributed to others. I spent 2 weeks out of work asking myself why I even try in this place. I came back, started from scratch, and 2 years later produced something I'm still proud of and still use in every in absentia case where I decide to terminate, and the Board goes along with me, even though they've not issued a precedent decision.

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Finally, to direct me to get it done by tomorrow reveals your frustration with me, and I can understand that. But I want you to understand that I am doing something worthwhile here, and I will get it finished, and, yes, I will have to make it a priority in fact and not just in theory, in order to finish it. Apart from your frustration and my not prioritizing it in fact, there is no reason they have to get done by tomorrow. Respectfully beg you to let me learn what I can from this procedure and finish it this week.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 6:44 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

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From: Weisel, Robert (EOIR)
Sent: Tuesday, September 18, 2012 8:50 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

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Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

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ATTACHMENT 12

From: (b) (6) (EOIR)
Sent: Wednesday, September 19, 2012 4:46 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob --

Today is September 19. I have not had time to look at any email from today or yesterday until now, so I still haven't seen the one you said I failed to respond to. Just so you don't think I'm holding something back, I've failed to respond to all my email from yesterday, because I haven't had time to see any of it yet. I'll hurry to respond to this one because it's almost COB.

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Sent: Wednesday, September 19, 2012 8:59 AM
To: (b) (6) (EOIR)
Subject: FW: VD cases

You have failed to respond to my e mail of September 18th. Again, I direct you to report to me on the status of these cases by C.O.B. today.

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ATTACHMENT 13

From: Weisel, Robert (EOIR)
Sent: Thursday, September 20, 2012 9:51 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I direct this decision be completed and signed no later than Monday, September 24th(COB). You are further directed to advise this has been done by that time by return e mail.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

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ATTACHMENT 14

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 9:30 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob –

I put in an addition 8 hours Wednesday and Thursday in hopes of finishing. I made good progress, but didn't finish. . I wanted badly to work over the weekend at home, but I had no opportunity at all as we visited our grand kids in DC I will not have it completed by today.

I have spent 31 hours on it since your email of September 12. 25 on my own time, which means without pay, time mainly taken away from my family, an even more important value to me than this work. I don't ask anything in return except your trust in my good faith. I will continue working hard, including on my own time, to finish it.

I ask for your trust because I've earned it honestly. I've given you all that I can with the resources I have in response to your demand September 12 that it get done immediately—total subordination to your demand, as you graciously modified it in response to my pleas based on the earnestness of the work I am trying to do. You should have no doubt about my good faith, both in my commitment to meet the deadlines you impose and in my evaluation of the importance of the project I am working on.

I have had conflicts similar to this with EOIR before. When superiors who are not working on such a project get frustrated because of the time I'm taking to complete it, they show signs they think I am being unreasonable in taking so long. Then as now I try my hardest to comply, but EOIR mis-interprets my failure to meet administrative deadlines in such a context as insubordination. It is definitely not, not in the past and not now. I respect your desire that I complete this as soon as possible, and I do understand your frustration in my not having done so. The proof is the unpaid time I devote to complying. But I can't just "whip it out" when you say, "I direct you." This is not a report or an essay or a summary in which style, rhetoric, perspective, understanding and even thoroughness may be less important. This is law, it is going to the Board as something new, and my experience is that it will be ignored if I don't do it right,

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To: (b) (6) (EOIR)
Subject: RE: VD cases

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ATTACHMENT 15

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ATTACHMENT 16

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To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Update:

I spent 6 hrs last night making slow progress, in the end cleaning up only about two pages but cutting and pasting a number of useful things from the (b) (6) decision which I had overlooked before. The section I am working on needed some reorganization, and I did that. I counted the pages: 14 are 99% done, and from here to p. 27 there are probably only 6-8 pages worth that I will keep. I'm not sure I will have time again tonight. If I don't, I will tomorrow night. My personal goal is to finish this week. Will I make it? I don't know. I hope so.

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Finally, to direct me to get it done by tomorrow reveals your frustration with me, and I can understand that. But I want you to understand that I am doing something worthwhile here, and I will get it finished, and, yes, I will have to make it a priority in fact and not just in theory, in order to finish it. Apart from your

frustration and my not prioritizing it in fact, there is no reason they have to get done by tomorrow. Respectfully beg you to let me learn what I can from this procedure and finish it this week.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 6:44 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

(b) (6)

I am directing you to decide the cases by tomorrow, create an outline and give it to a law clerk to write up by Monday. Thank you.

From: (b) (6) (EOIR)
Sent: Tuesday, September 11, 2012 07:19 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

I can't say I haven't been diligent, and I haven't been lucky either, in that cases haven't cancelled. Today, Bob, I'm no further ahead with this than when I wrote the note below. I don't want you to think I haven't been trying, or that I've forgotten about this. With old cases, motions, and the "normal" hearing of cases almost 8 hours every day (and 14 new ones on this a.m.'s master calendar) I still haven't had those 4-6 hours. I've thought about your suggestion, to make it priority no. one, but that's been too hard, since the daily schedule of hearings has in fact been priority no. 1. I'll keep trying. If you have any suggestions for how I might do this all differently I'd appreciate them.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, August 29, 2012 7:34 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Thank you

From: (b) (6) (EOIR)
Sent: Wednesday, August 29, 2012 07:12 AM
To: Weisel, Robert (EOIR)
Subject: VD cases

Bob -

I estimate some 4-6 hours will be needed to finish the decision, mainly re-writing and re-arranging some parts, and maybe at most 2 hours research which (b) (6) is glad to follow up. If I'm diligent, AND if I'm lucky, I'll make and find the time to get it done this week. I would love to, and will try to.

(b) (6)

ATTACHMENT 17

From: (b) (6) (EOIR)
Sent: Friday, September 28, 2012 4:36 PM
To: Weisel, Robert (EOIR)
Subject: VD decision

Bob –

I had steady period of time to work on it today, hoping to finish today. I didn't finish. I'm taking it home with me to see if I can finish over the weekend. I'll let you know first thing Mon. a.m.

(b) (6)

ATTACHMENT 18

From: (b) (6) (EOIR)
Sent: Wednesday, October 03, 2012 8:43 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD decision

Bob --

I certainly don't need the reminding, Bob. I'm very aware of the deadlines you've imposed and have moved heaven and earth to try to meet them. I'm doing this almost entirely on my own time now, unpaid, and taking your deadlines as seriously as my commitment to the issue I am addressing in these cases, and to the five people whose lives will be affected by it. The only reason I haven't just slapped something together to meet the deadline is I want my finished decision to be worthy of the certification I intend to do to the BIA. As I've told you, these cases raise an issue the Board has not yet addressed. Nor is it being addressed by other IJs I know of. All that matters, too, and should not be forgotten. Also, these five people are all out of the US, so no harm is being done to them or DHS by my giving first priority to writing a good decision. The only harm is to us, or me, and I am trying to keep that to a minimum by devoting so much of my own time to this.

That this takes me more time than I usually imagine it will is indeed a fault for which I welcome appropriate correction or training or support. But please don't think I'm ignoring your deadlines. I have paid very serious attention to them.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Friday, September 28, 2012 4:53 PM
To: (b) (6) (EOIR)
Subject: RE: VD decision

(b) (6)

I must remind you I have already given you several deadlines that have not been followed.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Friday, September 28, 2012 4:36 PM
To: Weisel, Robert (EOIR)
Subject: VD decision

Bob --

I had steady period of time to work on it today, hoping to finish today. I didn't finish. I'm taking it home with me to see if I can finish over the weekend. I'll let you know first thing Mon. a.m.

(b) (6)

ATTACHMENT 19

From: (b) (6) (EOIR)
Sent: Tuesday, October 02, 2012 7:21 AM
To: Weisel, Robert (EOIR)
Subject: VD decision update

Bob –

I did not work at all this past weekend on the VD decision I'm certifying to the Board, as I had hoped to. So I am still where I was Friday, which happens to be at p. 20 (99%+ complete up to that point), and 10 more pages of draft that I believe will reduce to 5 when I cull out repetitions, reword, and clean up. With all my extra effort Last week it went slow but well.

Today is MCH day, so I don't know that I'll get anything done on it at all. I urgently want to complete it by Thursday, and will work as hard as I've been working these past 3 weeks to accomplish that.

(b) (6)

ATTACHMENT 20

From: (b) (6) (EOIR)
Sent: Wednesday, October 03, 2012 8:49 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD decision update

I agree. It's unacceptable to me, too. I wish I knew a better way.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Tuesday, October 02, 2012 12:21 PM
To: (b) (6) (EOIR)
Subject: RE: VD decision update

Thank you for this e mail. Again, the length of time this is taking to complete remains unacceptable.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Tuesday, October 02, 2012 7:21 AM
To: Weisel, Robert (EOIR)
Subject: VD decision update

Bob –

I did not work at all this past weekend on the VD decision I'm certifying to the Board, as I had hoped to. So I am still where I was Friday, which happens to be at p. 20 (99%+ complete up to that point), and 10 more pages of draft that I believe will reduce to 5 when I cull out repetitions, reword, and clean up. With all my extra effort Last week it went slow but well.

Today is MCH day, so I don't know that I'll get anything done on it at all. I urgently want to complete it by Thursday, and will work as hard as I've been working these past 3 weeks to accomplish that.

(b) (6)

ATTACHMENT 21

From: Weisel, Robert (EOIR)
Sent: Wednesday, October 10, 2012 8:43 AM
To: (b) (6) (EOIR)
Subject: FW: VD cases

I must remind you of your repeated failure to follow my direction to complete this decision by September 24th, 2012.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 25, 2012 12:54 PM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

Please give me an update.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 5:04 PM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob --

It's COB Sept 24. You wanted an email about this now. For the reasons I wrote earlier this am it's not finished yet. With cases all day and ½ hr for lunch there was no time to work on it today. I will be staying late again tonight to see how far I get.

(b) (6)

From: (b) (6) (EOIR)
Sent: Monday, September 24, 2012 9:30 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob --

I put in an addition 8 hours Wednesday and Thursday in hopes of finishing. I made good progress, but didn't finish. . I wanted badly to work over the weekend at home, but I had no opportunity at all as we visited our grand kids in DC I will not have it completed by today.

I have spent 31 hours on it since your email of September 12. 25 on my own time, which means without pay, time mainly taken away from my family, an even more important value to me than this work. I

don't ask anything in return except your trust in my good faith. I will continue working hard, including on my own time, to finish it.

I ask for your trust because I've earned it honestly. I've given you all that I can with the resources I have in response to your demand September 12 that it get done immediately—total subordination to your demand, as you graciously modified it in response to my pleas based on the earnestness of the work I am trying to do. You should have no doubt about my good faith, both in my commitment to meet the deadlines you impose and in my evaluation of the importance of the project I am working on.

I have had conflicts similar to this with EOIR before. When superiors who are not working on such a project get frustrated because of the time I'm taking to complete it, they show signs they think I am being unreasonable in taking so long. Then as now I try my hardest to comply, but EOIR mis-interprets my failure to meet administrative deadlines in such a context as insubordination. It is definitely not, not in the past and not now. I respect your desire that I complete this as soon as possible, and I do understand your frustration in my not having done so. The proof is the unpaid time I devote to complying. But I can't just "whip it out" when you say, "I direct you." This is not a report or an essay or a summary in which style, rhetoric, perspective, understanding and even thoroughness may be less important. This is law, it is going to the Board as something new, and my experience is that it will be ignored if I don't do it right,

I don't ask for anything special. Any other IJ working on a new issue ought to have the same kind of support and understanding I am seeking here. Our organization and the body of evolving law we apply need such efforts. . In general I am completing the same number of cases as most of my colleagues. True, I may be slower at some things than others, less efficient, just as I may be more efficient at some other things. My earlier estimate was that the decision was just about done, and it was. But after letting it lie fallow a while and looking at it afresh I had some different perspectives on what was important and what was not, and I devoted considerable time to understanding the whole issue in a better light. This took time and effort, but I believe it has paid off. I am sure that some judges can do this whole project more efficiently than I. I have asked EOIR for help on time management two years ago and still not received a response, and I know that that is a weakness. But having a weakness (amidst strengths, as everyone does) is not insubordination. And I hope I've convinced you that the burden of my weakness has fallen much more heavily on my own shoulders than on yours, or EOIR's, or anyone else's. In other words, I have already taken responsibility for the values I seek to implement in this project, and EOIR has not been hurt by my choices as far as I can tell. It will, however, stand to benefit if I am allowed to complete it.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Thursday, September 20, 2012 9:51 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I direct this decision be completed and signed no later than Monday, September 24th(COB). You are further directed to advise this has been done by that time by return e mail.

Robert D. Weisel
Assistant Chief Immigration Judge

(b) (6)

From: (b) (6) (EOIR)
Sent: Wednesday, September 19, 2012 4:46 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Bob –

Today is September 19. I have not had time to look at any email from today or yesterday until now, so I still haven't seen the one you said I failed to respond to. Just so you don't think I'm holding something back, I've failed to respond to all my email from yesterday, because I haven't had time to see any of it yet. I'll hurry to respond to this one because it's almost COB.

I cancelled cases for that day, last Thursday I believe it was, except for one aged case and a VD where the person wanted to leave, and devoted six hours to the VD decision. That was not nearly enough. I want to let you know that I'm as dedicated to getting this done as you are to seeing me get it done – more so, I'm sure, because I'm spending my own time on it – 4 hours over the weekend, and 7 hours at night so far this week. That's 17 hours, 11 unpaid, since I last wrote you. I'm sure it's going to take at least another 6, but I am pleased about the progress so far.

(b) (6)

PS – Oh, now I see yesterday's email is part of this one. I hadn't noticed until I just finished writing now.

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 19, 2012 8:59 AM
To: (b) (6) (EOIR)
Subject: FW: VD cases

You have failed to respond to my e mail of September 18th. Again, I direct you to report to me on the status of these cases by C.O.B. today.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: Weisel, Robert (EOIR)
Sent: Tuesday, September 18, 2012 8:50 AM
To: (b) (6) (EOIR)
Subject: RE: VD cases

(b) (6)

I am directing you to report on the status of these cases by C.O.B. today. Thank you.

Robert D. Weisel
Assistant Chief Immigration Judge
26 Federal Plaza- Suite 1237
NY, NY 10278

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 12:58 PM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

Thank you. I'll do that.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 9:45 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Cancel tomorrow's cases

From: (b) (6) (EOIR)
Sent: Wednesday, September 12, 2012 08:27 AM
To: Weisel, Robert (EOIR)
Subject: FW: VD cases

Bob –

Here's what I'd prefer to do if you insist they must get done by Monday. I will postpone the cases that I can today and tomorrow, or, if it makes more sense, tomorrow and Friday, and finish it during that time. (b) (6) has already done a good job on much of what needs to be done, but I recognize this is an issue that the Board on first glance will consider settled – that this cannot be done – and will easily dismiss it before they start if I don't say what needs to be said in a rhetorically convincing manner. In other words, on the subtleties of the law and the manner of presentation I feel I must put the finishing polish on the decision. That's pretty much where I'm at now. And you may think such work should not take six hours but I think it does. There's no point in putting all this effort into something and then have it fizzle at the end because it must be done tomorrow instead of Friday.

Over the years I've had this problem several times. In the end I've always come through – I've written decisions I'm proud of and that have had some effect. That happened with the in absentia cases, for example, though the Board's response has been only half-way so far. Even so, I got disciplined for not finishing that sooner. The discipline ruined my project, since my cases were distributed to others. I spent 2 weeks out of work asking myself why I even try in this place. I came back, started from scratch, and 2 years later produced something I'm still proud of and still use in every in absentia case where I decide to terminate, and the Board goes along with me, even though they've not issued a precedent decision.

So here we have cases that have no problem with them except that they're still on my calendar. The people have all left the US. DHS is certainly not trying to enforce any order that does not yet exist. That's one of the reasons I have made this a less urgent priority time-wise than other cases.

Finally, to direct me to get it done by tomorrow reveals your frustration with me, and I can understand that. But I want you to understand that I am doing something worthwhile here, and I will get it finished, and, yes, I will have to make it a priority in fact and not just in theory, in order to finish it. Apart from your frustration and my not prioritizing it in fact, there is no reason they have to get done by tomorrow. Respectfully beg you to let me learn what I can from this procedure and finish it this week.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, September 12, 2012 6:44 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

(b) (6)

I am directing you to decide the cases by tomorrow, create an outline and give it to a law clerk to write up by Monday. Thank you.

From: (b) (6) (EOIR)
Sent: Tuesday, September 11, 2012 07:19 AM
To: Weisel, Robert (EOIR)
Subject: RE: VD cases

I can't say I haven't been diligent, and I haven't been lucky either, in that cases haven't cancelled. Today, Bob, I'm no further ahead with this than when I wrote the note below. I don't want you to think I haven't been trying, or that I've forgotten about this. With old cases, motions, and the "normal" hearing of cases almost 8 hours every day (and 14 new ones on this a.m.'s master calendar) I still haven't had those 4-6 hours. I've thought about your suggestion, to make it priority no. one, but that's been too hard, since the daily schedule of hearings has in fact been priority no. 1. I'll keep trying. If you have any suggestions for how I might do this all differently I'd appreciate them.

(b) (6)

From: Weisel, Robert (EOIR)
Sent: Wednesday, August 29, 2012 7:34 AM
To: (b) (6) (EOIR)
Subject: Re: VD cases

Thank you

From: (b) (6) (EOIR)
Sent: Wednesday, August 29, 2012 07:12 AM
To: Weisel, Robert (EOIR)
Subject: VD cases

Bob –

I estimate some 4-6 hours will be needed to finish the decision, mainly re-writing and re-arranging some parts, and maybe at most 2 hours research which (b) (6) is glad to follow up. If I'm diligent, AND if I'm lucky, I'll make and find the time to get it done this week. I would love to, and will try to.

(b) (6)

ATTACHMENT 22

Weisel, Robert (EOIR)

From: (b) (6) (EOIR)
Sent: Friday, September 28, 2012 2:59 PM
To: Weisel, Robert (EOIR)
Subject: Synopsis of my work on voluntary departure cases

Judge Weisel,

I hope you are having a nice afternoon despite the weather. As per our conversation earlier this afternoon, here is a synopsis of my work on the confidential matter we discussed:

I received the assignment from (b) (6) off the queue on February 10, 2012. About a week later, after I had met with Judge (b) (6) I gave (b) (6) the first draft of the decision, which consisted mainly of the legal portion (as (b) (6) was not yet certain which cases (b) (6) wanted to include). In the week or so that followed, I continued to work on the case by providing (b) (6) with specific research that (b) (6) had requested. I believe the next major draft was submitted on March 14, 2012, as this was when (b) (6) had officially decided the first round of respondents (b) (6) wished to include. Therefore, I added procedural history, facts, and analysis sections for each of these initial three respondents; in other words, the decision had evolved into three decisions in one. Thereafter, it slowed down again, and there were some small research assignments. The third major draft was submitted in the beginning of April. This draft reflected new ideas (b) (6) wanted added. (b) (6) had done (b) (6) own work on the case as well, and I incorporated (b) (6) new thoughts as well as some additional research I had done. Once again, it settled down for a few weeks, with only more minor research assignments here and there. The fourth major draft was submitted in late April, and it included more respondents that (b) (6) wanted added, bringing the total up to five smaller decisions in one. I believe (b) (6) also changed the dispositions of one of the matters at this point. In May, I think I might have done a bit of research for the cases, but that is all. I suspected (b) (6) was working on the matters (b) (6) or had put them aside. There was a bit more research in July, and then once again, we did not discuss the cases for several weeks. About two weeks ago, I provided additional research on the matters and was informed that (b) (6) was once more working on the cases. When I moved offices earlier this week, I left the files with (b) (6) so that (b) (6) would have access to them on the 14th floor.

Please let me know if you require any further information. I apologize that I am unable to recall the exact dates of some of the assignments, but I believe this to be the basic timeline of the high points and lulls of my work on these matters.

Thank you,

(b) (6)

Attorney Advisor
United States Department of Justice
Executive Office for Immigration Review

(b) (6)

Telephone: (b) (6)

Email: (b) (6) @usdoj.gov

ATTACHMENT 23

| (b) (6) | Date | From | To | Base III Loc | IJ | Medium | Adjournment | Notice Order | Audio Recording | e-Transcripts |
|------------|-----------|----------|----------|--------------|----|-----------|---------------------------------------|---|-----------------|---------------|
| Individual | 04-Oct-12 | 4:00 PM | 4:30 PM | (b) (6) | | In Person | Schedule an Adjournment | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 28-Aug-12 | 4:00 PM | 5:00 PM | | | In Person | OTHER OPERATIONAL/SECURITY FACTORS | | | |
| Individual | 14-Jun-12 | 4:30 PM | 5:00 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | ORDER OF REASONABLE CAUSE HEARING | | |
| Individual | 03-May-12 | 4:30 PM | 5:00 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 19-Apr-12 | 4:30 PM | 5:00 PM | | | In Person | UNPLANNED IJ LEAVE - SICK/ANNUAL | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 02-Apr-12 | 3:30 PM | 4:30 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 19-Mar-12 | 3:30 PM | 4:30 PM | | | In Person | OTHER OPERATIONAL/SECURITY FACTORS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 17-Feb-12 | 11:30 AM | 12:00 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 08-Dec-11 | 2:30 PM | 3:30 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |

| Case No. | Date | Time | Category | Status | Notes | Hearing- w/o Dates | Other |
|----------|-----------|---------|--------------|-----------|--|--------------------|-------|
| (b) (6) | 20-Jul-11 | 3:30 PM | Individual | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | | |
| (b) (6) | 07-Dec-10 | 5:00 PM | Individual | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | | |
| (b) (6) | 09-Aug-10 | 1:00 PM | Individual | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | 01:16:56 | |
| (b) (6) | 13-Apr-10 | 9:30 AM | Master Reset | In Person | MC TO IC--MERITS HEARING | | |
| (b) (6) | 09-Feb-10 | 9:30 AM | Master Reset | In Person | DHS INVESTIGATION | | |
| (b) (6) | 17-Nov-09 | 9:30 AM | Master Reset | In Person | OTHER OPERATIONAL/SECURITY FACTORS | | |
| (b) (6) | 26-May-09 | 9:00 AM | Master Reset | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | | |
| (b) (6) | 08-Jan-09 | 8:00 AM | Master Reset | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | | |
| (b) (6) | 06-Jan-09 | 9:00 AM | Master Reset | In Person | OTHER NO-SHOW BY ALIEN/ALIEN'S ATTORNEY | | |

| | | | | | | | <u>OR REP.</u> | ADJOURNED HEARING- W/O DATES | |
|----------------|-----------|----------|---------|--|-----------|---------|--|---|--|
| | | | | | | (b) (6) | | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 17-Jun-08 | 9:00 AM | 9:30 AM | | In Person | | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | | |
| Master Reset | 22-Jan-08 | 9:00 AM | 9:30 AM | | In Person | | I-130 PENDING | | |
| Master | 06-Mar-07 | 8:00 AM | | | In Person | | UNPLANNED JJ LEAVE - SICK/ANNUAL | | |
| Initial Master | 07-Feb-07 | 9:30 AM | | | In Person | | Schedule an Adjournment | | |
| Master | 06-Dec-08 | 10:00 AM | | | In Person | | Schedule an Adjournment | | |
| Initial Master | 06-Dec-06 | 9:00 AM | | | In Person | | Schedule an Adjournment | | |

(b) (6)

| | | | | | | | | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
|------------|-----------|---------|---------|--|-----------|--|---------------------------------------|---|--|
| Individual | 04-Oct-12 | 4:00 PM | 4:30 PM | | In Person | | Schedule an Adjournment | | |
| Individual | 28-Aug-12 | 4:00 PM | 5:00 PM | | In Person | | OTHER OPERATIONAL/SECURITY FACTORS | | |
| Individual | 14-Jun-12 | 4:30 PM | 5:00 PM | | In Person | | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 03-May-12 | 4:30 PM | 5:00 PM | | In Person | | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 19-Apr-12 | 4:30 PM | 5:00 PM | | In Person | | UNPLANNED JJ LEAVE - SICK/ANNUAL | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 02-Apr-12 | 3:30 PM | 4:30 PM | | In Person | | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 19-Mar-12 | 3:30 PM | 4:30 PM | | In Person | | OTHER OPERATIONAL/SECURITY FACTORS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |

| | | | | | | | | |
|----------------|-----------|----------|----------|---------|-----------|---|---|----------|
| Individual | 17-Feb-12 | 11:30 AM | 12:00 PM | (b) (6) | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 23-Jan-12 | 2:30 PM | 3:30 PM | (b) (6) | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 27-Oct-11 | 4:00 PM | 5:00 PM | (b) (6) | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Individual | 04-Aug-11 | 3:00 PM | 4:00 PM | (b) (6) | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 14-Jun-11 | 9:30 AM | 10:00 AM | (b) (6) | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 26-Oct-10 | 9:30 AM | 10:00 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | 00:01:43 |
| Master Reset | 23-Feb-10 | 9:30 AM | 10:00 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 11-Aug-09 | 9:30 AM | 10:00 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 31-Mar-09 | 9:00 AM | 9:30 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Master Reset | 18-Nov-08 | 9:00 AM | 9:30 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | |
| Initial Master | 13-May-08 | 8:00 AM | 8:30 AM | (b) (6) | In Person | ALIEN APPLICATION PROCESS | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | |
| Initial Master | 15-Feb-08 | 9:00 AM | 10:00 AM | (b) (6) | In Person | JJ Completion prior to hearing | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | |
| Initial Master | 21-Dec-07 | 8:30 AM | 9:00 AM | (b) (6) | In Person | ALIEN RELEASED FROM DHS/CORRECTIONS CUSTODY | CAP STANDARD UNREP NO PRO BONO | |
| Custody | 21-Dec-07 | 8:30 AM | 9:00 AM | (b) (6) | In Person | ALIEN RELEASED FROM DHS/CORRECTIONS CUSTODY | BOND DECISION/CUSTODY - DENVER FORMAT | |

(b) (6)

| Type | Date | From | To | Base | Hoc | UJ | Medium | Adjournment | Notice Order | Audio Recording | e Transcripts |
|-------------|-----------|----------|----------|---------|-----|----|-----------|--|---|-----------------|---------------|
| Individual | 04-Oct-12 | 4:00 PM | 4:30 PM | (b) (6) | | | In Person | Schedule an Adjournment | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 28-Aug-12 | 4:00 PM | 5:00 PM | | | | In Person | <u>OTHER OPERATIONAL/SECURITY FACTORS</u> | | | |
| Individual | 14-Jun-12 | 4:30 PM | 5:00 PM | | | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 03-May-12 | 4:30 PM | 5:00 PM | | | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Rese | 01-May-12 | 9:30 AM | 10:00 AM | | | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 19-Apr-12 | 4:30 PM | 5:00 PM | | | | In Person | <u>UNPLANNED IJ LEAVE - SICK/ANNUAL</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 02-Apr-12 | 3:30 PM | 4:30 PM | | | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 19-Mar-12 | 3:30 PM | 4:00 PM | | | | In Person | <u>OTHER OPERATIONAL/SECURITY FACTORS</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 17-Feb-12 | 11:30 AM | 12:00 PM | | | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Rese | 19-Jul-11 | 9:30 AM | 10:00 AM | | | | In Person | <u>NOTICE SENT/SERVED INCORRECTLY</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | ✓ | 00:20:55 |

| | | | | | | | | | DATES | |
|----------------|-----------|----------|----------|---------|-----------|-------------------------------|---|--|-------|--|
| Initial Master | 12-Oct-10 | 8:30 AM | 9:00 AM | (b) (6) | In Person | Hearing Deliberately Advanced | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | | | |
| Individual | 01-Oct-10 | 11:30 AM | 12:00 PM | (b) (6) | In Person | Hearing Deliberately Advanced | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | | | |

(b) (6)

| Type | Date | From | To | Base Loc | JJ | Medium | Adjournment | Notice/Order | Audio Recording | e Transcripts |
|------------|-----------|---------|---------|----------|----|-----------|---------------------------------------|---|-----------------|---------------|
| Individual | 04-Oct-12 | 4:00 PM | 4:30 PM | (b) (6) | | In Person | Schedule an Adjournment | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 28-Aug-12 | 4:00 PM | 5:00 PM | | | In Person | OTHER OPERATIONAL/SECURITY FACTORS | | | |
| Individual | 14-Jun-12 | 4:30 PM | 5:00 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 03-May-12 | 4:30 PM | 5:00 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 19-Apr-12 | 4:30 PM | 5:00 PM | | | In Person | UNPLANNED JJ LEAVE - SICK/ANNUAL | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 02-Apr-12 | 3:30 PM | 4:30 PM | | | In Person | INSUFFICIENT TIME TO COMPLETE | REMOVAL | | |

| Type | Date | From | To | Base III oc | UJ | Medium | Adjustment | Notice Order | Audio Recording | Transcripts |
|----------------|-----------|----------|----------|-------------|-----------|--------|---|---|-----------------|-------------|
| Individual | 19-Mar-12 | 3:30 PM | 4:30 PM | (b) (6) | | | HEARING | NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | 17-Feb-12 | 11:30 AM | 12:00 PM | | In Person | | OTHER OPERATIONAL/SECURITY FACTORS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Reset | 20-Dec-11 | 9:30 AM | 10:00 AM | | In Person | | INSUFFICIENT TIME TO COMPLETE HEARING | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Reset | 10-Aug-10 | 9:30 AM | 10:00 AM | | In Person | | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | 00:05:20 | |
| Initial Master | 01-Jun-10 | 8:30 AM | 9:00 AM | | In Person | | OTHER NO-SHOW BY ALIEN/ALIEN'S ATTORNEY OR REP. | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | | |
| Master Reset | 04-Feb-10 | 9:00 AM | 9:30 AM | | In Person | | UJ Completion prior to hearing | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | | |
| Initial Master | 07-Jan-10 | 8:00 AM | 8:30 AM | | In Person | | PREPARATION- ALIEN ATTORNEY REPRESENTATIVE | CAP STANDARD UNREP NO PRO BONO | | |

(b) (6)

| | | | | | | | | | | |
|------------|-----------|-----------|----------|----------|---------|-----------|---|---|--|--|
| Individual | 04-Oct-12 | 4:00 PM | 4:30 PM | 4:30 PM | (b) (6) | In Person | Schedule an Adjournment | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | Rese | 28-Aug-12 | 4:00 PM | 5:00 PM | | In Person | <u>OTHER OPERATIONAL/SECURITY FACTORS</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 14-Jun-12 | 4:30 PM | 5:00 PM | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 03-May-12 | 4:30 PM | 5:00 PM | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 19-Apr-12 | 4:30 PM | 5:00 PM | | In Person | <u>UNPLANNED J LEAVE - SICK/ANNUAL</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 02-Apr-12 | 3:30 PM | 4:30 PM | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 19-Mar-12 | 3:30 PM | 4:00 PM | | In Person | <u>OTHER OPERATIONAL/SECURITY FACTORS</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 17-Feb-12 | 11:30 AM | 12:00 PM | | In Person | <u>INSUFFICIENT TIME TO COMPLETE HEARING</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Individual | | 25-Aug-11 | 2:00 PM | 5:00 PM | | In Person | <u>DHS TO PROVIDE RECORDS/FINGERPRINT CHECK</u> | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |

| | | | | | | | | | |
|----------------|-----------|---------|----------|---------|-----------|---|---|--|--|
| Master Reset | 01-Jun-10 | 9:30 AM | 10:00 AM | (b) (6) | In Person | INSUFFICIENT TIME TO COMPLETE HEARING | INITIAL NOTICE FOR REMOVAL - FAMILY MEMBERS | | |
| Individual | 19-Feb-10 | 1:30 PM | 4:30 PM | (b) (6) | In Person | DHS TO PROVIDE RECORDS/FINGERPRINT CHECK | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Initial Master | 24-Apr-08 | 8:30 AM | 9:00 AM | (b) (6) | In Person | CONSOLIDATION WITH FAMILY MEMBERS | NOTICE OF HEARING IN REMOVAL PROCEEDING- W/ DATES | | |
| Master Reset | 22-Apr-08 | 9:00 AM | 9:30 AM | (b) (6) | In Person | DHS INVESTIGATION | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Reset | 18-Mar-08 | 9:00 AM | 9:30 AM | (b) (6) | In Person | CONSOLIDATION WITH FAMILY MEMBERS | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Reset | 30-Jan-08 | 9:30 AM | 10:00 AM | (b) (6) | In Person | W/ Completion prior to hearing | REMOVAL NOTICE FOR ADJOURNED HEARING- W/O DATES | | |
| Master Reset | 12-Sep-07 | 9:30 AM | 10:00 AM | (b) (6) | In Person | RECORDS CHECK/FINGERPRINTS/OVERSEAS INVESTIGATION | | | |
| Master Reset | 13-Jun-07 | 9:30 AM | 10:00 AM | (b) (6) | In Person | RECORDS CHECK/FINGERPRINTS/OVERSEAS INVESTIGATION | NEW COVER LETTER TO STATE DEPARTMENT - 1/4/06 | | |
| Master Reset | 28-Mar-07 | 9:30 AM | 10:00 AM | (b) (6) | In Person | PREPARATION- ALIEN/ATTORNEY/REPRESENTATIVE | REMOVAL NOTICE FOR ADJOURNED HEARING- W/ | | |



U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

(b) (6)

January 16, 2013

David Margolis, Associate Deputy Attorney General
Office of the Deputy Attorney General

Rena Scheinkman
Acting Chief Counsel
Employee and Labor Relations Unit
Office of the General Counsel
Executive Office for Immigration Review

Dear Mr. Margolis and Ms. Scheinkman:

(b) (6)

A large black rectangular redaction box covers the majority of the page content, starting below the salutation and extending to the bottom of the page. The text "(b) (6)" is written in red at the top left corner of this redacted area.

(b) (6)



I. Background

(b) (6)



(b) (6)



(b) (6)



(b) (6)

II. Charge: Failure to Follow Supervisory Instructions

(b) (6)

III. Proposed Penalty

(b) (6)

Sincerely,

(b) (6)