

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

FRANCISCA LAGUNA,)	
)	
Appellant/Complainant,)	
)	
v.)	Case No. 02-AC-54(CV, FL)
)	Date: April 8 , 2004
OFFICE OF THE ARCHITECT)	
OF THE CAPITOL)	
)	
Respondent/Employing Office.)	
)	

Before the Board of Directors: Susan S. Robfogel, Chair; Barbara L. Camens, Alan V. Friedman; Roberta L. Holzwarth; Barbara Childs Wallace, Members.

DECISION OF THE BOARD OF DIRECTORS

On September 9, 2003, Hearing Officer Michael W. Doheny issued the attached Decision in this matter. The Hearing Officer concluded that the Complainant had failed to meet her burden of proof regarding her non-promotion, equal pay and position reassignment claims.

The Board has considered the decision in light of the record, the petition for review, and parties' briefs. The Board finds that the Hearing Officer's conclusions are supported by substantial evidence and affirms the Hearing Officer's determination that the record does not establish proscribed discrimination. *See Office of the Architect of the Capitol v. Office of Compliance, et al.*, 2004 U.S. App. LEXIS 4541 (Fed. Cir. 03/11/2004). We rely upon the Hearing Officer's finding and conclusion that the Appellant did not prove that her race or national origin motivated the employing office to reassign her. In so holding, we do not and need not rule on the alternate finding that the Appellant's reassignment was not an actionable adverse action.

ORDER

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

It is so ordered.

Issued, Washington, D.C.: April 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April 2004, I delivered a copy of this Decision of the Board of Directors to the following parties by the below identified means:

First-Class Mail Postage-Prepaid

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Office of Compliance