

1981

Kerr, John Hoare (1978-1984): Correspondence 14

John Hoare Kerr

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- 1) The Comptroller General
Washington, DC
- 2) The Merit System Protection Board
Washington, DC and Boston Regional Office
Messers Taylor (Secretary) and Carroll (Chief Appeals Officer)
- 3) The National Endowment for the Arts
Washington, DC
Messers Biddle (Chairman), Wade (general Counsel), and Mixon (Personnel)
- 4) Information copies to Senator Hatch and Senator Pell and my attorney,
Jordan Stanzler, Moses and Singer, NYC

"Derrydown" RFD#1
Newport, RI, 02840

3 June 1981

Ref: MSPB Docket # B No 7528010005
COMPLIANCE APPEAL

Gentlemen,

I am grateful to MSPB's ruling reenstating me retroactively to the date of my illegal separation in August of 1977 with back pay, benefits and allowances. I have received now the copy of the form 50 in which the Endowment agrees to do so. Yet my lawyers attached letters show the Endowment is not in compliance until my back pay check arrives here to me as by so far avoiding sending it to me, the Endowment, having ruined me financially so I am flat broke, withholds my salary and prevents me from reporting to duty as I wish. I have for sometime had a real estate agent waiting in Washington to show me places we might live and I am simply waiting for my back pay to establish a residence there again secondary to my legal residence here. I have written to the Endowment filling out forms sent to me for their records on withholding Federal Tax and stating my state withholding should be from R.I. where I have permanent legal residence. In addition in letters and conversations with the Endowment's General Counsel I have hoped we have agreed on the following as being my due for this illegal action: 1) Retroactive reenstatement and a permanent civil service ^{STATUS} post to ensure against reprisals or a reoccurrence of this with all backpay, benefits, allowances, step increases I would have gotten there based on my past superior ratings from even Chairman Biddle, and these step increases computed at the time of my getting them had I been aboard for purposes of computation and record, all with appropriate 15% bank interest, 2) earned severance pay granted me as partial damages and not held as an Endowment credit against back pay, and back pay in a lump sum so I can do something with it and NOT in installments even if the Endowment must borrow to do so, 3) all moving, storage and relocation expenses, legal costs and fees forced on me by this illegal "ouster" to relocate my family and educate them and obtain reenstatement. I realize the cost is up to and perhaps beyond \$125,000. Illegal acts are costly and were to me.

* installment severance pay from the Endowment received in my home deposit from Computer Records and query unpaid for months to the detriment of my available cash to support my family.

However, may I also point out that in the court awards I have seen in the press recently, they have ranged to double the amount I note as the bare bones amount this illegal case has cost me, not to mention the irreparable harm to my career and health. I prefer NOT to go to court following the advice of St Paul in Corinthians to avoid public litigation..!...Can it be that there is not one wise man among you competent to settle a case in his brother's matter? But brother goes to law with brother and that before unbelievers". I have hesitation but not absolutely. In short, I am, after almost 2 years of working for reinstatement in view of the illegal ouster, very anxious to conclude this matter without dragging it through the courts. I want to get back to earning my way. Yet I cannot compromise on the amounts due me because I have 3 severely and profoundly handicapped children dependant on me who have not been able to depend on me since my illegal ouster, plus I have severe career damage done. Therefore may I respectfully ask for a check in full by return mail so I may report to duty. May I know my assignment? Please notify me of my reinstatement of my medical insurance I had to drop for lack of funds as I have been advised to have some expensive medical tests I can't afford until reinstated as the stress of this illegal ouster has taken a heavy toll on me and I have been under medication and care of a maintenance nature minimally because of my penury and lack of insurance.

I write the Comptroller General as MSPB (Washington) advises me only he is able to enforce payment by the Endowment. I write MSPB in order that the Endowment be held in non-compliance until I receive my full check for the above as I have appealed so, and I write NEA for a speedy resolve and check in full that we may put this matter at rest and I may start my new assignment in a permanent civil service status as discussed with NEA to avoid this happening again. I write the Senators to keep them informed and in appreciation for their continuing interest in justice being achieved here. I write my lawyer to establish grounds for whatever future action I must take in or out of court to achieve justice.

My appreciation to you all for your help in what to me has been a very regrettable and costly and time-consuming situation that needs immediate rectification so we can all get on with other matters. I'd appreciate hearing from you as soon as possible.

Sincerely,

John Hoare Kerr

Director of Education in absentia
National Endowment for the Arts

cc. office of Policy Analysis, OPM
ATTN: Ms JEANETTE NSVILLE
1900 E. St. NW Rm 3508
Washington, DC 20415