

# Exhibit 11

**Smith, Carmen A (HIN)**

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**From:** Smith, Carmen A (HIN)  
**Sent:** Thursday, August 29, 2019 2:00 PM  
**To:** Coleman, Kimberly P (HIN); Backman, Jeromy; Ellena, Joseph  
**Cc:** Graham, Angela; Yenerall, Jodi J.(HIN)  
**Subject:** RA Reserved Parking

**Importance:** High

Good day,

Employee David Bourke was assigned reserved parking# 1011 which was installed by engineering. The spot is located by building 200 in the back of outpatient pharmacy. Every morning when he arrives before 6am someone is parked in his spot. He has reached out to police service several times and has not received a response. He needs a parking placard for reserved spot #1011 and he needs a number for which he can call to report the car being parking in his spot. It is the same car every morning so I am assuming that it is an employee who possibly works overnight. Please assist as this is a reasonable accommodation.

Best,

Carmen A. Smith, BSHRM, VHA-CM  
Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
VISN 12-HRMS  
Ph: [REDACTED]  
Fax: (708) 202-7345

*"Half of solving any problem is the ability and willingness to admit the problem exist"*  
~Pastor JP Maddox



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*How was your HR service today?*

# Exhibit 12

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DAVID BOURKE, )  
Plaintiff, )  
vs. ) No. 22 CV 3164  
DENIS McDONOUGH, SECRETARY, )  
U.S. DEPARTMENT OF VETERANS )  
AFFAIRS, UNITED STATES OF )  
AMERICA, )  
Defendants. )

The deposition of CARMEN SMITH, called for examination pursuant to Notice and the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Tabitha Watson, an Illinois Shorthand Reporter, via videoconference, on the 31st day of May, 2023, at the hour of 9:59 a.m.

Reported by: Tabitha Watson, CSR, RPR  
License No.: 084-004824



## 1 APPEARANCES:

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## I N D E X

## WITNESS

## EXAMINATION

CARMEN SMITH

By Attorney Flaxman..... 4

By Attorney Flores..... 22

## E X H I B I T S

## NUMBER

## PAGE

SMITH Deposition

Exhibit Number 1..... 8



1 MS. REPORTER: For the record, this deposition  
2 is being taken by Zoom videoconference and the oath  
3 will be administered by me remotely. If there are  
4 no objections to this, would counsel please state  
5 so and identify themselves for the record, starting  
6 with plaintiff's attorney.

7 ATTORNEY FLAXMAN: I am Kenneth Flaxman for the  
8 plaintiff.

9 ATTORNEY FLORES: And I am Nicole Flores for  
10 the defendant. No objection.

11 ATTORNEY FLAXMAN: Plaintiff has no objection  
12 also.

13 (Witness sworn via videoconference.)

14 CARMEN SMITH,  
15 called as a witness herein, was examined and  
16 testified as follows:

17 EXAMINATION

18 BY ATTORNEY FLAXMAN:

19 Q. Good morning. Could you state your name  
20 and spell your last name for us, please?

21 A. Yes. Carmen Smith, S-M-I-T-H.

22 Q. And what's your business or occupation?

23 A. I am a lead human resource specialist with  
24 the Department of Veteran Affairs.



1 Q. For how long have you worked for the  
2 Department of Veteran Affairs?

3 A. For 13 and a half years.

4 Q. And what did you do before that?

5 A. I worked in the private sector HR,  
6 customer service, quality assurance.

7 Q. Okay. I think in one of your e-mails you  
8 told Mr. Bourke that you had served in the  
9 military?

10 A. No. I've never served. My father served.

11 Q. Okay. Somebody else.

12 All right. Were you the reasonable  
13 accommodation coordinator at Hines before December  
14 9th of 2019?

15 A. Before December 9th, yes.

16 Q. December 9th. And did you return to that  
17 position in June of 2020?

18 A. Yes.

19 Q. How did you -- what were your duties as  
20 the reasonable accommodation coordinator?

21 A. As the reasonable accommodation  
22 coordinator, my duties are basically a liaison  
23 between management and the employee. So I am  
24 responsible for walking employees and management





1 through the reasonable accommodation process,  
2 ensuring that all the documents are in, and then  
3 reviewing the medical documentation to determine if  
4 the employee is indeed a qualified individual with  
5 a disability which limits one or more major life  
6 activities.

7 Q. And in the course of your work as the RA  
8 coordinator, did you meet the plaintiff in this  
9 case, David Bourke?

10 A. Yes.

11 Q. How did you first meet him, if you recall?

12 A. If I recall correctly, he submitted a  
13 reasonable accommodation request to his supervisor  
14 who then forwarded the request to me and then I met  
15 him as part of the interactive process where I met  
16 with both him and his supervisor to discuss his  
17 reasonable accommodation request.

18 Q. Could you explain to us what you meant by  
19 interactive process?

20 A. Well, the interactive process, it's a  
21 communication between the employee and supervisor  
22 in consultation with the reasonable accommodation  
23 coordinator to determine how to best respond to the  
24 employee's request.



1 Q. And did you engage in that interactive  
2 process with Mr. Bourke about his reasonable  
3 request?

4 A. Yes.

5 Q. Do you recall about when that was -- when  
6 that began?

7 A. I engaged with him back in 2018 I believe.

8 Q. And what was the result if you recall of  
9 that interactive process, Mr. Bourke's RA request?

10 A. The result of the interactive process was  
11 that his supervisor listened to his request,  
12 learned of his limitations, and then kind of  
13 brainstormed ideas of how to best accommodate him  
14 and, if I recall correctly, his request at that  
15 time was approved.

16 Q. And did he get a close parking spot?

17 A. Yes, I believe that is correct. That was  
18 one of his requests.

19 Q. Do you remember in August -- well, did you  
20 look at any documents to prepare for this  
21 deposition?

22 A. Yes, I did. I glanced at them. I can't  
23 quite recall them all.

24 Q. Can you tell us which documents you can



1 recall having looked at?

2 A. I looked at the affidavit that I signed as  
3 well as I did review some e-mails that were e-mail  
4 communications between Mr. Bourke and myself as  
5 well as management and myself.

6 Q. Do you recall if you got an e-mail from  
7 August 29th of 2019 about a parking placard?

8 A. Vaguely, yes.

9 Q. Let me put that on the screen.

10 A. Okay. That would definitely help.

11 Thanks.

12 Q. If I can get that working. Is it there?

13 Yes.

14 A. Yes. Mm-hmm.

15 Q. Do you see it's marked Smith Exhibit 1 at  
16 the bottom of the page and to the right it says  
17 Page 1?

18 A. Mm-hmm.

19 Q. And then we're looking at an e-mail, is  
20 that an e-mail that you wrote or sent?

21 A. Yes.

22 Q. On August 29th, 2019?

23 A. Yes.

24 Q. What did you mean that his reserved



1 parking numbering 1011 was installed by  
2 engineering? How did engineering install a parking  
3 spot?

4 A. It kind of looks like a handicapped sign  
5 almost. You know how you park somewhere and they  
6 put the pole with the sign? That's what that is.  
7 Engineering would have installed a sign that  
8 says -- I believe it says like reserved parking and  
9 then it has number -- this number that was assigned  
10 to him, 1011.

11 Q. Were you involved in getting that and that  
12 parking spot being assigned to Mr. Bourke?

13 A. Mr. Bourke -- if I recall, the employee  
14 usually bears the responsibility of telling us  
15 which parking spot would be most convenient for  
16 them. Hines has a huge campus, so that's the  
17 policy there is that they would -- the employee  
18 would let us know which parking spot would be the  
19 best for them.

20 Q. Now, to change Mr. Bourke's parking spot,  
21 would the procedures of the VA require that there  
22 be another interactive process?

23 A. It can. The interactive process is  
24 ongoing. So Mr. Bourke can definitely request to



1 re-engage or the facility, the agency can request  
2 to re-engage at any time.

3 Q. Okay. Let me stop sharing so I can look  
4 at my notes.

5 A. Mm-hmm.

6 Q. Stop share. Okay. Thank you.

7 Are there rules and regulations of the VA  
8 that you followed in doing your job with reasonable  
9 accommodation requests?

10 A. Can you please explain further? I'm not  
11 sure I quite understand.

12 Q. Well, is there a policy manual at the VA  
13 about -- that relates to reasonable accommodation  
14 requests?

15 A. Yes. There's VA Handbook 5975.1.

16 Q. And did you follow that in your work?

17 A. Yes, sir.

18 Q. Does that policy require something about  
19 an undue hardship when there's a change in a  
20 reasonable accommodation?

21 A. Yes. An undue hardship is in the policy  
22 manual.

23 Q. Now, did you ever learn that at some time  
24 after 2019 Mr. Bourke's reasonable accommodation



1 parking spot that you had been involved with was  
2 changed?

3 A. After 2019, yes, I did learn of that --  
4 well, no, it wasn't changed. I believe he just had  
5 some issues with it.

6 Q. Well, was he no longer able to park at the  
7 same parking spot?

8 A. I believe some issues with COVID had  
9 arisen where they had closed some particular doors  
10 due to COVID and COVID entry and people entering  
11 and things like that. I wasn't the RA coordinator  
12 at the beginning of COVID, so I'm not really sure  
13 exactly what transpired at the very beginning and  
14 how they determined which doors would be closed.

15 Q. Why did you stop being RA coordinator?

16 A. Well, at the present time when I was the  
17 RA coordinator, it only went to GS9. So there was  
18 no -- there was no promotion, no room for  
19 advancement. So I left RA coordinator to become a  
20 recruitment -- recruitment and placement HR  
21 specialist and then once I got in that role, then  
22 they decided to reclassify the RA role and give it  
23 promotion potential and then I was asked to reapply  
24 and I did.



1 Q. Okay. After you returned to the position  
2 of RA coordinator, do you remember the date in June  
3 of 2020 when that happened?

4 A. No. It was early June. I can't recall  
5 exactly. I believe it was early June, like maybe  
6 the first pay period of June or something like  
7 that.

8 Q. Okay. After you returned to RA  
9 coordinator in early June, did you become involved  
10 again with Mr. Bourke's RA needs?

11 A. I believe so. I don't believe it was  
12 immediate, but sometime during that next tenure of  
13 being the RA coordinator from 2020 to 2021, I did.

14 Q. And what's your present position?

15 A. I am the lead human resource specialist RA  
16 coordinator, but I'm not with Hines VISN 12. I am  
17 with VISN 20 Department of Veteran Affairs. So  
18 it's on the west coast. So I left Hines April 2021  
19 to join the VISN 20 team.

20 Q. So just what city are you in now?

21 A. Oh, I'm in Chicago virtually; however, I  
22 service Portland, Oregon; Seattle, Washington;  
23 Anchorage, Alaska; and Boise, Idaho, that region.

24 Q. Okay. Do you remember back in October of



1 2020 when there was some issue about changing  
2 Mr. Bourke's reasonable accommodation parking spot?

3 A. Yeah. I did review those documents, yes.

4 Q. Okay. And was there ever a showing of an  
5 undue hardship that the agency would have if they  
6 didn't change his parking spot?

7 A. I don't believe, if I recall correctly,  
8 that they showed an undue hardship.

9 Q. Okay. Let me -- let's go over the  
10 documents if I can get this going again.

11 A. Sure.

12 Q. Let me get my magic notes, which I'll try  
13 not to share. Oh, good. I think -- are we sharing  
14 my magic notes, my work product?

15 ATTORNEY FLORES: I don't see anything.

16 ATTORNEY FLAXMAN: Well, all right. So ...

17 BY ATTORNEY FLAXMAN:

18 Q. Okay. Looking at Page 2 of Smith  
19 Exhibit 1, is that your e-mail at the bottom of  
20 that page?

21 A. Yes.

22 Q. And did you write it to Angela Morris?

23 A. Yes.

24 Q. Who was Angela Morris at that time?





1       A.    I believe she was the acting associate  
2 director.

3       Q.    Do you know if she's still there?

4       A.    I have no idea.

5       Q.    And, well, in your e-mail you wrote  
6 something about OGC for concurrence, do you see  
7 that?

8       A.    Mm-hmm.

9       Q.    What is OGC?

10      A.    The Office of General Counsel.

11      Q.    Do you know if the VA ever went through  
12 the Office of General Counsel about Mr. Bourke's RA  
13 requests?

14      A.    I don't recall. If they did, it would be  
15 in the documentation.

16      Q.    Okay. And is it -- am I correct that  
17 under the procedure manual at the VA the agency  
18 would have to prove undue hardship to change a  
19 reasonable accommodation parking spot?

20      A.    That is correct. For any reasonable  
21 accommodation, they would have to prove undue  
22 hardship.

23      Q.    And have you ever seen any documents in  
24 which the agency proved undue hardship or changing



1 Mr. Bourke's parking spot?

2 A. Not that I recall.

3 Q. Okay. Let's turn to Page 3 of Exhibit 1  
4 and is this exhibit -- is this an e-mail that you  
5 sent on October 13th of 2020?

6 A. Yes.

7 Q. And does it accurately summarize your  
8 conversation with Mr. Bourke?

9 A. I don't recall the conversation, but if  
10 that's what I put in the e-mail. That was so long  
11 ago.

12 Q. Do you know if he had a scooter that he  
13 used to move from place to place back in October of  
14 2020?

15 A. Yeah, I do recall a scooter.

16 Q. And at the last paragraph you wrote, due  
17 to the sensitivity of this matter. Do you recall  
18 what you meant by that?

19 A. Wait one second.

20 Q. That paragraph starts, I am not in  
21 agreement with the three suggestions.

22 A. Correct. I said -- because I'm neutral,  
23 so I'm not in agreement or disagree with it. But  
24 due to the sensitivity of the matter, I recommend



1 leaving the entrance open because of the employee,  
2 this is a reasonable accommodation request. It's a  
3 sensitive matter.

4 Q. Okay. Let's go to Page 8. And is that  
5 another -- is that an e-mail that you sent on  
6 October 8, 2020 at 12:36 p.m.?

7 A. Yes.

8 Q. Do you recall making the suggestion that  
9 the back -- that the pharmacy entrance not be  
10 closed for Mr. Bourke?

11 A. Yes. That was my recommendation per this  
12 e-mail.

13 Q. Okay. And was it your assessment -- was  
14 it your view back in October that Mr. Bourke's  
15 reasonable accommodation was -- had been effective  
16 for him?

17 A. Correct.

18 Q. Going back to Page 7, which has in the  
19 middle -- is that an -- do you see the e-mail that  
20 you sent on October 8, 2020 at 12:17 p.m.?

21 A. Yes.

22 Q. And then the second sentence, you wrote,  
23 the facility would have to prove that this is truly  
24 an undue hardship on the agency.



1 A. Correct.

2 Q. what did you mean by that?

3 A. The agency -- the burden is on the agency  
4 to prove that the accommodation is not effective.  
5 The employee states that it's effective for him.  
6 So the agency would have to prove why it would not  
7 be effective.

8 Q. And would the agency have to have reduced  
9 that in writing, its determination that a  
10 modification of the reasonable accommodation was  
11 required?

12 A. Yeah. They would have to provide a  
13 written justification as to why this accommodation  
14 is not effective and then provide documentation to  
15 support. That would then have to go to the Office  
16 of General Counsel to review and then concur with  
17 their decision. However, the decision --  
18 concurrence from OGC or recommendation from the  
19 reasonable accommodation coordinator, we don't make  
20 the decision. The decision is ultimately up to the  
21 agency to decide whether or not they will take the  
22 recommendation or concurrence or nonconcurrence  
23 from the OGC.

24 Q. Have you ever seen any documentation that



1 indicates that the agency made a showing of undue  
2 hardship --

3 A. Not that I can recall.

4 Q. -- with respect to Mr. Bourke's parking  
5 spot at any time after he got it in 2019 I think?

6 A. Not that I can recall.

7 Q. Okay. If you look at Page 6, that's an  
8 e-mail from you to Samantha Tepper. Do you know  
9 who Samantha Tepper was or is?

10 A. She worked in the director's office. I'm  
11 not sure what her exact -- I see what her title is.  
12 I'm not sure what her role, if that makes sense,  
13 is.

14 Q. Okay. Does this e-mail establish an undue  
15 hardship that required Mr. Bourke's parking spot be  
16 changed?

17 A. No.

18 Q. Does it say who made the decision to make  
19 the pharmacy entry at Hines an exit-only?

20 A. No. It doesn't state that.

21 Q. Do you know who made that decision?

22 A. No, I don't. I'm not sure. It could have  
23 been -- it was someone in the -- it had to be  
24 someone in the director's office. Possibly Angela



1 Morris. I'm not sure. Or that could have been a  
2 compilation of director's office and engineering.  
3 I'm unsure. I wouldn't be privy to that  
4 information.

5 Q. If you look at Page 5, at the top is  
6 another e-mail from you dated November 20th, 2020  
7 at 11:53 a.m., do you see that?

8 A. Yes.

9 Q. In that e-mail, you state that the  
10 employee cannot walk more than 15 feet without a  
11 cane or walker. How did you make that  
12 determination?

13 A. I believe it had to be from some medical  
14 documentation that he would have submitted.

15 Q. And is that the same for the next  
16 sentence, with cane or walker no more than 40 or  
17 50 feet?

18 A. Yes.

19 Q. If we go back to -- let's go back to  
20 Page 3. I think we did Page 3.

21 A. Yes.

22 Q. Let's look at Page 4. This is an e-mail  
23 from December 20th. Well, it's an e-mail thread.  
24 It's two e-mails. There's -- do you know who Brian



1 Fong is?

2 A. Excuse me. No. I don't believe I've ever  
3 met him personally.

4 Q. Well, is there a position called facility  
5 planner?

6 A. There could be. I'm not familiar.

7 Q. Did you ever learn that in December of  
8 2020 Mr. Fong -- let's go back.

9 December 2, 2020, were you still the RA  
10 coordinator?

11 A. No. I believe I had transitioned at that  
12 time to recruitment and placement. I was  
13 officially hired in recruitment and placement in  
14 September of 2020, but we were waiting on a new RA  
15 coordinator. So I'm not sure exactly -- I  
16 transitioned sometime in December, but I'm not sure  
17 if I was here or not.

18 Q. Do you know who the new RA coordinator is  
19 or was?

20 A. At that time, it was Shawn Scheirer.

21 Q. Do you ever talk with Mr. Scheirer about  
22 Mr. Bourke's RA?

23 A. Not that I can recall. I know when he  
24 came on board, I did do a turnover report for him.



1 whether or not Mr. Bourke was included on that  
2 turnover, I can't recall.

3 Q. What's a turnover report?

4 A. Where I basically -- open cases that I  
5 have time, when the new RA coordinator comes on  
6 board, I let him know where we are in the process  
7 and provide details to him so that he can pick up  
8 right where I left off and begin to follow-up on  
9 these cases.

10 Q. Do you still have a copy of that turnover?

11 A. No, I don't. Probably not. No.

12 Q. Do you know where we could find a copy?

13 A. Shawn may have it or the new RA  
14 coordinator may still have one. I don't know.  
15 It's not something that's procedure. It's just  
16 something I did as a professional courtesy.

17 Q. When is the last time you spoke with  
18 Mr. Bourke?

19 A. Oh, I believe he sent me an e-mail maybe  
20 right after I left Hines I believe, but I haven't  
21 actually spoken -- verbally spoken with him. I  
22 believe the last communication was sometime right  
23 after I left Hines.

24 ATTORNEY FLAXMAN: Okay. I have nothing





1 further.

2 ATTORNEY FLORES: Okay. I just have a couple  
3 follow-up questions, Ms. Smith.

4 EXAMINATION

5 BY ATTORNEY FLORES:

6 Q. Just to be clear, were you the -- you  
7 were -- were you the RA specialist from March of  
8 2020 through May of 2020?

9 A. No.

10 Q. Okay. And then you came back and then  
11 left again in December of 2020, is that what you  
12 just testified to?

13 A. No. I left in December of 2019.

14 Q. 2019?

15 A. Yeah. December 2019 through June 2020 and  
16 then from June 2020 to April, I believe, 2021.

17 Q. Okay. Were you involved at all in  
18 Mr. Bourke's accommodations or interactive process  
19 during the time period of March 2020 through May of  
20 2020?

21 A. No. I wasn't in that position.

22 Q. Okay. And to your knowledge when you were  
23 involved in the interactive process in 2019 with  
24 Mr. Bourke, to your knowledge, did he request a --



1 a reasonable accommodation scooter as part of his  
2 request for a parking spot?

3 A. Not to my knowledge.

4 Q. And when you testified earlier that the  
5 agency had not documented undue hardship, were you  
6 referring to the time period in which you were  
7 involved in Mr. Bourke's accommodations --

8 A. Yes.

9 Q. -- after you returned?

10 A. Yes.

11 Q. Okay. So did you have any knowledge or  
12 oversight into the process from March of 2020 to  
13 May of 2020 --

14 A. No.

15 Q. -- and to whether or not there was undue  
16 hardship to the agency at that time?

17 A. No.

18 Q. Okay. And at the time that you became  
19 involved once again, in the fall of 2020, had the  
20 pharmacy doors been reopened after a period of  
21 being closed?

22 A. I don't recall.

23 ATTORNEY FLORES: Okay. I think that's all my  
24 questions.



1           ATTORNEY FLAXMAN: I have nothing further.

2           signature?

3           ATTORNEY FLORES: we'll review.

4                               (witness excused.)

5                               (Deposition concluded at  
6                               10:25 a.m.)



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
vs. ) No. 22 CV 3164  
DENIS McDONOUGH, SECRETARY, )  
U.S. DEPARTMENT OF VETERANS )  
AFFAIRS, UNITED STATES OF )  
AMERICA, )  
Defendants. )

This is to certify that I have read the  
transcript of my deposition taken in the  
above-entitled cause by Tabitha Watson, Certified  
Shorthand Reporter, on the 31st day of May, 2023,  
and that the foregoing transcript accurately states  
the questions asked and the answers given by me as  
they now appear.

\_\_\_\_\_  
CARMEN SMITH

SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public



1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, Tabitha Watson, an Illinois Shorthand  
5 Reporter, do hereby certify that heretofore,  
6 to-wit, on the 31ST day of May, 2023, personally  
7 appeared before me, via videoconference, CARMEN  
8 SMITH, in a cause now pending and undetermined in  
9 the United States District Court, Northern District  
10 of Illinois, Eastern Division, wherein DAVID BOURKE  
11 is the Plaintiff, and DENIS McDONOUGH, SECRETARY,  
12 U.S. DEPARTMENT OF VETERANS AFFAIRS, UNITED STATES  
13 OF AMERICA are the Defendants.

14 I further certify that the said witness was  
15 first duly sworn to testify the truth, the whole  
16 truth and nothing but the truth in the cause  
17 aforesaid; that the testimony then given by said  
18 witness was reported stenographically by me in the  
19 presence of the said witness, and afterwards  
20 reduced to typewriting by Computer-Aided  
21 Transcription, and the foregoing is a true and  
22 correct transcript of the testimony so given by  
23 said witness as aforesaid.

24 I further certify that the signature to the



1 foregoing deposition was reserved by counsel for  
2 the respective parties.

3 I further certify that the taking of this  
4 deposition was pursuant to Notice, and that there  
5 were present at the deposition the attorneys  
6 hereinbefore mentioned.

7 I further certify that I am not counsel for nor  
8 in any way related to the parties to this suit, nor  
9 am I in any way interested in the outcome thereof.

10 IN TESTIMONY WHEREOF: I have hereunto set my  
11 hand this 14th day of June, 2023.

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17 TABITHA J. WATSON, CSR, RPR

18 LIC. NO. 084-004824  
19  
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22  
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McCorkle Litigation Services, Inc.  
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June 14th, 2023  
ATTORNEY NICOLE FLORES  
219 South Dearborn Street, 9th Floor  
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IN RE: Bourke vs. McDonough  
COURT NUMBER: 22 CV 3164  
DATE TAKEN: May 31st, 2023  
DEPONENT: CARMEN SMITH

Dear Ms. Flores,

Enclosed is the deposition transcript for the  
aforementioned deponent in the above-entitled  
cause. Also enclosed are additional signature  
pages, if applicable, and errata sheets.

Per your agreement to secure signature, please  
submit the transcript to the deponent for review  
and signature. All changes or corrections must be  
made on the errata sheets, not on the transcript  
itself. All errata sheets should be signed and all  
signature pages need to be signed and notarized.

After the deponent has completed the above, please  
return all signature pages and errata sheets to me  
at the above address, and I will handle  
distribution to the respective parties.

If you have any questions, please call me at the  
phone number below.

Sincerely,

Cindy Alicea  
Signature Department

Tabitha Watson  
Court Reporter

cc: All attorneys of record.



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# Exhibit 13

## Neczek, Joseph

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**From:** Bourke, David  
**Sent:** Monday, July 6, 2020 1:39 PM  
**To:** Neczek, Joseph  
**Subject:** RE: Installing the scooter lift into my auto?

Cool, thanks will do.

**From:** Neczek, Joseph <Joseph.Neczek@va.gov>  
**Sent:** Monday, July 6, 2020 1:27 PM  
**To:** Bourke, David <David.Bourke@va.gov>  
**Subject:** RE: Installing the scooter lift into my auto?

Hello Mr. Bourke,  
I submitted your Prosthetics order for the lifter on July 1<sup>st</sup> after our evaluation.  
If you wish, you may contact Prosthetics at 708-202-8387 x21277 for a status update.

Thank you,  
-Joe

~~~~~  
Joseph S. Neczek, MS, RKT, CDRS  
Registered Kinesiotherapist/Certified Driver Rehabilitation Specialist  
Assistive Technology Specialist  
Kinesiotherapy Field Advisory Board & Professional Standards Board

Physical Medicine & Rehabilitation/ 117C  
Edward Hines Jr. VA Hospital  
5000 South 5th Avenue  
Bldg. 228; Room: 5012  
Hines, IL 60141-3030  
708-202-8387 ext. 24382  
[joseph.neczek@va.gov](mailto:joseph.neczek@va.gov)

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**VA**  
HEALTH  
CARE  
Defining  
**EXCELLENCE**  
in the 21st Century



**From:** Bourke, David <David.Bourke@va.gov>  
**Sent:** Monday, July 6, 2020 9:19 AM  
**To:** Neczek, Joseph <Joseph.Neczek@va.gov>  
**Subject:** Installing the scooter lift into my auto?

Good morning Joe, I have not yet heard from anyone else since our phone call from last Wednesday when you called me at home? My family was pleased to hear you called and are looking for Hines to install the scooter lift. Do you have any idea on when or who I should be hearing from in the near future?

Thank you, David Bourke

Ambulatory surgery unit Bldg. 200

Basement room B 019 ext. 28019 or 20262 up until 2:20pm

After 2:30pm cell # [REDACTED]

# Exhibit 14

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
Vs. ) No. 22-CV-3164  
DENIS McDONOUGH, SECRETARY )  
U.S. DEPARTMENT OF )  
VETERANS AFFAIRS, UNITED )  
STATES OF AMERICA, )  
Defendant. )

The deposition of JON BEIDELSCHIES,  
called for examination pursuant to the Rules of  
Civil Procedure for the United States District  
Courts pertaining to the taking of depositions,  
taken remotely before Mary Kay Andriopoulos, a  
Certified Shorthand Reporter within and for  
the State of Illinois, on August 10th, 2023 at  
the hour of 11:00 a.m., via Zoom  
videoconferencing.

REPORTED BY: MARY KAY ANDRIOPOULOS, CSR  
LICENSE NO. 084-002248



## 1 APPEARANCES:

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10 Representing the Plaintiff;

12 UNITED STATES ATTORNEY'S OFFICE

13 BY: MS. NICOLE FLORES

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15 9th Floor

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18 nicole.flores3@usdoj.gov

19 Representing the Defendant.

## 21 ALSO PRESENT:

22 MS. SHEILA FITZPATRICK





## I N D E X

## WITNESS

## EXAMINATION

JON BEIDELSCHIES

BY MR. FLAXMAN

4

BY MS. FLORES

26

## E X H I B I T S

## NUMBER

## MARKED FOR ID

BEIDELSCHIES Deposition

Exhibit No. 1

(Marked by counsel and attached)



1 (Whereupon, the witness was  
2 duly sworn.)

3 JON BEIDELSCHIES,  
4 having been first duly sworn, was examined and  
5 testified as follows:

6 EXAMINATION

7 BY MR. FLAXMAN:

8 Q. Good morning, sir.

9 My name is Kenneth Flaxman, and we are  
10 here for a 30(b)(6) deposition of the Department  
11 of Veteran Affairs, and you've been sworn under  
12 oath.

13 My understanding is that you're here to  
14 answer questions on behalf of the agency about  
15 two matters.

16 The first is the process used to  
17 determine which entrances would be closed for  
18 COVID starting in March of 2020.

19 Is that your understanding as to the  
20 first area?

21 A. Yes, that's my understanding.

22 Q. Okay. And the second area was the  
23 manner in which, if at all, this process  
24 considered, quote, RA parking spaces and which



1 doors would be closed.

2 Do you understand that's the second  
3 question?

4 A. I understand that as well.

5 Q. And is it your understanding that RA  
6 refers to Rehabilitation Act?

7 A. That's not my understanding.

8 Q. What is your understanding that RA  
9 refers to?

10 A. I understand that RA refers to  
11 reasonable accommodation.

12 Q. All right. Thank you.

13 Could you tell us what your position is  
14 with the VA?

15 A. I'm the associate director for  
16 operations at the Edward Hines, Jr. VA Hospital.

17 Hines is spelled H-I-N-E-S.

18 Q. And for how long have you been the  
19 associate director?

20 A. I've been the permanent associate  
21 director of operations since April of 2021.

22 I was previously detailed in the role  
23 from January to April of 2021.

24 Q. And where were you employed or what was



1 your -- and what was your position in March of  
2 2020?

3 A. I was the assistant director at Hines.

4 Q. Okay. Could you tell us the process  
5 used to determine which entrances would be  
6 closed for COVID starting in March of 2020?

7 A. Yes. To give some context, in March of  
8 2020 COVID was moving its way east/west.

9 We did not have vaccinations. We were  
10 seeing a lot of hospitals overrun.

11 In early March of 2020 we were given  
12 approximately 48 hours notice over a weekend by  
13 VA central office that the following Monday we  
14 would need to implement active screening in  
15 order to screen for symptoms of staff and  
16 patients coming into the hospital.

17 The reason that we were screening was  
18 COVID particularly at that time was viewed as  
19 highly transmissible, highly virulent, and so  
20 the VA central office made the determination to  
21 go to active screening in order to put some  
22 sorts of controls on to protect the life and  
23 safety of veterans and staff.

24 Again, remember at this point there was



1 no vaccination. There was minimal testing.

2 Generally, all decisions related to  
3 anything COVID, and this would include the --  
4 which entrances were chosen and the manner  
5 active screening would be stood up would be done  
6 via the incident command structure.

7 So at the -- in the VA system when  
8 major incidents take place, standard practice is  
9 for the team to stand up an interdisciplinary  
10 group known as incident command.

11 At Hines incident command for COVID  
12 consisted of executive leadership, clinical  
13 leadership, and clinical subject matter experts,  
14 and administrative leadership and subject matter  
15 experts.

16 Those included our chief and lead of  
17 infection control, our lead of infectious  
18 disease, a number of clinical leaders that fall  
19 into acute medicine, cardiology, some of our  
20 respiratory group, our ICU group, nursing  
21 leadership.

22 Our administrative team included our  
23 emergency manager, our chief of logistics, our  
24 chief engineer.



1           So basically all of the key players on  
2     the clinical and administrative side would come  
3     together, and the incident command would serve  
4     essentially as a clearinghouse for decision  
5     making related to the stand up and  
6     implementation of incidents command -- or excuse  
7     me -- stand up and implementation of decisions  
8     related to operational changes due to COVID of  
9     which I would say active screening and which  
10    entrances were a major part of that, and so my  
11    recollection is in early March the incident  
12    command convened an emergent meeting.

13           We made determinations about which  
14    entrances would be open and where we would stand  
15    up active screening at Hines effective that  
16    following Monday morning.

17           Again, we had very little time to make  
18    a determination.

19           The criteria that we used to identify,  
20    we are a 147-acre campus, we have a number of  
21    different administrative and clinical buildings,  
22    and so there were a couple of criteria that we  
23    used.

24           One was a recognition that the vast



1 majority of entrances were going to need to be  
2 closed from employee or staff or veteran visitor  
3 entrance.

4           There were just not enough bodies that  
5 we could put towards active screening which  
6 would allow us to cover all the entrances that  
7 had previously remained open.

8           So we -- one factor was the number of  
9 actual bodies and number of thermal handheld  
10 thermometers we could deploy which would allow  
11 us to take active temperature checks.

12           At that time we were pretty limited in  
13 the number of thermometers that we had, and we  
14 were relying on detailed or volunteer staff to  
15 serve as active screeners. So that was one  
16 criteria.

17           Another criteria was a geographic  
18 disbursement of the entrances to allow for  
19 minimizing the inconvenience to our veterans and  
20 staff.

21           If we reduced the -- many hospitals at  
22 that time made the decision to limit to one or  
23 two entrances.

24           If we were to do that and use our main



1 entrance as the only entry into the -- into the  
2 campus, that would require our veterans and  
3 staff in some cases to move over a mile  
4 internally to get to their work units, and so  
5 what we wanted to do was disburse the entrances  
6 geographically to allow for more convenience for  
7 staff and veterans to be able to access their  
8 work units and their clinical areas. So that  
9 was the second criteria. Spreading the  
10 entrances out enough to lower the impact on our  
11 veteran population.

12 Again, the primary driver of our  
13 determination is what we needed to do to keep  
14 our veterans safe.

15 We did not have an understanding of  
16 COVID, and this -- the active screening was our  
17 mechanism to protect and keep our folks safe  
18 during that time.

19 The third criteria would have been as  
20 part of our active screening process, there was  
21 an expectation that if visitors or somebody  
22 coming into the building met certain symptomatic  
23 criteria, that they would be redirected to a  
24 secondary screening location, and so a third





1 criteria that we used were entrances that would  
2 allow us proximity to a private room in which a  
3 nurse could sit, and sit with a symptomatic  
4 person to do further triage on their symptoms to  
5 make sure if they were symptomatic, that we  
6 could limit their internal movement and redirect  
7 them to clinical areas where they would be able  
8 to get some further care.

9 So generally, safety was the main  
10 driver.

11 We were looking at very limiting  
12 factors of the number of people, and especially  
13 the number of thermometers.

14 I would also add to that that personal  
15 protective equipment was required for those that  
16 screen; so masks, gowns, gloves, so that was one  
17 criteria, geographic disbursement, and then the  
18 proximity to a private room we could do  
19 secondary screening, those were the primary  
20 drivers.

21 Q. In considering or determining which  
22 entrances would be closed, was data collected  
23 about the number of employees which entered  
24 particular entrances each day?



1       A.     I would say qualitative data was  
2 utilized.

3           Quantitative data in terms of we know  
4 x-number of people go through there.

5           We did not have quantitative data,  
6 however, we did use qualitative data from our  
7 subject matter experts, primarily those clinical  
8 folks who worked in the individual buildings by  
9 the entrances as well as administrative leaders  
10 in other areas about where they thought we would  
11 have the ability to get the maximum number of  
12 people through.

13           So let me give you an example of that.

14           We know that a sizable portion of our  
15 team enters -- our team and our veterans enter  
16 through the 228 building, 228 entrance, which is  
17 in our mental -- primarily our mental health  
18 building.

19           We knew that that was an easterly  
20 facing entrance. It was approximate to multiple  
21 parking lots. We knew that was a high volume  
22 entrance coming in.

23           Our main entrance was obviously our  
24 highest volume.



1 Our emergency department was open 24/7.  
2 We knew that had to be open, so we wanted to  
3 look at where we could -- for lack of a better  
4 term -- get the most bang for our buck while  
5 also not being duplicative or redundant by other  
6 proximate entrances, and so again, we're working  
7 with limited staffing and limited supplies,  
8 primarily the thermometers, we wanted to  
9 maximize the areas we could, minimize  
10 duplication, redundancy, and reduce the internal  
11 barriers for the bulk of our veterans and staff.

12 Q. Do you have the exhibits that I've  
13 marked for today's deposition in front of you?

14 Is my audio working?

15 A. I can hear you.

16 Q. Okay. Do you have the exhibits?

17 Before today's deposition I marked  
18 13 pages of Exhibit 1.

19 Did you get a chance to look at that?

20 A. Oh, I thought you were directing that  
21 to the court reporter. I'm so sorry.

22 Q. No, no.

23 A. I have seen the exhibits, yes.

24 Q. Okay. If you look at Exhibit 1,



1 Page 1, which is numbered USA000580 in the  
2 middle on the bottom, could you tell us what  
3 that is?

4 A. Could you give me one moment to pull it  
5 up?

6 Q. Sure.

7 A. I've have got them in my e-mail, and I  
8 had closed it out.

9 I apologize for the delay. It's taking  
10 a moment to pull the deposition exhibits up.

11 Q. Okay.

12 A. All right. The exhibits are up.  
13 would you repeat the question, please?

14 Q. Okay. Looking at Page 1 --

15 A. Yes.

16 Q. -- numbered USA000580, which I think is  
17 a two-page document, could you tell us -- well,  
18 do you know -- have you ever seen that before?

19 A. Yes.

20 Q. Does that -- well, can you tell us what  
21 it is?

22 A. This is a COVID-19 staff update No. 5.  
23 It is an all employee e-mail message sent from  
24 the Hines postmaster dated Thursday March 12,



1 2020, time stamped 4:25 p.m.

2 Q. Does this set out the -- does it  
3 describe the entrances that are going to be open  
4 and closed?

5 A. This describes the entrances that will  
6 be open and closed effective Monday, March 16th,  
7 2020.

8 Q. Okay. And Page 2 is a reference to  
9 building 113 blind rehab?

10 A. Yes.

11 Q. And then it says blind rehab employees  
12 only.

13 Are there employees at Hines who are  
14 blind?

15 A. I don't know.

16 Q. Well, do you know what blind rehab  
17 meant?

18 A. Yes. We have an onsite blind  
19 rehabilitation center. Building 113 is our  
20 blind rehabilitation center.

21 So I interpret this message to be these  
22 are employees who work in our blind  
23 rehabilitation center, which would be building  
24 113.



1       Q.    Was there a particular building or  
2 entrance for executive staff?

3       A.    There is -- there was not a dedicated  
4 entrance for executive staff.

5           Primarily executive staff would enter  
6 -- the most proximate entrance for executive  
7 staff would have been building 1, G section  
8 entrance. That is the northernmost entrance in  
9 building one. It faces our main parking lot. I  
10 would say that is probably apart from the main  
11 lobby, the entrance in which the most  
12 administrative staff would enter from.

13           So it is the most convenient for  
14 administrative staff entering from the northwest  
15 side of the parking lot.

16           It was considered to be a high volume  
17 entrance area.

18           So given its proximity to the executive  
19 suites, which are also in building 1, G section,  
20 it's most likely that executive staff would have  
21 gone through that entrance, however, that was  
22 selected due to the high volume of staff who  
23 used that entrance again due to its proximity to  
24 the main -- to our main parking lot, which is



1 north of campus.

2 Q. Okay. Could you turn to Page 3 of the  
3 exhibit, which is labeled USA000582 at the  
4 bottom?

5 A. Yes, I have it.

6 Q. Could you tell us what that is?

7 A. This appears to be COVID-19 staff  
8 update No. 6. It's an e-mail sent to all Hines  
9 employees from the Hines postmaster. It is  
10 dated Friday, March 13th, 2020, time stamped  
11 12:09 p.m.

12 Q. And if you look at Page 5, can you tell  
13 us what that is?

14 A. Page 5 appears to be -- my Page 5  
15 appears to be a duplication of the same or --  
16 let's see -- hang on one second. I just want to  
17 check the timestamps.

18 It appears to be a duplication of the  
19 same.

20 Q. So it's another copy of update No. 6 of  
21 the policy?

22 A. I have -- my Page 5 is USA000584. It  
23 is an e-mail to all Hines employees from the  
24 Hines postmaster, subject line is COVID-19 staff



1 update No. 6. The date is Friday, March 13th,  
2 2020. Timestamp is 12:09 p.m. I believe it's  
3 the same document as Pages 3 and 4.

4 Q. Could you turn to Page 7, please?

5 A. Page 7, yes. That is -- I have that as  
6 USA00 -- I'll just read the timestamp. It's an  
7 e-mail to all Hines employees from the Hines  
8 postmaster. The subject is COVID-19 staff  
9 update No. 15-screening update. It is dated  
10 Sunday, March 22nd, 2020 at 4:54 p.m.

11 Q. And am I correct that the policy at  
12 Page 7 update No. 15 was slightly different than  
13 the original policy of Page 1?

14 A. I have not read them side by side.  
15 I assume if we were providing an  
16 update, that there would be additional  
17 information or reinforcing of previous  
18 information.

19 Q. Are you able to tell us about the  
20 process that was used to make the changes, if  
21 any, between the initial policy and the policy  
22 set out in update No. 15?

23 A. I don't recall specifically, but  
24 generally all decisions related to COVID





1 operational changes would have been done through  
2 the incident command. So a change would have  
3 been proposed based on, you know, new guidance  
4 from VA central office, new guidance from CDC,  
5 what other data we would potentially have based  
6 on kind of the experience on the ground.

7 Generally, the way decisions were made  
8 through the incident command, not just the  
9 entrances, is either an issue would be brought  
10 to the table and discussed around the table or a  
11 recommendation would be brought to the table  
12 from a subgroup, and it would be decided upon in  
13 the incident command.

14 I do not recall when we were making  
15 decisions about entrances, if it was discussed  
16 together or if it was a ratification of a  
17 recommendation, but generally, that's how we  
18 made decisions during that time.

19 Q. Was the process used to come up with  
20 update No. 15 -- did that consider in any way  
21 reasonable accommodation parking spaces?

22 A. I do not recall if reasonable  
23 accommodation was discussed for this update.

24 Q. Do you recall -- well, let me ask not



1 whether you recall, but was reasonable  
2 accommodation -- let me start from the  
3 beginning.

4 were reasonable accommodation parking  
5 spaces ever considered in determining which  
6 doors would be closed during COVID?

7 A. I recall that that was done generally.

8 I do not recall the timeline when that  
9 was done.

10 Generally, my recollection is where we  
11 anticipated impact to reasonable accommodation  
12 the expectation is that, you know, if it was a  
13 parking space, that those staff would be  
14 relocated to a proximate space of an open  
15 entrance.

16 Q. Was -- and in considering -- in making  
17 what you -- making the analysis that you just  
18 described or considering moving RA parking  
19 spaces, was a determination made that not move  
20 -- that providing a closer -- let me start from  
21 the beginning.

22 Could you tell us -- let's go to No. 2.  
23 Could you tell us the manner in which, if at  
24 all, the process used to determine which



1 entrances will be closed for COVID considered RA  
2 parking spaces and which doors would be closed?

3 A. AS I mentioned earlier, the criteria  
4 that we used to determine which spaces would be  
5 open were an overarching focus on veteran and  
6 staff safety; so one, which entrances did we  
7 feel that we had enough staff and enough PPE,  
8 and especially enough thermal thermometers to  
9 cover, that was factor one.

10 Two was geographic disbursement to make  
11 sure that we were able to reduce barriers within  
12 the idea of keeping folks safe for, you know,  
13 directional geographic layout, and then  
14 particularly early proximity to rooms for  
15 secondary screening.

16 I do not recall having specific  
17 discussions about reasonable accommodations  
18 except insofar as where there was anticipated  
19 impact for reasonable accommodations that there  
20 was an expectation that the team would work with  
21 the person with the reasonable accommodation to  
22 -- for lack of a better term -- re-accommodate  
23 them to within the context of the -- of the  
24 entrances.



1 Q. when you said the team would work with,  
2 who made up that team?

3 A. So generally for a reasonable  
4 accommodation the staff member would work with  
5 their direct supervisor who would engage with  
6 there is a reasonable accommodation team based  
7 out of HR. I believe the acronym is the LRAC,  
8 but I don't recall what the acronym stands for.  
9 LAR -- LRAC I think is the acronym, but  
10 basically there is a team within our human  
11 resources that is responsible for the management  
12 of HR, so -- excuse me -- there's a team and our  
13 HR responsible for reasonable accommodation, and  
14 so for any reasonable accommodation to include  
15 those during COVID, the expectation is that the  
16 employee would work with the supervisor who  
17 would work with the reasonable accommodation  
18 team to do what they could to accommodate the  
19 employee.

20 Q. well, when you say do what they could,  
21 what did you mean by that?

22 A. So reasonable accommodation is an  
23 employee identifies an issue that they request  
24 an accommodation for.



1           There is an interactive process in  
2       which the employee works with the supervisor.  
3       works with the RA team to determine whether or  
4       not that the agency can accommodate the  
5       employee.

6           In some cases an employee will request  
7       a reasonable accommodation, which we as the  
8       agency are unable to accommodate, so just  
9       because an employee requests a reasonable  
10      accommodation, does not guarantee that they will  
11      get the specific accommodation that they request  
12      or that we are even able to accommodate them  
13      within the context of their job.

14       Q.    Well, was there -- the manner in which  
15      the process considered RA parking spaces, does  
16      that include the agency taking the initiative to  
17      investigate each person who had an RA parking  
18      spot and determine whether the COVID -- changes  
19      brought about by COVID would cause an undue  
20      hardship to that person?

21       A.    I do not recall that happening.  So if  
22      it did, I was not involved with that.

23       Q.    So I don't want to put words in your  
24      mouth, but it sounds like you were saying that



1 the initiative would be on the employee to  
2 initiate the dialogue about a new accommodation.

3 A. My understanding with a reasonable  
4 accommodation is that the employee has a  
5 responsibility to engage with the agency.

6 So if there was an impact of the  
7 reasonable accommodation, I would expect that  
8 the employee would communicate that to their  
9 supervisor, the supervisor would work with the  
10 employee and the reasonable accommodation team  
11 to accommodate, if possible, that employee.

12 Q. Let me go back to the exhibit.

13 Looking at Page 10, which I think is  
14 the next -- no -- well, Page 10, could you tell  
15 us what that -- what that is?

16 A. This is an all staff e-mail. The  
17 subject is COVID-19 staff update No. 19,  
18 screening and access point changes. It's sent  
19 from the Hines postmaster to the Hines all  
20 employees. The date is Friday, March 27th,  
21 2020, time stamped 2:23.

22 Q. So am I correct that that was the  
23 policy revised as of -- excuse me -- March 27 of  
24 2020 at 2:23 p.m.?



1       A.     I would -- I understand this message to  
2     communicate any changes related to screening and  
3     access points and any other COVID-19 effective  
4     as of March 27 -- Friday, March 27, 2020 at  
5     2:23.

6       Q.     Okay. And am I correct that Page 12 is  
7     just a duplicate of what you just looked at?

8       A.     It appears to be, yes.

9       Q.     Okay. Thank you.

10            Is there anything else that we haven't  
11     gotten to about question one; the process used  
12     to determine which entrances would be closed for  
13     COVID starting in March of 2020?

14       A.     No.

15       Q.     Is there anything else that we haven't  
16     gotten to about question two; the manner in  
17     which, if at all, this process considered RA  
18     parking spaces and which doors will be closed?

19       A.     No.

20       Q.     Okay. I have no further questions.

21            MS. FLORES: I don't -- I'm just  
22     looking at my notes.

23            I don't think I have redirect, but let  
24     me make sure.



1 I think I have just a couple redirect  
2 questions actually.

3 EXAMINATION

4 BY MS. FLORES:

5 Q. Mr. Beidelschies, what -- you mentioned  
6 a pool of screeners that were drafted, so to  
7 speak, to screen employees in March of 2020 when  
8 you implemented -- when Hines implemented the  
9 screening procedures.

10 who were those screeners?

11 A. The screeners at the start in early  
12 March of 2020 would have been -- would have  
13 consisted of volunteers from staff. It would  
14 have consisted of staff who due to the nature of  
15 either unit closures or service closures were no  
16 longer able to do their normal work and were  
17 detailed to a general labor pool to  
18 redistribute.

19 Those primarily would have been the  
20 folks who would have been conducting screening.

21 Q. And you alluded to concern over having  
22 enough thermal thermometers.

23 when did resources for screening,  
24 including staff and equipment, including PPE





1 become sufficiently available?

2 A. I don't know how to answer that.

3 The reason being is there was -- there  
4 were always challenges with staffing and  
5 supplies, you know.

6 We over the course of the two to three  
7 years approached it in different ways, however,  
8 the screening pool and the volunteer pool had a  
9 high call-in rate. People would get sick.  
10 COVID was going around, and so I would not say  
11 that that's been a stable route.

12 We did ultimately approve temporary  
13 positions to actually hire people into those  
14 positions, but the same issues presented in  
15 which you would have people call in, they  
16 weren't always viewed as desirable positions,  
17 and so they were not very easy necessarily to  
18 fill.

19 You know, during COVID every hospital,  
20 you know, clinic, everybody was trying to get  
21 the same resources. So that's personal  
22 protective equipment.

23 So these screeners would have to have  
24 face shields and PPE gowns, and gloves, masks.



1           The thermometers were in high demand.  
2       We approached several different ways that  
3       initially we did handheld thermometers. Then we  
4       had static standing thermal thermometers. We  
5       tried a number of different things over the  
6       course of two to three-year period, and we  
7       literally just stood down active screening  
8       within the past couple of months, I mean, it was  
9       a three-year process, and so I don't know that I  
10      would say we ever got to the point where things  
11      were sufficient.

12           They -- we were constantly and have  
13      constantly adapted to changes to COVID, changes  
14      to CDC guidance, changes to VACO guidance, and  
15      again, this was a -- this has been an unstable  
16      pool of people. Most people were working from  
17      home.

18           These are all people who came in to try  
19      to keep our veterans and staff safe, and so --  
20      but people got sick, people called out, people  
21      didn't take the positions.

22           Q.    Thank you.

23           I think that was my only -- those are  
24      my only questions.



1 MR. FLAXMAN: I have nothing further.

2 signature?

3 MS. FLORES: we'll reserve.

4 MR. FLAXMAN: Okay. we'll be ordering  
5 an original.

6 THE COURT REPORTER: Did you want a  
7 copy?

8 MS. FLORES: Yes, please.

9 (FURTHER DEPONENT SAITH NOT.)

10 (Deposition concluded at 11:35 a.m.)



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
vs. ) No. 22-CV-3164  
DENIS McDONOUGH, et al., )  
Defendants. )

I, JON BEIDELSCHIES, being first duly  
sworn, on oath say that I am the deponent in the  
aforesaid deposition taken on August 10, 2023;  
that I have read the foregoing transcript of my  
deposition, and affix my signature to same.

\_\_\_\_\_  
JON BEIDELSCHIES

Subscribed and sworn to  
before me this            day  
of                            , 2023

Notary Public



1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, MARY KAY ANDRIOPOULOS, CSR, a notary  
5 public within and for the County of Cook County  
6 and State of Illinois, do hereby certify that  
7 heretofore, to-wit, on August 10, 2023,  
8 personally appeared before me, via Zoom  
9 videoconference, JON BEIDELSCHIES, in a cause  
10 now pending and undetermined in the United  
11 States District Court, Northern District of  
12 Illinois, Eastern Division, wherein DAVID BOURKE  
13 is the Plaintiff, and DENIS MCDONOUGH, et al.  
14 are the Defendants.

15 I further certify that the said JON  
16 BEIDELSCHIES was first duly sworn to testify the  
17 truth, the whole truth and nothing but the truth  
18 in the cause aforesaid; that the testimony then  
19 given by said witness was reported  
20 stenographically by me in the presence of the  
21 said witness, and afterwards reduced to  
22 typewriting by Computer-Aided Transcription, and  
23 the foregoing is a true and correct transcript  
24 of the testimony so given by said witness as



1 aforesaid.

2 I further certify that the signature to  
3 the foregoing deposition was reserved by counsel  
4 for the respective parties and that there were  
5 present at the deposition the attorneys  
6 hereinbefore mentioned.

7 I further certify that I am not counsel  
8 for nor in any way related to the parties to  
9 this suit, nor am I in any way interested in the  
10 outcome thereof.

11 IN TESTIMONY WHEREOF: I have hereunto  
12 set my verified digital signature this 11th day  
13 of August, 2023.

14  
15  
16  
17  
18  
19 MARY KAY ANDRIPOULOS, CSR  
20 LICENSE NO. 084-002248  
21  
22  
23  
24



McCorkle Court Reporters, Inc.  
200 N. LaSalle Street Suite 770  
Chicago, Illinois 60601-1014

DATE: August 11, 2023

UNITED STATES ATTORNEY'S OFFICE  
MS. NICOLE FLORES  
219 South Dearborn Street  
9th Floor  
Chicago, Illinois 60604

IN RE: DAVID BOURKE vs. DENIS McDONOUGH, et al.  
COURT NUMBER: 22-CV-3164  
DATE TAKEN: AUGUST 10, 2023  
DEPONENT: JON BEIDELSCHIES

Dear Ms. Flores:

Enclosed is the deposition transcript for the  
aforementioned deponent in the above-entitled  
cause. Also enclosed are additional signature  
pages, if applicable, and errata sheets.

Per your agreement to secure signature, please  
submit the transcript to the deponent for review  
and signature. All changes or corrections must  
be made on the errata sheets, not on the  
transcript itself. All errata sheets should be  
signed and all signature pages need to be signed  
and notarized.

After the deponent has completed the above,  
please return all signature pages and errata  
sheets to me at the above address, and I will  
handle distribution to the respective parties.

If you have any questions, please call me at the  
phone number below.

Sincerely,

|                      |                            |
|----------------------|----------------------------|
| Cynthia Alecia       | Court Reporter Present:    |
| Signature Department | Mary Kay Andriopoulos, CSR |



| Exhibits                                                                                                                                                                                                                                                                                                                                                                      | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      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| <b>Exhibit 01</b><br>3:13 13:18,24                                                                                                                                                                                                                                                                                                                                            | <b>5</b><br>14:22 17:12,14,22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          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| <b>2</b><br>15:8 20:22<br><b>2020</b><br>4:18 6:2,6,8,11 15:1,<br>7 17:10 18:2,10<br>24:21,24 25:4,13<br>26:7,12<br><b>2021</b><br>5:21,23<br><b>228</b><br>12:16<br><b>22nd</b><br>18:10<br><b>24/7</b><br>13:1<br><b>27</b><br>24:23 25:4<br><b>27th</b><br>24:20<br><b>2:23</b><br>24:21,24 25:5                                                                           | <b>2</b><br>17:2 18:3<br><b>30(b)(6)</b><br>4:10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>call</b><br>27:15<br><b>call-in</b><br>27:9<br><b>called</b><br>28:20<br><b>campus</b><br>8:20 10:2 17:1<br>7:19<br><b>cardiology</b><br>11:8<br><b>care</b><br>11:8<br><b>cases</b><br>10:3 23:6<br><b>CDC</b><br>19:4 28:14<br><b>center</b><br>15:19,20,23<br><b>central</b><br>6:13,20 19:4<br><b>challenges</b><br>27:4<br><b>chance</b><br>13:19<br><b>change</b><br>19:2                                                                                                                                                |                                                                               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| <b>R</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>VA</b><br>5:14,16 6:13,20 7:7<br>19:4<br><b>vaccination</b><br>7:1<br><b>vaccinations</b><br>6:9<br><b>VACO</b><br>28:14<br><b>vast</b><br>8:24<br><b>veteran</b><br>4:11 9:2 10:11 21:5<br><b>veterans</b><br>6:23 9:19 10:2,7,14<br>12:15 13:11 28:19<br><b>viewed</b><br>6:18 27:16<br><b>virulent</b><br>6:19<br><b>visitor</b><br>9:2<br><b>visitors</b><br>10:21<br><b>volume</b><br>12:21,24 16:16,22<br><b>volunteer</b><br>9:14 27:8<br><b>volunteers</b><br>26:13 |
| <b>RA</b><br>4:24 5:5,8,10 20:18<br>21:1 23:3,15,17<br>25:17<br><b>rate</b><br>27:9<br><b>ratification</b><br>19:16<br><b>re-accommodate</b><br>21:22<br><b>read</b><br>18:6,14<br><b>reason</b><br>6:17 27:3<br><b>reasonable</b><br>5:11 19:21,22 20:1,<br>4,11 21:17,19,21<br>22:3,6,13,14,17,22<br>23:7,9 24:3,7,10<br><b>recall</b><br>18:23 19:14,22,24<br>20:1,7,8 21:16 22:8<br>23:21<br><b>recognition</b><br>8:24<br><b>recollection</b><br>8:11 20:10<br><b>recommendation</b><br>19:11,17<br><b>redirect</b><br>11:6 25:23 26:1<br><b>redirected</b><br>10:23<br><b>redistribute</b><br>26:18 | <b>S</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>W</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>wanted</b><br>10:5 13:2,8<br><b>ways</b><br>27:7 28:2<br><b>weekend</b><br>6:12                                                                                                                                                                                                                                                                                                                                                                                             |



# Exhibit 15

**From:** [Postmaster, Hines](#)  
**To:** [VHAHIN All Employees](#)  
**Subject:** COVID-19 Staff Update No. 5  
**Date:** Thursday, March 12, 2020 4:25:20 PM

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**Edward Hines Jr. VA Hospital COVID-19 Staff Update  
Update No. 05  
Thursday, March 12, 2020**

Team Hines,

We will continue to take actions to keep all patients, visitors, and staff safe and prevent the spread of COVID-19.

Starting **Monday, March 16, 2020**, Hines is instituting additional safety measures and limiting entrance points to all individuals entering Hines VA Hospital. **All employees will be required to enter through designated entry points.**

PIV badges are required. Any Employee without a badge will be turned away from employee only entrances and directed to a visitor screening entrance.

**Designated Access Points For All Employees At Hines VA Hospital:**

**Building 1 – C Section Entrance**

Employees Only: PIV Card is required for entry  
Open 5am-6pm

**Building 1 – G Section Entrance**

Employee Access & Patient/Visitor Screening  
Open 5am-6pm

**Building 228**

Employee Access & Patient/Visitor Screening  
Open 7am-4:30pm

**Building 200 – Main Entrance Lobby**

Employee Access & Patient/Visitor Screening  
Open 6am-10pm

**Emergency Room Entrance**

Employee Access & Patient/Visitor Screening  
Open 24/7

**Building 45– Atrium**

Employee Access & Patient/Visitor Screening  
Open 6am-6pm

**Building 221 – RCF**

RCF Employees ONLY & Patient/Visitor Screening  
Open 8am-5pm

**Building 128 – SCI**

SCI Employees ONLY & Patient/Visitor Screening  
Open 8am-5pm

**Building 113 – Blind Rehab**

Blind Rehab Employees ONLY & Patient/Visitor Screening  
Open 8am-5pm

**Building 217 – CLC**

CLC Employees ONLY & Patient/Visitor Screening  
Open 8am-5pm

All exit doors will remain accessible and as a reminder Employees should not prop open any doors. We may have to make additional changes as the situation evolves. For questions please contact Police Services at extension 22013.

Thank you for helping us protect the health and safety of all who enter our Edward Hines VA Hospital campus.

# Exhibit 16

**From:** [Bourke, David](#)  
**To:** [Ousley, Eric](#); [Scheirer, Shawn D \(HIN\)](#)  
**Subject:** Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot  
**Date:** Thursday, May 14, 2020 11:02:00 AM

---

I have spoken to the both of you this morning Thursday 5/14/20, about having HR and Hines police, help me in obtaining a new reasonable accommodation parking spot due to my disabilities causing hardship and pain in walking. My disabilities severely limit my ability to ambulate any distance. I hoping the Hines police and Hines human resources, can work together and quickly get a new reserved parking spot assigned to me until the back of Bldg. 200 is opened up again for entrance? I don't know of any area room or closet, in the ED department, where I could lock up my electric scooter safely and have a key to access it when needed? I understand the agreement I had, was rescinded and I understand why, but this still doesn't help me accessing my place of employment(Hines VA hospital ASU, Bldg. 200 basement room B 019. I will be forced to park out front, which will require me to try and walk a greater distance to my duty area with-in the hospital. The point of this email is to promote communication between the Hines police and Hines human resources in obtaining the closest handicap parking spot available(ASAP) to my duty station location. Please help me in re-obtaining my already awarded reasonable accommodation parking spot, and if possible find-locate a locked room-closet(which I will have my own key) for the safe keeping of my scooter up front by the Hines ED.

I would also request that the Hines police, communicate to the reporting party of my using (with an agreement which is now voided ) the parking area, out-back of Bldg. 200 assigned to me by the Hines police and Hines HR and approved-assigned and marked parking spot, congratulations on a job well done, for causing a United States Veteran and Hines employee, great-hardship, pain and suffering plus the added anxiety of having the police call you, and by affect, intimate and cause stress to me, about using an entrance that a certain police person allowed and by his humanity, showed mercy on me, and allowed me to use this entrance to save me the pain of ambulating over a greater distance than necessary. I still had my temperature checked, and received a sticker which was placed on my employee PIV badge holder every day, to comply with the covid-19 access to the hospital. Your insistence of safety, is well disguised behind covid-19 fears, when its apparent you just want to cause trouble and create drama, because of your obvious unhappiness with life itself. May the powers that be, in this life and the next, take notice of your disservice to a fellow-employee and United States Veteran.

Sincerely;

David Bourke, Ambulatory surgery unit Bldg. 200  
Basement room B 019 ext. 28019 or 20262.

# Exhibit 17



IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
vs. ) No. 22-CV-3164  
DENIS McDONOUGH, SECRETARY )  
U.S. DEPARTMENT OF )  
VETERANS AFFAIRS, UNITED )  
STATES OF AMERICA, )  
Defendant. )

The deposition of MAJOR DESHAUN MCFIELD,  
called for examination pursuant to the Rules of  
Civil Procedure for the United States District  
Courts pertaining to the taking of depositions,  
taken remotely before Johnetta Stafford Taylor,  
a Registered Professional Reporter within and  
for the State of Illinois, on July 10, 2023 at  
the hour of 11:00 a.m. via Zoom videoconferencing.

Johnetta Stafford Taylor  
License No. 084-001583



## 1 APPEARANCES:

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18 Representing the Defendant.

19  
20 \*\*\*\*\*  
21  
22  
23  
24

## I N D E X

## WITNESS

## EXAMINATION

MAJOR DESHAUN MCFIELD

By Mr. Flaxman

5

By Ms. Flores

26

By Mr. Flaxman (Further)

31

## E X H I B I T S

## NUMBER

## MARKED FOR ID

Plaintiff's Deposition

Exhibit No. 1

8

Exhibit No. 2

10

Exhibit No. 7

15

Exhibit No. 4

21

Exhibit No. 5

25

Exhibit No. 6

25

Defendant's Exhibit A

26



1 THE COURT REPORTER: On the record.

2 This deposition is being taken by means  
3 of Zoom audio/videoconference, and the oath will  
4 be administered remotely by the court reporter  
5 pursuant to Executive Order 2020-14 and by  
6 agreement of counsel.

7 will all counsel present please state  
8 your name and agreement with this procedure.

9 MR. FLAXMAN: I am Kenneth Flaxman for the  
10 Plaintiff. We agree.

11 MS. FLORES: And I am Nicole Flores for the  
12 Defendant, and we agree.

13 (Whereupon, the witness was  
14 duly sworn.)

15 MR. FLAXMAN: Good morning, sir.

16 Do you have a copy of the exhibits?

17 THE WITNESS: Yes, I do.

18 MR. FLAXMAN: Oh, good. All right. Thank  
19 you.

20 MAJOR DESHAUN MCFIELD,  
21 called as a witness herein, was examined and  
22 testified as follows:  
23  
24



## EXAMINATION

BY MR. FLAXMAN:

Q. Could you state your name and spell your last name for us, please?

A. Yes. My name is Deshaun McField.  
M-C-F-I-E-L-D.

Q. And what's your business, your occupation?

A. Law enforcement.

Q. And by whom are you employed?

A. The Department of Veterans Affairs.

Q. How long have you worked for the Department of Veterans Affairs?

A. Since 2007. So I would say -- what's that, close to 16 years, I believe.

Q. And what's your present title?

A. Major of operations.

Q. And to whom do you report?

A. I report to Joseph Ellena, which is the deputy chief of the service.

Q. Is he also at Hines?

A. He is. Yes, sir.

Q. Did you have law enforcement experience before joining the V.A.?



1           A.    Yes, sir. I was active duty Air Force.  
2 I did six years active duty as a patrol officer  
3 and K9 as well.

4           Q.    All right. Did you ever have occasion  
5 to meet a man named David Bourke?

6           A.    I did. Yes.

7           Q.    When did you first meet Mr. Bourke?

8           A.    It was in March of 2020. Yeah, March  
9 of 2020.

10          Q.    And how did you have occasion to meet  
11 him?

12          A.    So we knocked on the door in F108 where  
13 the employees are located and I came out into  
14 the hallway and met with him.

15          Q.    And F108, is that at Hines?

16          A.    Yes, it is.

17          Q.    And when you met Mr. Bourke in March  
18 of 2020, was that in the course of your work for  
19 the Hines Police?

20          A.    Yes.

21          Q.    Was anybody else present when  
22 Mr. Bourke knocked on the door at F108?

23          A.    No, sir.

24          Q.    Did you have a conversation with him?



1           A.     I did.

2           Q.     What did he say to you and what did you  
3 say to him?

4           A.     So the conversation was he parked south  
5 of Building 200 is where his parking spot was  
6 located, and he was not able to get into the  
7 door due to the doors being secured for the  
8 COVID restrictions.

9                     My answer to him was well, you will  
10 have to make contact with reasonable  
11 accommodation, which is our HR, today; and  
12 hopefully by the end of the week, they should be  
13 able to give you a temporary spot in another  
14 entrance that's open. But until then, just  
15 contact police operations and they'll just --  
16 they'll let you in. Just tell them I said it's  
17 okay for you to come in, but only for this week,  
18 the end of this week.

19          Q.     During this conversation, did  
20 Mr. Bourke say that he had a reasonable  
21 accommodation parking spot?

22          A.     He did say that. Yes, sir.

23          Q.     And did he appear to be unable to walk  
24 the way you can walk during that conversation?



1       A.     well, he was actually on a motorized  
2 scooter. So I never got a chance to see him  
3 walk, so...

4       Q.     Okay. And did you tell anyone about  
5 your conversation with Mr. Bourke?

6       A.     I did not.

7       Q.     Did you make any notes of that  
8 conversation?

9       A.     I did not.

10      MR. FLAXMAN: Okay. Let me ask you to look  
11 at Exhibit 1.

12                   (Whereupon, Plaintiff's  
13 Deposition Exhibit No. 1 was  
14 marked for identification.)

15      MR. FLAXMAN: Do you have that in front of  
16 you?

17      THE WITNESS: Yes, sir. I'm opening it up  
18 now.

19      MR. FLAXMAN: Okay.

20      BY MR. FLAXMAN:

21      Q.     Have you ever seen that before today?

22      A.     Give me one second. I'm sorry.

23      Q.     Go ahead.

24      A.     I'm opening it up now.





1 (Short pause.)

2 THE WITNESS: No, I have not. Not before  
3 today.

4 MR. FLAXMAN: Okay.

5 BY MR. FLAXMAN:

6 Q. Who is Eric Ousley, O-U-S-L-E-Y?

7 A. Eric Ousley was the prior deputy chief  
8 who was my supervisor at that time.

9 Q. And I understand he has passed.

10 A. Yes.

11 Q. When did he pass?

12 A. He passed in May of 2021, I believe.

13 Q. Back at the conversation you had with  
14 Mr. Bourke, was that during the week that ended  
15 on March 3 -- which included Friday, March 13?

16 A. Yes. It was that week.

17 Q. Okay. And did he tell you that he  
18 entered Building 200 at the back by outpatient  
19 pharmacy?

20 A. Did Mr. Bourke tell me that? That was  
21 the actual question in general, and I told him  
22 if he called for the rest of the week, the  
23 officer will open the door for him. So that was  
24 the location, yes, sir, that was in question.



1 Q. Did you ever have a conversation with  
2 Mr. Ousley about Mr. Bourke's RA parking spot?

3 A. No, sir.

4 MR. FLAXMAN: Let me ask you to look at  
5 Exhibit 2.

6 (Whereupon, Plaintiff's  
7 Deposition Exhibit No. 2 was  
8 marked for identification.)

9 THE WITNESS: Yes, sir.

10 BY MR. FLAXMAN:

11 Q. Have you ever seen this before?

12 A. It's pulling up right now.

13 (Short pause.)

14 THE WITNESS: I have not. No, sir.

15 BY MR. FLAXMAN:

16 Q. After that first week that ended on  
17 Friday, March 13 of 2020, did you have any  
18 further discussions that you can recall with  
19 Mr. Bourke about his parking spot?

20 A. No, sir.

21 Q. Do you know if he was entering Building  
22 200 through the back by outpatient pharmacy door  
23 after --

24 A. No, I did not.



1 Q. Let me finish the question.

2 A. Sorry.

3 Q. After Friday, March 13?

4 A. No, I did not.

5 Q. When is the next time you heard about  
6 Mr. Bourke and his parking spot after that  
7 conversation in March of 2020 that you told us  
8 about?

9 A. I do not recall that. I do not recall.  
10 No, sir. I'm sorry. I don't recall the next  
11 time I heard about it again.

12 Q. Did you give an affidavit to the EEOC  
13 investigation of Mr. Bourke's complaint, if you  
14 recall?

15 A. I probably did. I probably did. Yes.  
16 I found --

17 Q. Did you look at that before today?

18 A. No, I didn't.

19 Q. After that first conversation with  
20 Mr. Bourke, did you -- were you involved in  
21 trying to find an alternate parking spot for  
22 Mr. Bourke?

23 A. Yes. That was later on. Yes, sir.

24 Q. Do you remember when that was?



1           A.     It may have been I want to say maybe in  
2     May.   May of 2020, I believe.

3           Q.     How did you become involved in looking  
4     for an alternate parking spot?

5           A.     Deputy Chief Ousley -- so my job as  
6     major of operations, I kind of have everything  
7     that everybody is in uniform, I supervise them.  
8     So at that time Eric Ousley, I think he was kind  
9     of busy so he kind of asked me if I could go and  
10    take photos of a parking spot by our C section  
11    lobby. I didn't know who it was for, but yes.

12          Q.     And did you do that?

13          A.     Yes, I did.

14          Q.     Did you ever learn what that was for?

15          A.     I think later on during the email  
16    string, I did. I did.

17          Q.     And what was it that you learned?

18          A.     That at that time, that we were giving  
19    Mr. Bourke an alternate temporary spot until the  
20    doors would be able to --

21                   (Court reporter clarification.)

22          THE WITNESS: That we were giving Mr. Bourke  
23    an alternate parking spot until COVID was over  
24    or the COVID restrictions were over.



1 BY MR. FLAXMAN:

2 Q. And do you remember where that  
3 alternate parking spot was?

4 A. It was in the C, C Parking Lot adjacent  
5 to the C lobby. The first parking spot adjacent  
6 to the door.

7 Q. Did you look for an alternate parking  
8 spot for Mr. Bourke other than in the C Parking  
9 Lot?

10 A. I don't recall before then, no, sir.

11 Q. Did Mr. Ousley tell you to look in the  
12 C Parking Lot?

13 A. No. This came from HR. From my  
14 understanding -- no. It came from HR.

15 Q. And do you remember who it was in HR?

16 A. Shawn Schroeder [verbatim], I  
17 believe -- Shawn Scheirer.

18 Q. And do you remember what your  
19 instructions were?

20 A. (No response.)

21 Q. Well, let me go back.

22 Did Mr. Scheirer talk to you or to your  
23 knowledge to Mr. Ousley?

24 A. I believe he talked to Mr. Ousley and



1 then Ousley gave me the instructions.

2 Q. Okay. And can you tell us as best you  
3 can exactly what your instructions were?

4 A. Yes. To identify a parking spot as  
5 closest to the door as possible and take the  
6 photos and email them to Shawn Scheirer.

7 Q. Do you still have that email?

8 A. I'm not sure. I'm not sure, so I would  
9 have to look and see.

10 Q. Would you be able to look and see?

11 A. Okay. Yes, sir.

12 Q. If you look and see and find it, would  
13 you tell Miss Flores that you found it and send  
14 it to her?

15 A. Yes, sir. If I do have it, yes, sir.

16 MS. FLORES: Ken, we may have -- I believe we  
17 produced the photos, and I think there's an  
18 email as well.

19 MR. FLAXMAN: Well --

20 MS. FLORES: If you want to take a break, we  
21 can identify those in the --

22 MR. FLAXMAN: Can you identify it quicker  
23 than I can?

24 MS. FLORES: I have our production up, so I



1 can probably get the Bates stamps for you.

2 MR. FLAXMAN: Oh, that would be great. Let's  
3 take a break.

4 MS. FLORES: Okay. Give me five minutes.  
5 Thank you.

6 MR. FLAXMAN: Okay. Five minutes.

7 (whereupon, a short break was  
8 taken.)

9 (whereupon, Plaintiff's  
10 Deposition Exhibit No. 7 was  
11 marked for identification.)

12 BY MR. FLAXMAN:

13 Q. Sir, on the screen in front of you you  
14 should have a photograph that's labeled at the  
15 bottom USA265.

16 A. Yes.

17 Q. And then in handwriting, it says first  
18 relocation spot.

19 Is that your handwriting?

20 A. It is not.

21 Q. Okay. Do you know where that -- well,  
22 does the picture show a parking spot at the  
23 Hines V.A.?

24 A. It does.



1 Q. Do you know where that parking spot is?

2 A. Yes. Adjacent to the C lobby area,  
3 C section area.

4 Q. And did you identify that as a parking  
5 spot for Mr. Bourke?

6 A. I did. Yes, sir. One of the  
7 possible --

8 Q. Did you measure the distance from that  
9 parking spot to the door?

10 A. I did not, sir.

11 Q. Do you know if anybody did?

12 A. I don't -- I think we did -- I  
13 believe -- so we did -- we did. we did.

14 Q. And when you say we, who do you mean?

15 A. It wasn't done myself, but there was  
16 ask of it. So I didn't personally do it myself.

17 Q. Do you know who did it?

18 A. I do not.

19 Q. Do you know someone named Fong,  
20 F-O-N-G?

21 A. No.

22 Q. Okay. And do you know how far it is to  
23 get from the door closest to that parking spot  
24 to Mr. Bourke's workplace?





1       A.    No, sir. I've never been to his  
2 workplace.

3       Q.    Okay. Let's look at the next page.

4       A.    Yes, sir.

5       Q.    That's No. 266 at the bottom, and on  
6 top of that it says 1/4.

7            Do you see your handwriting on that  
8 photograph?

9       A.    No, sir. It's not my handwriting.

10       Q.   Okay. Could you tell us, if you can,  
11 what's shown in this photograph?

12       A.    So I didn't take this photograph, but  
13 this is -- if I'm not mistaken, this may be the  
14 front entrance of Building 200, I believe.

15       Q.    Do you know who took this photograph?

16       A.    I do not.

17       Q.    When you sent your email with the  
18 photograph you took, was there more than one  
19 photograph?

20       A.    No. It was just the one photograph  
21 that you had shown a minute ago.

22       Q.    That was the 265?

23       A.    Yes, sir.

24       Q.    Okay. Let's look at the next page,



1 which is 267.

2 Do you know what this shows?

3 A. Same location, same vehicle. Yes, sir.  
4 The parking lot in front of Building 200.

5 Q. Do you know whose handwriting that is  
6 where it says second spot?

7 A. I do not.

8 Q. Did you ever identify that parking spot  
9 shown in this picture as an alternative parking  
10 spot for Mr. Bourke?

11 A. No, sir.

12 Q. Okay. The next one is 268.  
13 Is that just the same shot from another  
14 view?

15 A. Yes, sir. It appears to be. Yes, sir.

16 Q. Now, it looks from the yellow lines  
17 that that's a handicapped parking spot; is that  
18 right?

19 A. It appears to be. Yes, sir.

20 Q. Do you know why -- well, there are also  
21 handicapped parking spots behind that car that  
22 we've been looking at.

23 Do you see those?

24 A. Where the blue truck is?



1 Q. Right.

2 A. Is that what we're referring to?

3 Q. Right.

4 A. Yes, sir.

5 Q. Those spots seem to have a sign that  
6 says handicapped parking.

7 Do you know why the second spot car  
8 doesn't have a handicapped parking spot sign in  
9 front of it?

10 A. I do not. No, sir.

11 Q. Are there handicapped parking spots at  
12 Hines back in 2020 that did not have the  
13 vertical sign denoting it as a handicapped --  
14 for a handicapped spot?

15 A. I do not recall, sir. I'm sorry.

16 Q. Okay. 269 is the same car in the same  
17 spot we've been looking at; is that right?

18 A. Yes.

19 Q. Do you know if that was -- are there  
20 handicapped spots designated for employees and  
21 handicapped spots designated for persons using  
22 the facilities?

23 A. Can I -- so the question you're asking  
24 is: Is there separate handicapped spots for



1 employees versus veterans?

2 Q. Right.

3 A. No, sir.

4 Q. Okay. And the next page is 270, which  
5 has nothing to do with the pictures; is that  
6 right?

7 A. Yes.

8 Q. Okay.

9 A. Well, no. This one it appears that  
10 it's asking for a sign to be placed by the  
11 C Door. Where it's highlighted it said by the  
12 C Door, I believe that's B1, meaning Building 1  
13 and B2, Building 2 parking lot. So that may be  
14 what the picture you've showed -- what you  
15 showed is.

16 Q. If the C Door B, is that the picture  
17 that that -- well, looking at 269, there's a  
18 parking spot that's shown in this picture, C2  
19 whatever that was, C Door B?

20 A. No. So C Door B -- so C Door B1 would  
21 be the first parking spot that I identified.  
22 The very first photo.

23 Q. Is that --

24 A. Yes, sir. That would be C Door



1 Building 1.

2 Q. Looking at 265?

3 A. Uh-huh.

4 Q. Is that a handicapped spot?

5 A. It is not.

6 Q. Do you know if that was ever converted  
7 to a handicapped spot?

8 A. I do not know. I'm sorry. I do not.

9 Q. Okay. Do you know if -- well -- all  
10 right.

11 MR. FLAXMAN: Exhibit 4.

12 (Whereupon, Plaintiff's  
13 Deposition Exhibit No. 4 was  
14 marked for identification.)

15 BY MR. FLAXMAN:

16 Q. Which is your -- have you looked at  
17 this before? I don't think so.

18 A. (No response.)

19 Q. Okay. I'm showing you Exhibit 4, which  
20 appears to be an email from Angela Morris.

21 Do you know who Angela Morris is?

22 A. I do.

23 Q. Who is Angela Morris?

24 A. She's one of the associate directors.



1 Q. And do you remember getting a copy of  
2 this email back in December of 2020?

3 A. Probably so. Sure. Yes, sir.

4 Q. Do you know why you were cc:'d on the  
5 first email from Angela Morris to Carmen Smith  
6 and Joseph Tumpis, T-U-M-P-I-S?

7 A. I believe so -- yes. There was a  
8 crane -- they were doing construction on the  
9 side of Building 200 where Mr. Bourke's parking  
10 spot was. They had a big crane that we had to  
11 escort from the facility back there. And so the  
12 crane was placed there. And so what we did, it  
13 may have affected the parking spots due to  
14 safety. And so I think they were reaching out  
15 to the individuals about it, if I recall.

16 Q. Now, there's a reference to Reserve  
17 Parking No. 1011 and Reserve Parking No. 1010.

18 what does Reserve Parking 1011 mean?

19 A. It's the reasonable accommodation spot,  
20 but I'm not sure how the numbers are placed.  
21 That is done by HR.

22 Q. Have you -- well, you've been in the  
23 parking lot where reserve parking is?

24 A. Yes.



1 Q. Is that right?

2 A. Yes.

3 Q. Are the reserve parking spots noted  
4 with a sign of some sort?

5 A. Yes, sir. That number is placed on the  
6 sign.

7 Q. And is the sign on a pole affixed to  
8 the ground?

9 A. It is. Yes, sir.

10 Q. Does it have the name of the person  
11 whose parking spot that is?

12 A. It does not.

13 Q. Do you remember ever getting any phone  
14 calls from Mr. Bourke complaining about somebody  
15 parking in his reserved parking spot?

16 A. No, sir. But we often do get  
17 complaints from other -- we get complaints from  
18 employees every day actually. Although not  
19 particularly him.

20 Q. What's the procedure when an employee  
21 complains about somebody parking in his or her  
22 reserved parking spot?

23 A. They contact police. Police then  
24 respond and we identify who has parked illegally



1 and we actually have them move their vehicle.

2 Q. Do they get a ticket of some sort?

3 A. For the most part, they will get a  
4 ticket. It's up to the discretion of the  
5 officer. It depends on if it's ever done before  
6 or -- you know, so I can't say it's happened  
7 every time. So I can't answer for that one.

8 Q. And there's I think another page.

9 Page 2 is numbered -- well, I can't see it here.  
10 I can't see it. It includes an email from  
11 Joseph Tumpis dated December 4, 2020 at  
12 7:53 a.m.

13 Do you see that?

14 A. Yes, I do.

15 Q. Was there ever a large crane at the  
16 south entrance of Building 200?

17 A. Yes, there was.

18 Q. Okay. Do you know if that had any  
19 impact on Mr. Bourke's reserved parking spot?

20 A. I do not recall but I believe we were  
21 making contact with them in reference to the  
22 crane, but I don't recall if it impacted the  
23 parking spot or not.

24 Q. And those pictures that we looked at





1 before, did you ever talk to anybody about the  
2 picture that you took, the first relocation spot  
3 picture, USA265?

4 A. No. I never talked to no one else  
5 about it.

6 Q. Anybody ever tell you that that was not  
7 an acceptable parking spot?

8 A. No. No one told me that. No, sir.

9 Q. okay.

10 (whereupon, Plaintiff's  
11 Deposition Exhibit No. 5 was  
12 marked for identification.)

13 MR. FLAXMAN: I think Exhibit 5 is a  
14 duplicate.

15 (whereupon, Plaintiff's  
16 Deposition Exhibit No. 6 was  
17 marked for identification.)

18 MR. FLAXMAN: And Exhibit 6 is a duplicate.

19 So I think I have nothing further.

20 Nicole?

21 MS. FLORES: Yes. I think I want to ask  
22 Major McField just a quick couple of questions.

23 THE WITNESS: Yes, ma'am.

24 MS. FLORES: Now let me see if I can screen



1 share.

2 It's disabled for me.

3 MR. FLAXMAN: Do you want to take a break?

4 MS. FLORES: Sure. Yes. Let's take a quick  
5 break and go off the record.

6 MR. FLAXMAN: Okay.

7 (Whereupon, a discussion was had  
8 off the record.)

9 MS. FLORES: Major McField, I just have a  
10 couple of questions for you about this document.

11 (Whereupon, Defendant's  
12 Deposition Exhibit A was marked  
13 for identification.)

14 EXAMINATION

15 BY MS. FLORES:

16 Q. Can you see this email? It looks like  
17 it's from James Doelling, July 26, 2020?

18 A. Yes, ma'am.

19 Q. And for purposes of the exhibits, I  
20 will scroll down to the bottom and just to get  
21 the exhibit numbers, USA000663.

22 A. Yes.

23 Q. Okay. And I will scroll down.

24 Do you see in the chain of -- or in the



1 chain of emails, the email sent at 11:55 a.m. on  
2 July 6 has your name in the "To:" field?

3 A. Yes, ma'am.

4 Q. Okay. And do you remember what the  
5 subject of this email was?

6 A. I do not.

7 Q. Okay. Let's take a look at it.  
8 So in the subject line is 22662 Due:  
9 NLT.

10 Does that mean no later than?

11 A. Yes, ma'am.

12 Q. Okay. 1400 on 7/6/20.  
13 Do you know what WHVA actually stands  
14 for?

15 A. Yes. White House V.A.

16 Q. Okay. And the SF? Is that --

17 A. That one I'm not sure. I'm not sure  
18 about that one.

19 Q. So what does that mean -- do you know  
20 what that means, the White House V.A.?

21 A. Yes. Which means an individual may  
22 have made a complaint to the White House and the  
23 White House -- we have to respond back within a  
24 certain amount of time to the White House



1 complaint.

2 Q. And if you look at No. 3 where it says  
3 brief statement of issue and status?

4 A. Yes, ma'am.

5 Q. If you go to the second paragraph, it  
6 says Mr. Bourke also contacted the White House  
7 hotline.

8 Do you see that paragraph?

9 A. Yes, ma'am.

10 Q. Okay. And it states -- I'm sorry.  
11 This paragraph goes onto the next page, so I'm  
12 scrolling down a little bit.

13 I'm trying to move the grid of our  
14 screen. Okay. There we go.

15 Are you familiar with this issue, the  
16 fact that Mr. Bourke had contacted Hines Police  
17 on May 18 to assist finding a new parking spot  
18 closer to another entrance that was open. Hines  
19 Police found Mr. Bourke a new parking spot on  
20 the same day. As of June 29, 2020, the original  
21 door where Mr. Bourke previously parked has  
22 since reopened.

23 Are you familiar with Mr. Bourke  
24 raising the issue?



1           A.     So I will say this: Normally it would  
2     come from HR. So I'm not familiar with him  
3     actually reaching out. But it comes from HR  
4     whether the parking spot was applicable or not.

5           Q.     Okay. Okay.

6                     And then I'm just scrolling down here.

7                     You responded to -- this is an email  
8     from you providing information on May 18, Shawn  
9     Scheirer -- is he in HR?

10          A.     Yes, ma'am.

11          Q.     Okay. Reached out to police requesting  
12     if we can identify an additional parking spot in  
13     the C section.

14                  Now, did that relate to the photographs  
15     that we were discussing earlier of the same time  
16     period?

17          A.     Yes, ma'am.

18          Q.     And on June 29, 2020, a screener was  
19     placed at the doors.

20                  Do you know which doors that  
21     references?

22          A.     Yes. Those were the doors where  
23     Mr. Bourke's parking spot is located directly  
24     adjacent to.



1 Q. Okay. That's where his original  
2 parking spot was located?

3 A. Yes, ma'am.

4 Q. Okay. So to your knowledge, as of  
5 June 29, 2020, did Mr. Bourke have access to  
6 those doors for entry into the workplace?

7 A. Yes, ma'am.

8 what happened initially is once  
9 everything was closed down and secured due to  
10 the restrictions, the facility did a mass hiring  
11 of new screeners. The screeners that were  
12 placed at the doors were the most active doors,  
13 which was the main entrances and stuff like  
14 that. Then as they hired and got the manpower  
15 up, they started placing the screeners at the  
16 other doors. So that's when a person was hired  
17 for that door specifically.

18 MS. FLORES: Okay. Thank you, Major McField.

19 THE WITNESS: Yes, ma'am.

20 MS. FLORES: Those are all my questions.

21 THE WITNESS: No problem.

22 MR. FLAXMAN: I'm trying to get my picture  
23 right.

24 MS. FLORES: Sorry. I'll stop screen



1 sharing. Okay.

2 EXAMINATION (Further)

3 BY MR. FLAXMAN:

4 Q. You referred to particular doors as the  
5 most active doors?

6 A. Yes, sir.

7 Q. Have you seen any reports or data about  
8 which doors are most active?

9 A. No, sir. That was just my own  
10 cognizance. But the main door was the door I  
11 think they possibly had over a thousand people  
12 come in. But it was just the main entrance is  
13 normally what was utilized when you're speaking  
14 about doors.

15 Q. Have you ever seen any data that the  
16 number of employees which entered the door that  
17 Mr. Bourke originally entered before COVID?

18 A. No, sir.

19 Q. Okay. And the memo you looked at was  
20 dated May 18, which referred to a second parking  
21 spot being designated for Mr. Bourke.

22 where was Mr. Bourke parking between  
23 March 13 and May 18, if you know?

24 A. I have no idea, sir.



1 Q. Okay. Did you ever hear -- ever  
2 receive a complaint or learn about a complaint  
3 that Mr. Bourke was continuing to go through  
4 that -- the rear door after March 13 of 2020?

5 A. No, sir.

6 Q. And in that -- the document we looked  
7 at, did that relate to the second group of  
8 photos that we looked at before?

9 A. No. The document employed, that was  
10 actually the original parking spot.

11 Q. Well, we have to make that clear for  
12 the record.

13 A. Yes.

14 Q. What do you mean by original parking  
15 spot?

16 A. So when I arrived here at Hines V.A.,  
17 Mr. Bourke was already -- he already maintained  
18 that spot south of 200, Building 200. So that  
19 was his -- well, I assumed that was his original  
20 parking spot that he had been parking in for  
21 since he's been approved.

22 Q. And the parking spot that you took  
23 pictures of, was that a different parking spot?

24 A. It was a different parking spot. Yes,





1 sir.

2 Q. okay.

3 A. During that time -- at that time, a lot  
4 of employees had to kind of get alternate  
5 parking spots. And so they were going through  
6 RA, reasonable accommodation, requesting  
7 alternate parking spots to doors that were  
8 opened and manned by screeners.

9 Q. How many other employees were -- did  
10 that to your knowledge?

11 A. That I'm not sure of, sir.

12 Q. In the email -- you looked at an email  
13 from Shawn Scheirer I think dated May 18.

14 Can you recall any contact you had with  
15 him before May 18 and after March 13 of 2020  
16 about Mr. Bourke and his parking spot?

17 A. No, sir. Not me personally. No, sir.

18 MR. FLAXMAN: All right. Thank you.

19 I have nothing further.

20 MS. FLORES: Nothing further from me.

21 MR. FLAXMAN: All right. Signature?

22 MS. FLORES: We'll reserve.

23 MR. FLAXMAN: Thank you.

24 I'll be ordering the original, E-Tran.



1 THE COURT REPORTER: Do you need a copy,  
2 Nicole?

3 MS. FLORES: Yes, please.

4 Thank you.

5 FURTHER DEPONENT SAITH NOT.

6 (Deposition concluded at 11:50 a.m.)  
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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
vs. ) No. 22-CV-3164  
DENIS McDONOUGH, )  
Defendant. )

This is to certify that I have read the transcript of my deposition taken in the above-entitled cause by Johnetta Stafford Taylor, Certified Shorthand Reporter, on July 10, 2023 and that the foregoing transcript accurately states the questions asked and the answers given by me as they now appear with any attached errata sheet(s).

\_\_\_\_\_  
MAJOR DESHAUN MCFIELD

SUBSCRIBED AND SWORN TO  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Notary Public



1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, JOHNETTA STAFFORD TAYLOR, a  
5 Certified Shorthand Reporter within and for the  
6 County of Cook County and State of Illinois, do  
7 hereby certify that heretofore, to-wit, on  
8 July 10, 2023 remotely appeared before me via  
9 Zoom videoconferencing, MAJOR DESHAUN MCFIELD in  
10 a cause now pending and undetermined in the U.S.  
11 District Court, Northern District of Illinois,  
12 Eastern Division, wherein DAVID BOURKE is the  
13 Plaintiff, and DENIS McDONOUGH, SECRETARY U.S.  
14 DEPARTMENT OF VETERANS AFFAIRS, UNITED STATES OF  
15 AMERICA is the Defendant.

16 I further certify that the said witness was  
17 first duly sworn to testify the truth, the whole  
18 truth and nothing but the truth in the cause  
19 aforesaid; that the testimony then given by said  
20 witness was reported stenographically by me in  
21 the presence of the said witness, and afterwards  
22 reduced to typewriting by Computer-Aided  
23 Transcription, and the foregoing is a true and  
24 correct transcript of the testimony so given by



1 said witness as aforesaid.

2 I further certify that the signature to the  
3 foregoing deposition was reserved by counsel for  
4 the respective parties.

5 I further certify that the taking of this  
6 deposition was pursuant to Notice, and that  
7 there were present at the deposition the  
8 attorneys hereinbefore mentioned.

9 I further certify that I am not counsel for  
10 nor in any way related to the parties to this  
11 suit, nor am I in any way interested in the  
12 outcome thereof.

13 IN TESTIMONY WHEREOF: I have hereunto set my  
14 verified digital signature this 12th day of July  
15 2023.

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24  


NOTARY PUBLIC, COOK COUNTY, ILLINOIS



MC CORKLE LITIGATION SERVICES, INC.  
200 North LaSalle Street  
Suite 770  
Chicago, Illinois 60601

July 12, 2023

United States Attorney's Office  
Ms. Nicole Flores  
219 South Dearborn Street, 9th Floor  
Chicago, Illinois 60604  
IN RE: Bourke vs. McDonough

Dear Ms. Flores:

Attached is your copy of the deposition  
of Major Deshaun McField taken on July 10, 2023  
in the above-entitled action.

Please submit the transcript to the  
deponent for review and signature. The errata  
sheets have been provided for any changes or  
corrections the deponent wishes to make. All  
changes or corrections must be made on the  
errata sheets, not on the transcript itself.  
Then have the deponent sign the signature page  
and have the signature notarized. All errata  
sheets should also be signed.

After the deponent has completed the  
above, please email the signature page and  
errata sheet(s) to me at the email address  
below, and I will provide copies to the  
respective parties.

If you have any questions regarding the  
above procedure, please feel free to contact me  
at (312) 263-0052.

Sincerely,  
Cynthia Alicea, calicea2@mcdeps.com  
McCorkle Litigation Services, Inc.

cc: All Attorneys Ordering Transcript



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| <div>Exhibits</div> <div>Plaintiff's Ex. 1<br/>3:14 8:11,13</div> <div>Plaintiff's Ex. 2<br/>3:15 10:5,7</div> <div>Plaintiff's Ex. 3</div> <div>Plaintiff's Ex. 4<br/>3:17 21:11,13,19</div> <div>Plaintiff's Ex. 5<br/>3:18 25:11,13</div> <div>Plaintiff's Ex. 6<br/>3:19 25:16,18</div> <div>Plaintiff's Ex. 7<br/>3:16 15:10</div> <div>Defendant's Ex. 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<p><b>reopened</b><br/>28:22</p> <p><b>report</b><br/>5:18,19</p> <p><b>reporter</b><br/>4:1,4 12:21 34:1</p> <p><b>reports</b><br/>31:7</p> <p><b>requesting</b><br/>29:11 33:6</p> <p><b>reserve</b><br/>22:16,17,18,23 23:3 33:22</p> <p><b>reserved</b><br/>23:15,22 24:19</p> <p><b>respond</b><br/>23:24 27:23</p> <p><b>responded</b><br/>29:7</p> <p><b>response</b><br/>13:20 21:18</p> <p><b>rest</b><br/>9:22</p> <p><b>restrictions</b><br/>7:8 12:24 30:10</p> <hr/> <p><b>S</b></p> <hr/> <p><b>safety</b><br/>22:14</p> <p><b>SAITH</b><br/>34:5</p> <p><b>Scheirer</b><br/>13:17,22 14:6 29:9 33:13</p> <p><b>Schroeder</b><br/>13:16</p> <p><b>scooter</b><br/>8:2</p> <p><b>screen</b><br/>15:13 25:24 28:14 30:24</p> <p><b>screener</b><br/>29:18</p> <p><b>screeners</b><br/>30:11,15 33:8</p> <p><b>scroll</b><br/>26:20,23</p> <p><b>scrolling</b><br/>28:12 29:6</p> <p><b>section</b><br/>12:10 16:3 29:13</p> <p><b>secured</b><br/>7:7 30:9</p> <p><b>send</b><br/>14:13</p> <p><b>separate</b><br/>19:24</p> <p><b>service</b><br/>5:20</p> <p><b>SF</b><br/>27:16</p> |
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| <b>share</b><br>26:1<br><b>sharing</b><br>31:1<br><b>Shawn</b><br>13:16,17 14:6 29:8<br>33:13<br><b>short</b><br>9:1 10:13 15:7<br><b>shot</b><br>18:13<br><b>show</b><br>15:22<br><b>showed</b><br>20:14,15<br><b>showing</b><br>21:19<br><b>shown</b><br>17:11,21 18:9 20:18<br><b>shows</b><br>18:2<br><b>side</b><br>22:9<br><b>sign</b><br>19:5,8,13 20:10<br>23:4,6,7<br><b>Signature</b><br>33:21<br><b>sir</b><br>4:15 5:22 6:1,23<br>7:22 8:17 9:24 10:3,<br>9,14,20 11:10,23<br>13:10 14:11,15<br>15:13 16:6,10 17:1,<br>4,9,23 18:3,11,15,19<br>19:4,10,15 20:3,24<br>22:3 23:5,9,16 25:8<br>31:6,9,18,24 32:5<br>33:1,11,17<br><b>Smith</b><br>22:5<br><b>sort</b><br>23:4 24:2<br><b>south</b><br>7:4 24:16 32:18<br><b>speaking</b><br>31:13<br><b>specifically</b><br>30:17<br><b>spell</b><br>5:3<br><b>spot</b><br>7:5,13,21 10:2,19<br>11:6,21 12:4,10,19,<br>23 13:3,5,8 14:4<br>15:18,22 16:1,5,9,23<br>18:6,8,10,17 19:7,8,<br>14,17 20:18,21 21:4,<br>7 22:10,19 23:11,15,<br>22 24:19,23 25:2,7<br>28:17,19 29:4,12,23<br>30:2 31:21 32:10,15,<br>18,20,22,23,24<br>33:16<br><b>spots</b><br>18:21 19:5,11,20,21,<br>24 22:13 23:3 33:5,7<br><b>stamps</b><br>15:1<br><b>stands</b><br>27:13<br><b>started</b><br>30:15<br><b>state</b><br>4:7 5:3<br><b>statement</b><br>28:3<br><b>states</b><br>28:10<br><b>status</b><br>28:3 | <b>stop</b><br>30:24<br><b>string</b><br>12:16<br><b>stuff</b><br>30:13<br><b>subject</b><br>27:5,8<br><b>supervise</b><br>12:7<br><b>supervisor</b><br>9:8<br><b>sworn</b><br>4:14<br><hr/> <b>T</b><br><hr/> <b>T-U-M-P-I-S</b><br>22:6<br><b>talk</b><br>13:22 25:1<br><b>talked</b><br>13:24 25:4<br><b>temporary</b><br>7:13 12:19<br><b>testified</b><br>4:22<br><b>thousand</b><br>31:11<br><b>ticket</b><br>24:2,4<br><b>time</b><br>9:8 11:5,11 12:8,18<br>24:7 27:24 29:15<br>33:3<br><b>title</b><br>5:16<br><b>today</b><br>7:11 8:21 9:3 11:17<br><b>told</b><br>9:21 11:7 25:8<br><b>top</b><br>17:6<br><b>truck</b><br>18:24<br><b>Tumpis</b><br>22:6 24:11<br><hr/> <b>U</b><br><hr/> <b>Uh-huh</b><br>21:3<br><b>unable</b><br>7:23<br><b>understand</b><br>9:9<br><b>understanding</b><br>13:14<br><b>uniform</b><br>12:7<br><b>USA000663</b><br>26:21<br><b>USA265</b><br>15:15 25:3<br><b>utilized</b><br>31:13<br><hr/> <b>V</b><br><hr/> <b>V.A.</b><br>5:24 15:23 27:15,20<br>32:16<br><b>vehicle</b><br>18:3 24:1<br><b>verbatim</b><br>13:16<br><b>versus</b><br>20:1<br><b>vertical</b><br>19:13 | <b>veterans</b><br>5:11,13 20:1<br><b>view</b><br>18:14<br><hr/> <b>W</b><br><hr/> <b>walk</b><br>7:23,24 8:3<br><b>week</b><br>7:12,17,18 9:14,16,<br>22 10:16<br><b>White</b><br>27:15,20,22,23,24<br>28:6<br><b>WHVA</b><br>27:13<br><b>work</b><br>6:18<br><b>worked</b><br>5:12<br><b>workplace</b><br>16:24 17:2 30:6<br><hr/> <b>Y</b><br><hr/> <b>years</b><br>5:15 6:2<br><b>yellow</b><br>18:16<br><hr/> <b>Z</b><br><hr/> <b>Zoom</b><br>4:3 |
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# Exhibit 18

**Scheirer, Shawn D (HIN)**

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**From:** Bourke, David  
**Sent:** Monday, May 18, 2020 10:08 AM  
**To:** Scheirer, Shawn D (HIN)  
**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

I still want my parking outback of pharmacy #1011 when the back opens up.

**From:** Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Sent:** Monday, May 18, 2020 10:00 AM  
**To:** Graham, Angela <Angela.Graham@va.gov>; Alexander, Tiffany M. (HIN) <Tiffany.Alexander2@va.gov>; Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>; Mabrito, Cristine J <Cris.Mabrito@va.gov>  
**Cc:** Bourke, David <David.Bourke@va.gov>  
**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

Angela,

Great news thank you so much for your hard work in this matter. I will contact police services to identify a spot in that lot.

**Shawn Scheirer, MPA**

Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
Ph: [REDACTED]



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*How was your HR service today?*

Please take a few moments to complete the HR Customer Service Quick Card at this link: [HR Quick Card](#)

**From:** Graham, Angela <[Angela.Graham@va.gov](mailto:Angela.Graham@va.gov)>

**Sent:** Monday, May 18, 2020 9:57 AM

**To:** Alexander, Tiffany M. (HIN) <[Tiffany.Alexander2@va.gov](mailto:Tiffany.Alexander2@va.gov)>; Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>; Mabrito, Cristine J <[Cris.Mabrito@va.gov](mailto:Cris.Mabrito@va.gov)>

**Cc:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>; Bourke, David <[David.Bourke@va.gov](mailto:David.Bourke@va.gov)>

**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

I spoke with David Bourke and meet him down in the C section to show him where he could park his scooter. If we can have David parking space moved over to Blg 1 C section for now. I will speak with Patient Advocate to inform them about David scooter

**From:** Alexander, Tiffany M. (HIN) <[Tiffany.Alexander2@va.gov](mailto:Tiffany.Alexander2@va.gov)>

**Sent:** Monday, May 18, 2020 8:46 AM

**To:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>; Mabrito, Cristine J <[Cris.Mabrito@va.gov](mailto:Cris.Mabrito@va.gov)>; Graham, Angela <[Angela.Graham@va.gov](mailto:Angela.Graham@va.gov)>

**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

Ok.

Sorry I was on leave last week and I am catching up on emails.

Thanks for addressing Angela!

**From:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>

**Sent:** Monday, May 18, 2020 8:45 AM

**To:** Alexander, Tiffany M. (HIN) <[Tiffany.Alexander2@va.gov](mailto:Tiffany.Alexander2@va.gov)>; Mabrito, Cristine J <[Cris.Mabrito@va.gov](mailto:Cris.Mabrito@va.gov)>; Graham, Angela <[Angela.Graham@va.gov](mailto:Angela.Graham@va.gov)>

**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

Angela met with David. I spoke with Shawn. I believe they will offer him a parking spot near the C lobby where he can store his scooter.

**From:** Alexander, Tiffany M. (HIN) <[Tiffany.Alexander2@va.gov](mailto:Tiffany.Alexander2@va.gov)>

**Sent:** Monday, May 18, 2020 8:21 AM

**To:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>; Mabrito, Cristine J <[Cris.Mabrito@va.gov](mailto:Cris.Mabrito@va.gov)>; Graham, Angela <[Angela.Graham@va.gov](mailto:Angela.Graham@va.gov)>

**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

This is the first that I have seen regarding David's parking space.

Angela-please work with David and Shawn Scheirer to address.

Thanks,

Tiffany Alexander

**From:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>

**Sent:** Friday, May 15, 2020 8:00 AM

**To:** Mabrito, Cristine J <[Cris.Mabrito@va.gov](mailto:Cris.Mabrito@va.gov)>; Alexander, Tiffany M. (HIN) <[Tiffany.Alexander2@va.gov](mailto:Tiffany.Alexander2@va.gov)>

**Subject:** FW: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot



**From:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>  
**Sent:** Thursday, May 14, 2020 12:55 PM  
**To:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Cc:** Beidelschies, Jon E (HIN) <[Jon.Beidelschies@va.gov](mailto:Jon.Beidelschies@va.gov)>; Coleman, Evelyn V <[Evelyn.Coleman@va.gov](mailto:Evelyn.Coleman@va.gov)>; Ifabiyi, Candace (HIN) <[Candace.Ifabiyi@va.gov](mailto:Candace.Ifabiyi@va.gov)>  
**Subject:** RE: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

Yes, this is a PAS employee. This is first that I have heard of this concern. I will reach out to the supervisor to see what has been done to assist this employee.

Thanks,  
Chris

**From:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Sent:** Thursday, May 14, 2020 11:59 AM  
**To:** Wirtjes, Christopher J. <[Christopher.Wirtjes@va.gov](mailto:Christopher.Wirtjes@va.gov)>  
**Cc:** Beidelschies, Jon E (HIN) <[Jon.Beidelschies@va.gov](mailto:Jon.Beidelschies@va.gov)>; Coleman, Evelyn V <[Evelyn.Coleman@va.gov](mailto:Evelyn.Coleman@va.gov)>; Ifabiyi, Candace (HIN) <[Candace.Ifabiyi@va.gov](mailto:Candace.Ifabiyi@va.gov)>  
**Subject:** FW: Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot  
**Importance:** High

Is he a PAS employee?

**From:** Bourke, David <[David.Bourke@va.gov](mailto:David.Bourke@va.gov)>  
**Sent:** Thursday, May 14, 2020 11:02 AM  
**To:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>; Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Subject:** Reasonable accommodation parking area with a dashboard placard indicating a reserved parking spot

I have spoken to the both of you this morning Thursday 5/14/20, about having HR and Hines police, help me in obtaining a new reasonable accommodation parking spot due to my disabilities causing hardship and pain in walking. My disabilities severely limit my ability to ambulate any distance. I hoping the Hines police and Hines human resources, can work together and quickly get a new reserved parking spot assigned to me until the back of Bldg. 200 is opened up again for entrance? I don't know of any area room or closet, in the ED department, where I could lock up my electric scooter safely and have a key to access it when needed? I understand the agreement I had, was rescinded and I understand why, but this still doesn't help me accessing my place of employment(Hines VA hospital ASU, Bldg. 200 basement room B 019. I will be forced to park out front, which will require me to try and walk a greater distance to my duty area with-in the hospital.

The point of this email is to promote communication between the Hines police and Hines human resources in obtaining the closest handicap parking spot available(ASAP) to my duty station location. Please help me in re-obtaining my already awarded reasonable accommodation parking spot, and if possible find-locate a locked room-closet(which I will have my own key) for the safe keeping of my scooter up front by the Hines ED.

I would also request that the Hines police, communicate to the reporting party of my using (with an agreement which is now voided ) the parking area, out-back of Bldg. 200 assigned to me by the Hines police and Hines HR and approved-assigned and marked parking spot, congratulations on a job well done, for causing a United States Veteran and Hines

employee, great-hardship, pain and suffering plus the added anxiety of having the police call you, and by affect, intimate and cause stress to me, about using an entrance that a certain police person allowed and by his humanity, showed mercy on me, and allowed me to use this entrance to save me the pain of ambulating over a greater distance than necessary. I still had my temperature checked, and received a sticker which was placed on my employee PIV badge holder every day, to comply with the covid-19 access to the hospital. Your insistence of safety, is well disguised behind covid-19 fears, when its apparent you just want to cause trouble and create drama, because of your obvious unhappiness with life itself. May the powers that be, in this life and the next, take notice of your disservice to a fellow-employee and United States Veteran.

Sincerely;

David Bourke, Ambulatory surgery unit Bldg. 200  
Basement room B 019 ext. 28019 or 20262.

# Exhibit 19

## Graham, Angela

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**From:** Graham, Angela  
**Sent:** Friday, May 15, 2020 10:43 AM  
**To:** Wirtjes, Christopher J.; Scheirer, Shawn D (HIN)  
**Subject:** RE: Sorry about on the phone for EEO complaint

As I spoke with Shawn earlier, I think moving David RA parking spot to C section would be better. This will allow for better parking, screening and less walking to access his scooter.

---

**From:** Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>  
**Sent:** Friday, May 15, 2020 10:38 AM  
**To:** Graham, Angela <Angela.Graham@va.gov>; Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Subject:** RE: Sorry about on the phone for EEO complaint

Doors are scheduled to be open at 5. Why does he need to be at work an hour early? I may not have the whole story, but I am trying to find what is not reasonable about this. From your perspective, what do you think?

---

**From:** Graham, Angela <Angela.Graham@va.gov>  
**Sent:** Friday, May 15, 2020 10:32 AM  
**To:** Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>; Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Subject:** RE: Sorry about on the phone for EEO complaint

The C section is where I park my scooter overnight. With David shift starting at 6am, he is worried that the door are not open at 5am for screening.

---

**From:** Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>  
**Sent:** Friday, May 15, 2020 10:17 AM  
**To:** Graham, Angela <Angela.Graham@va.gov>; Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Subject:** RE: Sorry about on the phone for EEO complaint

I don't think we can have a scooter parked in the ED on off tours as this can be a high traffic area on off tours. Is there a place to store his scooter near the C section and is his parking spot available near the C section?

---

**From:** Graham, Angela <Angela.Graham@va.gov>  
**Sent:** Friday, May 15, 2020 9:49 AM  
**To:** Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Cc:** Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>  
**Subject:** FW: Sorry about on the phone for EEO complaint

David, does not wish to use the C section to enter and park his scooter. David states he will like to enter thru the Emergency room and suffer the pain with walking in. Upon speaking with David about the screening and the Pandemic, David continue on stating that no one is trying to help him out with his situation. David got very upset stating he was going home for the day because everyone is telling him he was wrong with not following the guild lines. David feels that he did nothing wrong with making a deal with an office and sending out abrupt emails in regards to coming thru the exit only door. Shawn the only solution I have now is maybe David could park the scooter over by the ER waiting area against the back wall. There is a outlet there that he can used to charge up the scooter.



BOURKE, DAVID P has submitted a leave request for 4:30 hours starting on 05/15/2020 and ending on 05/15/2020.

**From:** Bourke, David <[David.Bourke@va.gov](mailto:David.Bourke@va.gov)>  
**Sent:** Friday, May 15, 2020 8:48 AM  
**To:** Graham, Angela <[Angela.Graham@va.gov](mailto:Angela.Graham@va.gov)>  
**Subject:** Sorry about on the phone for EEO complaint

I'm available to speak now?

David

# Exhibit 20



1<sup>st</sup> Relocation  
Spot.



2<sup>nd</sup> Spot

1/4

000219

USA000266



2<sup>nd</sup> Spot

3/4

000220

USA000267



2<sup>nd</sup> Spot

3/4

000221

USA000268





2<sup>nd</sup> Spot

4/4

000222

USA000269

**Scheirer, Shawn D (HIN)**

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**From:** Garcia, Eliseo C. (HIN)  
**Sent:** Tuesday, May 19, 2020 8:42 AM  
**To:** Scheirer, Shawn D (HIN); Tumpis, Joseph  
**Cc:** Yenerall, Jodi J.(HIN); Graham, Angela; Wirtjes, Christopher J.  
**Subject:** RE: Parking spot

**WORK ORDER # SI200519-001**

|                                        |                                |
|----------------------------------------|--------------------------------|
| 1) PRIMARY EMPL:                       | 2) REQ DATE: MAY 19,2020@08:38 |
| 3) REQ MODE: COMPUTER                  | 4) LOCATION: C LOBBY-1         |
| 5) BED #:                              | 6) STATUS: IN PROGRESS         |
| 7) TASK DESC: Reasonable Accommodation |                                |
| 8) CONTACT: SCHEIRER,SHAWN D           | 9) PHONE: 25347                |
| 10) ENTERED BY: GARCIA,ELISEO C        | 11) SHOP: SIGN SHOP            |
| 12) DATE ASSIGNED: 05/19/20            | 13) PRIORITY: HIGH             |
| 14) EQUIP ID#:                         | 15) LOCAL ID:                  |
| 16) EQUIP CAT:                         | 17) CONDITION:                 |
| 18) MFGR:                              |                                |
| 19) MODEL:                             | 20) SERIAL #:                  |
| 21) OWNER/DEPT:                        | 22) PM #:                      |
| 23) PARTS ORDER:                       | 24) WORK ACTION:               |
| 25) WORK CTR:                          |                                |
| 26) TOTAL HOURS:                       | 27) TOTAL MATERIAL COST:       |
| 28) TOTAL LABOR COST:                  | 29) VENDOR SERVICE COST:       |
| 30) *ASSIGNED TECH*                    | 31) DATE COMPLETE:             |
| 32) WORK PERFORMED:                    |                                |

Press <RETURN> to continue, '^' to escape...

33) COMMENTS:

reserved parking spot with the number 1050 to be placed at C door B. 1 by B. 2 parking lot.

Eliseo C. Garcia III  
Edward Hines Jr. VA Hospital  
Work Order Clerk  
Bldg. 2 Rm.205  
Eliseo.Garcia@va.gov  
708-202-8387  
Ex.22558





**From:** Scheirer, Shawn D (HIN) <Shawn.Scheirer@va.gov>  
**Sent:** Tuesday, May 19, 2020 8:32 AM  
**To:** Tumpis, Joseph <Joseph.Tumpis@va.gov>; Garcia, Eliseo C. (HIN) <Eliseo.Garcia@va.gov>  
**Cc:** Yenerall, Jodi J.(HIN) <Jodi.Yenerall2@va.gov>; Graham, Angela <Angela.Graham@va.gov>; Wirtjes, Christopher J. <Christopher.Wirtjes@va.gov>  
**Subject:** FW: Parking spot

Engineering,

I am requesting a rush installation of a reserved parking spot with the number 1050 to be placed at C door B. 1 by B. 2 parking lot. This is a reasonable accommodation and this is a high priority. Thank you for everything your service does to fill accommodation request.

**Shawn Scheirer, MPA**

Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
Ph: 708.202.5347



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**From:** McField, Deshaun <[Deshaun.McField@va.gov](mailto:Deshaun.McField@va.gov)>  
**Sent:** Monday, May 18, 2020 5:27 PM  
**To:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>; Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>; Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Subject:** RE: Parking spot

This parking spot is located directly in front of the C door of building 1, there is a pole in the ground however the spot does not belong to anyone. Will this be acceptable?

**From:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>  
**Sent:** Monday, May 18, 2020 1:52 PM  
**To:** McField, Deshaun <[Deshaun.McField@va.gov](mailto:Deshaun.McField@va.gov)>  
**Cc:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>; Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Subject:** FW: Parking spot

Please follow-up on this today.

**From:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Sent:** Monday, May 18, 2020 10:37 AM  
**To:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>; Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>  
**Subject:** RE: Parking spot

C door B. 1 by B. 2 parking lot

**From:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Sent:** Monday, May 18, 2020 10:36 AM  
**To:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>; Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>  
**Subject:** RE: Parking spot

Is he asking to park n front of the 228 bldg?

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([www.blackberry.com](http://www.blackberry.com))

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**From:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Date:** Monday, May 18, 2020, 10:33 AM  
**To:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>, Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Subject:** RE: Parking spot

The employee is now requesting a parking spot in the C Parking lot in front of C Section. That way he can be screened and get right on the scooter.

**Shawn Scheirer, MPA**

Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
Ph: 708.202.5347



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**From:** Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Sent:** Monday, May 18, 2020 10:30 AM  
**To:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>; Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Subject:** RE: Parking spot

Shawn,

Did the employee request by C door or by the ED?

**From:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Sent:** Monday, May 18, 2020 10:28 AM  
**To:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>; Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Subject:** RE: Parking spot

Same images sir...different angles...the spot is close to the ED doors so he doesn't have too far of a walk.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

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**From:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Date:** Monday, May 18, 2020, 10:25 AM  
**To:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>, Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Subject:** RE: Parking spot

The images I have them 5/15 are from the front of the hospital. The image sent before then were from a different parking spot

**Shawn Scheirer, MPA**

Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
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**From:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>

**Sent:** Monday, May 18, 2020 10:24 AM

**To:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>

**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>; Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>

**Subject:** RE: Parking spot

That is C Section!

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>

**Date:** Monday, May 18, 2020, 10:22 AM

**To:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>

**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>, Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>

**Subject:** RE: Parking spot

The employee has requested C Section. The one that was sent was for the front of the hospital

**Shawn Scheirer, MPA**

Human Resources Specialist



Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
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**From:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Sent:** Monday, May 18, 2020 10:22 AM  
**To:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>; Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Subject:** RE: Parking spot

Shawn check your email I sent you a space and the pictures.

Sent with BlackBerry Work  
([www.blackberry.com](http://www.blackberry.com))

---

**From:** Scheirer, Shawn D (HIN) <[Shawn.Scheirer@va.gov](mailto:Shawn.Scheirer@va.gov)>  
**Date:** Monday, May 18, 2020, 10:20 AM  
**To:** Ousley, Eric <[Eric.Ousley@va.gov](mailto:Eric.Ousley@va.gov)>  
**Cc:** Coleman, Kimberly P (HIN) <[Kimberly.Coleman@va.gov](mailto:Kimberly.Coleman@va.gov)>, Yenerall, Jodi J.(HIN) <[Jodi.Yenerall2@va.gov](mailto:Jodi.Yenerall2@va.gov)>  
**Subject:** Parking spot

Deputy Chief Ousley,

Can you please dispatch a unit to identify a parking spot in the C section parking lot. This is a high priority because we have displaced in the current spot. Thank you

**Shawn Scheirer, MPA**

Human Resources Specialist  
Reasonable Accommodation Coordinator  
Department of Veterans Affairs  
Edward Hines Jr. VA Hospital  
5000 S. 5th Avenue  
Hines, IL 60141  
Ph: 708.202.5347



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