

MSPB Judge Agrees That Sherry Chen Is the “Victim of a Gross Injustice”

Sherry Chen Legal Defense Fund
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Three and a half years after her wrongful arrest in October 2014 and two years after her termination in March 2016, Sherry Chen finally has received justice. In a detailed, 130+ page decision, Chief Administrative Judge Michele Szary Schroeder of the Merit Systems Protection Board (MSPB) ruled that the Department of Commerce (DOC) did not have cause to fire Sherry and therefore ordered the agency to (1) reinstate her employment at the National Weather Service and (2) pay her back pay plus benefits. We certainly hope that the agency accepts this well-reasoned decision and immediately complies with it, permitting Sherry to return to work that she loves.

In her decision, the judge agrees that Sherry is the “victim of a gross injustice.”

The judge completely rejected the DOC’s many allegations against Sherry that arose from its scurrilous claim that she purportedly attempted to obtain secret information from a restricted government database for an official in China.

Simply put, the judge exposed the scandalous conduct by the DOC, in how it investigated Sherry both before her arrest in 2014 and her subsequent termination in 2016. For example, the judge deemed it “inconceivable” that the DOC’s criminal investigators were selective and biased in producing their investigative reports. The judge also found it “troubling” that before firing Sherry DOC officials utterly failed to include in the DOC file a dozen sworn declarations from Sherry’s co-workers that were “clearly relevant” to the termination decision.

The judge also excoriated DOC officials for “digging their heels in when it came time to support the decision they had made.” In short, they seemed to be “more concerned about being right than doing the right thing.”

The judge reduced the termination to a 15-day suspension (the “maximum reasonable penalty”). While disappointing that the judge reached this particular conclusion based on a comment in an email unrelated to the sensational allegations, her decision is still overwhelming in its indictment of the DOC.

We hope this decision sends a strong message to the federal government: stop targeting innocent Chinese Americans. It is wrong, contrary to our country’s core values, and leads to the gross injustice that Sherry has endured.

The DOC has suffered too, as Sherry’s invaluable work has been missed for almost four years. She looks forward to once again serving her country and, finally, getting back to work.

This is an important milestone in the Sherry’s quest to receive justice, and shows the strength of our united community. However, this is only the first step of the long journey to recover fairness and justice for her, for the community, and for the nation’s institutions.