



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20250

August 15 1994

Honorable Tom Harkin  
Chairman  
Subcommittee on Disability Policy  
Committee on Labor and Human Resources  
United States Senate  
113 Hart Senate Office Building  
Washington, D.C. 20510-6310

Dear Mr. Chairman:

This is in response to your letter of April 2, 1994, concerning the application of Mr. James Patterson of the Foreign Agricultural Service (FAS) to the Foreign Service.

Mr. Patterson applied for entry to the Foreign Service under FAS' lateral entry program. However, Mr. Patterson's dependent daughter did not receive the necessary medical clearance from the Department of State. An appeal of the Department of State's decision by Mr. Patterson was denied by an FAS panel, and, as a result, Mr. Patterson did not enter into the Foreign Service.

Mr. Patterson filed a complaint under the Department of Agriculture's (USDA) equal employment opportunity procedures. The complaint went through informal procedures that included mediation and attempts at complaint resolution. After a complete investigation by an outside contractor, USDA's Dispute Resolution Board met with the parties to try to resolve Mr. Patterson's complaint. Mr. Patterson was offered a settlement comparable to other similarly situated employees. This resolution offer included a 5-year limited appointment into the Foreign Service with an overseas tour. Should circumstances change during his tenure with FAS, he would be converted to the Foreign Service. In addition, FAS would provide for separate maintenance for his daughter to remain in the United States with her mother during his overseas tour. According to both the State Department medical staff and the USDA medical officer, his daughter's condition is very high risk and an overseas assignment could be considered life-threatening. Mr. Patterson declined all offers made to him.

Mr. Patterson has requested a decision on the record from USDA. This decision should be completed by the end of the summer.

Honorable Tom Harkin

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Mr. Earl C. Hadlock, Deputy Administrator, Management, FAS, would welcome an opportunity to brief you or your staff on Mr. Patterson's situation. He can be contacted on 720-3833.

I appreciate the opportunity to respond to your concerns. I hope that this information is of assistance in responding to Mr. Patterson.

Sincerely,



MIKE ESPY  
Secretary