May 10, 2018

The Honorable Wilbur L. Ross, Jr.

Secretary of Commerce

U.S. Department of Commerce  
1401 Constitution Ave NW  
Washington, DC 20230

RE: Support the U.S. Merit System Protection Board’s Decision on Sherry Chen case

Dear Secretary Ross,

On April 23, 2018, the U.S. Merit System Protection Board (MSPB) released a 135-page [decision](https://www.sherrychendefensefund.org/uploads/9/9/2/8/99280080/chen_v_dept_of_commerce-ch-0752-17-0028-i-1-_initial_decision.pdf) (Docket Number CH-0752-17-0028-I-1), ruling that the Department of Commerce (DOC) did not have cause to fire Sherry Chen and ordered the agency to (1) reinstate her employment at the National Weather Service, and (2) pay her back pay plus benefits.

Sherry Chen is a loyal citizen and award winning scientist that worked at the National Weather Service (NWS) in Wilmington, Ohio. Her work was used to predict flooding along the Ohio and Mississippi Rivers and [avoid loss of lives and property damage](http://ohiocaa.org/2011-mississippi-river-floods/) when she was wrongfully arrested and accused of espionage in 2014. Her life was turned upside down, only to see all charges against her dropped a week before trial in 2015, and yet her job terminated by DOC in 2016 based on the same wrongful accusations.

Forty-eight members of Congress, the United States Commission on Civil Rights and many community organizations have raised concerns with the Department of Justice (DOJ) and DOC and called for a full investigation into Ms. Chen's case. Her ordeal received wide [media coverage](https://www.sherrychendefensefund.org/in-the-news.html), including CBS 60 Minutes, Huffington Post, New York Times, Wall Street Journal, Washington Post and many others.

Ms. Chen filed an appeal with MSPB against DOC, for wrongful termination, racial discrimination and retaliation. In March 2017, the MSPB held a two-day hearing of her case in Cincinnati. The hearing received extensive attention from [media and community organizations](https://www.sherrychendefensefund.org/mspb-hearing-sherry-chen-vs-doc.html). The MSPB’s decision on April 23 is the result of this hearing after a 13-month deliberation.

In the MSPB decision, Chief Administrative Judge Michele Schroeder stated that

* “The agency removed Ms. Chen from employment after a seven-year stellar career with NWS. During her employment, there were no instances of disciplinary action relating to performance or conduct. To the contrary, Ms. Chen’s peers and supervisors respected her”, and
* the DOC officials handling the case “seemed more concerned about being right than doing the right thing”, and “based on the unyielding nature of their testimony, I would not have been surprised if they rejected that 2 + 2 = 4".

We applaud the MSPB and Judge Schroeder for reviewing the case thoroughly, and making the right decision in favor of Sherry Chen and rejecting DOC’s allegations against her. We commend Sherry Chen’s courage and tenacity in pursuing justice.

However, it was reported by the [media](https://www.sherrychendefensefund.org/media-coverage-of-mspb-decision.html) that DOC may choose to appeal the MSPB decision. If that happened, both Ms. Chen and DOC would be dragged into yet another lengthy process. We question the significant amount of public resources and tax dollars wasted unnecessarily due to the scandalous failures of those who mishandled the case at DOC. Ms. Chen has been unable to work at NWS and contribute her talent to our nation since October 2014. NWS has been unable to fill the expertise gap in her absence.

I respectfully request you review the MSPB’s well-reasoned decision, and

* Comply with the MSPB’s decision and immediately allow Ms. Chen to return to the work that she loves and excels in, and benefits our nation.
* Ask DOC Inspector General to conduct a full investigation into the handling of Ms. Chen’s case for possible racial bias, abuse of power, violation of due process, and lack of efficiency.

If you are available, I would like to meet with you at your convenience to provide a detailed update. Please kindly let me know your availability. More information about Sherry Chen’s case can be found at [www.sherrychendefensefund.org](http://www.sherrychendefensefund.org).

Please let me know if you have any questions, and I am looking forward to hearing from you.

Sincerely,

Name

Title

Organization name

Email

Phone

Website