

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>EQUAL EMPLOYMENT OPPORTUNITY</b>	)	
<b>COMMISSION,</b>	)	
<b>Plaintiff,</b>	)	
<b>and</b>	)	<b>Civil Action No. 04-4531</b>
	)	
<b>GODWIN AKIO, IZZELDEEN ELHAGE,</b>	)	
<b>MOHAMMED MAGZOOB, MARTIN NWOGA)</b>	)	
<b>and ONYEBUCHIM ONYEANUSI,</b>	)	
<b>Plaintiff-Intervenors,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>NORTHWESTERN HUMAN SERVICES</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

**PLAINTIFF INTERVENORS' COMPLAINT**

Plaintiff-Intervenors Godwin Akiko, Izzeldeen Elhage, Mohammed Magzoob, Martin Nwoga and Onyebuchim Onyeanusu seek to intervene in this action brought in their names and on behalf of others similarly situated by the United States Equal Employment Opportunity Commission in order to assert their Claims under Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e (“Title VII”), the Civil Rights Act of 1870, as amended, 29 U.S.C. A. §1981 (§1981) and under the Pennsylvania Human Relation Act, 43 P.S.A. §951 (“PHRA”) as a result of discrimination in employment practices on the basis of national origin (African) by Defendant, Northwestern Human Services (“NHS”).

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

### **PARTIES**

3. Plaintiff- Intervenors Godwin Akiko, Izzeldeen Elhage, Mohammed Magzoob, Martin Nwoga, Onyebuchim Onyeanusi are all African-born legal residents of the United States of America, and were at all relevant times “employees” or “contractors” of Defendant Northwestern Human Services, as those terms are defined in Title VII and the PRHA.

4. At all relevant times mentioned herein, Defendant, Northwestern Human Services (the “Employer”), has continuously been doing business in the Commonwealth of Pennsylvania and the City of Philadelphia, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of § 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. Plaintiff-Intervenors Godwin Akiko, Izzeldeen Elhage, Mohammed Magzoob, Martin Nwoga, Onyebuchim Onyeanusi have each filed charges with the Equal Employment Opportunities Commission alleging violations of Title VII based upon their National Origin by Defendant Employer of which their employer was on notice. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Each of the Plaintiff-Intervenors were born in Africa.

8. Plaintiff-Intervenors are and at all relevant times were legally resident in the United States and was eligible for employment under all relevant state and federal laws.

9. Plaintiff-Intervenors worked as a Behavioral Specialist Consultants and Mobile Therapists in Defendant Employer's Behavioral Health Program.

10. Defendant Employer's behavioral health program is managed by Community Behavioral Health ("CBH"), a non-profit corporation under contract with the city of Philadelphia to provide Medicaid reimbursed mental health and substance abuse treatment services to Medicaid recipients in Philadelphia County. CBH in turn has contracted with almost 300 area treatment providers, offering the full spectrum of services to adults, children and adolescents.

11. The CBH Credentialing Manual provides that a properly credentialed Behavioral Specialist Consultant must be either a psychologist licensed by the Commonwealth of Pennsylvania or possess a master's degree from an accredited university in a clinical mental health discipline. The CBH Credentialing Manual also provides that other degrees may be considered, but the course work must include twelve (12) master's degree behavioral health credits.

12. In April 2002, CBH performed an audit of Defendant Employer's personnel files to determine whether employees were in compliance with CBH's Credentialing Manual.

13. As a result of CBH's audit, Defendant Employer reviewed all personnel files of the Behavioral Specialist Consultants and Mobile Therapists to determine whether these employees possessed the proper credentials in accordance with CBH's Credentialing Manual.

14. In January 2003, Defendant Employer hired Rhonda Matlack (white/non-African born) as Program Director of the Behavioral Health Program.

15. In early January 2003, Godwin Akiko, Izzeldeen Elhage and Mohammed Magzoob all received a letter from Defendant Employer's Clinical Supervisor, Donna Conwell, stating that their educational transcript had been reviewed and that they needed to submit, by

January 17, 2003, an educational plan to obtain additional educational credits in accordance with the C.H. Credentialing Manual.

16. Godwin Akiko, Izzeldeen Elhage and Mohammed Magzoob timely complied with Donna Conwell's request for submission of an educational plan.

17. Despite complying with Donna Conwell's request, Rhonda Matlack terminated Mohammed Magzoob in February 2003, allegedly because he did not possess the proper credentials.

18. Despite complying with Donna Conwell's request, Rhonda Matlack terminated Godwin Akiko and Izzeldeen Elhage in May 2003, allegedly because they did not possess the proper credentials.

19. Plaintiff-Intervener are informed and believe and thereupon allege that a class of similarly situated African born Behavioral Specialist Consultants and Mobile Therapist also timely submitted educational plans, but were subjected to discrimination based on their national origin when Rhonda Matlack terminated their employment for allegedly failing to possess the proper credentials.

20. Unlike Plaintiff-Intervener, non-African born employees who did not possess the proper credentials were not terminated. Instead, the non-African Behavioral Specialist Consultants and Mobile Therapists were allowed to submit an educational plan and given substantial time to complete any needed educational credits.

21. Martin Nwoga and Onyebuchim Oyeanusu, were born in Africa, and worked as Behavioral Specialist Consultants and Mobile Therapists in Defendant Employer's Behavioral Health Program.

22. Martin Nwoga and Onyebuchim Oyeanusì possessed or had submitted plans to acquire adequate credentials as described above.

23. Despite their being qualified for their positions, Defendant Employer has systematically reduced and/or eliminated the number of cases and hours worked for Martin Nwoga and Onyebuchim Oyeanusì.

24. Onyebuchim Oyeanusì has not received any cases or work hours from Defendant Employer since October 2002.

25. Martin Nwoga has not received any cases or work hours from Defendant Employer since December 2002.

26. Plaintiff-Intervener are informed and believe and thereupon allege that similarly situated African born Behavioral Specialist Consultants and Mobile Therapist were also subjected to disparate treatment in the terms and conditions of their employment on the basis of their national origin when they had their number of cases and work hours reduced.

27. Other non-African born Behavioral Specialist Consultants and Mobile Therapists have continued to receive cases and work hours since October 2002.

28. Indeed, Plaintiff-Intervener are informed and believe and thereupon allege that non-African born individuals with similar or lesser qualifications have been increased in their caseloads and/or have been hired subsequent for positions held by Plaintiff-Interveners subsequent to the events described above.

29. The effect of the practices complained above has been to deprive Plaintiff-Intervener Godwin Akiko, Izzeldeen Elhage, Mohammed Magzoob, Martin Nwoga, Onyebuchim Oyeanusì employment opportunities and otherwise affect adversely their status as employees because of their national origin.

30. The unlawful employment practices complained of above were intentional.

31. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Godwin Akiko, Izzeldeen Elhage, Mohammed Magzoob, Martin Nwoga, Onyebuchim Onyeanus, and to other similarly situated employees.

**COUNT I**  
**VIOLATION OF TITLE VII**

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32. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.

33. By intentionally, wilfully and deliberately subjecting the Plaintiff-Intervener to discrimination based upon national origin, Defendant, through its agents, representative and employees, violated Title VII.

**Wherefore**, Plaintiff-Intervener pray for the following relief:

a) Order Defendant to reinstate Plaintiff-Intervener to the positions which they would have had he not been subjected to unlawful discrimination, together with all compensation, benefits and job opportunities incident thereto;

b) Order Defendant to compensate Plaintiff-Intervener for the full value of compensation and benefits they he would have received had he not been the victims unlawful discrimination;

c) Enter a judgment in favor of Plaintiff -Intervener and against Defendant for compensatory and punitive damages under Title VII;

d) Enter a permanent injunction enjoining Defendant from discriminating against Plaintiff-Intervener in any manner that violates Title VII;

- e) Order Defendant to pay Plaintiff-Intervener the costs and expenses of this litigation, including reasonable attorneys' fees; and
- f) Grant Plaintiff-Intervener such further legal and equitable relief as the Court may deem just and proper.

**COUNT II**  
**VIOLATION OF § 1981**

34. Plaintiff incorporates as if fully stated the allegations of the preceding paragraphs.

35. By intentionally, wilfully and deliberately discriminating against Plaintiff-Intervener because of their national origin, Defendant, through its agents, representative and employees, violated the Civil Rights Act of 1870, as amended, 29 U.S.C. A. §1981.

Wherefore, Plaintiff-Intervener pray for the following relief:

- a) Order Defendant to reinstate Plaintiff-Intervener to the position which they would have had they not been subjected to unlawful discrimination, together with all compensation, benefits and job opportunities incident thereto;
- b) Order Defendant to compensate Plaintiff-Intervener for the full value of compensation and benefits they would have received had they not been the victim of unlawful discrimination, with interest thereon;
- c) Enter a judgment in favor of Plaintiff-Intervener and against Defendant for compensatory and liquidated damages.
- d) Enter a permanent injunction enjoining Defendant from discriminating against Plaintiff in any manner that violates Plaintiff-Intervenors' civil rights;
- e) Order Defendant to pay Plaintiff the costs and expenses of this litigation, including reasonable attorneys' fees and witness fees under 29 U.S.C. §1988 ; and

f) Grant Plaintiff such further legal and equitable relief as the Court may deem just and proper.

**COUNT III**  
**VIOLATION OF P H R A**

36. Plaintiff-Intervener incorporate as if fully stated the allegations of the preceding paragraphs of this Complaint.

37. By intentionally, wilfully and deliberately discriminating against Plaintiff-Intervener because of their national origin, Defendant, through its agents, representatives, and employees, violated the PARA.

**Wherefore**, Plaintiff pray for the following relief:

a) Order Defendant to reinstate Plaintiff-Intervener to the positions which he would have had he not been unlawfully harassed and terminated, together with all compensation, benefits and job opportunities incident thereto;

b) Order Defendant to compensate Plaintiff-Intervener for the full value of compensation and benefits he would have received had he not been the victims of race and age discrimination, with interest thereon;

c) Enter a judgment in favor of Plaintiff-Intervener and against Defendant for compensatory damages under the PARA;

d) Enter a permanent injunction enjoining Defendant from discriminating against Plaintiff-Intervener in any manner that violates the PARA;

e) Order Defendant to pay Plaintiff-Intervener the costs and expenses of this litigation, including reasonable attorneys' fees; and

f) Grant Plaintiff-Intervener such further legal and equitable relief as the Court may deem just and proper.



**DEMAND FOR JURY TRIAL**

Plaintiff-Intervenors demand trial by jury on all counts of this complaint.

/s/ND870

Date:

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