

STATEMENT ON BEHALF OF SELENA WALKER

Three and a half years after Selena Walker was unfairly terminated, and two and a half years after the first of four appellate panels confirmed that Ms. Walker's termination was illegal, the District of Columbia Court of Appeals—the highest Court in the District of Columbia—has issued its decision concluding without equivocation that the District's Attorney General compounded the Fire Department's error by again appealing a termination which could not be legally justified.

But all the blame does not rest with the Attorney General. The primary instigator of the Attorney General's misbegotten and wasteful series of failed appeals was the Washington Post and members of its Editorial Page Board. The Attorney General, well aware of his need to remain in the Post's good graces if his more-than-fair coverage was to continue, abandoned his legal judgment to adhere to the Post's editorial line.

And will the Post admit that it was wrong in its series of factually and legally incorrect editorials demanding that Ms. Walker be punished? Not likely. We can all look forward to an editorial bemoaning this latest in a series of judicial decisions thwarting the ability of the District to improve the provision of emergency medical services to District residents.

We know this because following last year's editorial urging that the appeal be pursued, Ms. Walker's attorney wrote a short opinion piece for the Post's Local Opinion section pointing out that the Post's series of editorials misstated the statute and the law and, more important, that former Fire Chief Thomson and the Deputy Mayor stated on many occasions that they took no action against Ms. Walker because she had done nothing wrong. Chief Thompson explained to the Council that if Mr. Rosenbaum's injury had been correctly diagnosed the ambulance was required to take him to Howard University Hospital since Sibley, while nearer, was not a Level One Trauma Center. If the diagnosis by the initial medical personnel on the scene had been correct, and Mr. Rosenbaum had been merely inebriated, the ambulance could at the time take him to any hospital the driver chose. Ms. Walker did nothing wrong by taking Mr. Rosenbaum to Howard University Hospital.

Ms. Walker's attorney also explained that she was not initially charged because she consistently denied that she took Mr. Rosenbaum to Howard because of a preconceived desire to go to a hospital near her home. The Fire Department Investigative Panel records show that Ms. Walker remained at Howard with Mr. Rosenbaum for approximately an hour after arrival, and that the difference in time between driving from either Howard or from Sibley to her home and then to the fire station was a matter of a few minutes.

For these reasons it was not until June 16, 2006, after the Inspector General issued a flawed report and the District decided to settle the Rosenbaum suit, that Ms. Walker was improperly terminated.

More important, Ms. Walker's attorney wrote that the Post in its passion to be outraged had missed the exemplary. First, while not legally liable, the District understood that it needed to

improve fire and emergency services and did so. Second, an Administrative Law Judge, the D. C. Office of Employee Appeals Appellate Board, and Superior Court Judge Vincent, all receiving their pay check from the District, determined that the Fire Department broke the law when it terminated Ms. Walker.

The Post, of course, chose not to publish this opinion piece despite the fact that it was on behalf of an individual inaccurately pilloried in one of its editorials. Or perhaps this was the very reason it chose not to publish. So let's see what happens. Will the Post be publicly outraged because its previous outrage was rejected by the Courts? Will the Fire Department seek to justify its initial decision by trumping up new charges when Ms. Walker returns to work? Will the Attorney General realize that he is, first and foremost, an attorney?

X X X

January 7, 2010

For further information contact:
Frederic W. Schwartz, Jr.
Law Office of Frederic Schwartz, Jr.
1055 Thomas Jefferson St., NW
Suite M-100
Washington, DC 20007
(202) 463-0880
FWS888@aol.com