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OSC Files Hatch Act Complaint Against Immigration Judge

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./June 27, 2018 – The U.S. Office of Special Counsel (OSC) today announced that it has filed a complaint with the Merit Systems Protection Board requesting disciplinary action against Carmene “Zsa Zsa” DePaolo, an immigration judge employed by the U.S. Department of Justice. In the complaint, OSC alleges that DePaolo violated the Hatch Act when she promoted then-Presidential candidate Hillary Clinton’s plan for immigration reform during a deportation hearing over which DePaolo was presiding in March 2016.

According to the complaint, the respondent at the hearing was facing deportation and a subsequent ten-year bar on reentry into the United States, which DePaolo called “a pretty harsh thing” that Clinton intended to change, provided “the Senate becomes a Democratic body and there’s some hope that they can actually pass immigration legislation.” DePaolo said the Republicans, on the other hand, “aren’t going to do anything” about immigration “if they can help it,” other than to “try to deport everybody.” The hearing was open to the public.

“When a federal immigration judge in a public setting uses her position to advocate for partisan campaign outcomes, that’s a real problem,” said **Special Counsel Henry J. Kerner**. “Judge DePaolo appears to be in clear violation of the Hatch Act and we believe she should face significant disciplinary action.”

OSC charged DePaolo with violating the Hatch Act’s prohibitions against engaging in political activity while on duty or in the federal workplace and using her official authority or influence to interfere with or affect the result of an election. Hatch Act violations can result in a range of penalties, including demotion, suspension, removal from employment, and debarment.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.