

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>KESEANDA BROOKS,</b>	)	
	)	<b>Case No.</b>
Plaintiff,	)	
	)	<b>Hon.</b>
v.	)	<b>Magistrate</b>
	)	
<b>MEDICAL FACILITIES OF</b>	)	
<b>AMERICA, INC., d/b/a HANOVER</b>	)	
<b>HEALTH &amp; REHABILITATION</b>	)	
<b>CENTER, a corporation;</b>	)	
	)	
Defendant.	)	

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**COMPLAINT**  
**AND JURY DEMAND**

Plaintiff, **KESEANDA BROOKS** (“Plaintiff” or “Ms. Brooks”), by and through her undersigned counsel, CAIR Legal Defense Fund (“CAIR”), brings this action against Defendant **MEDICAL FACILITIES OF AMERICA d/b/a HANOVER HEALTH & REHABILITATION CENTER** (“MFA” or “Hanover”), for compensatory and punitive damages; declaratory and equitable relief, including payment of full back pay; prejudgment and post-judgment interest; costs; and attorneys’ fees for violations of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e), *et seq.* (“Title VII”), committed when Defendant (a) refused to provide a reasonable accommodation to Plaintiff’s sincerely-held religious belief and practice of being allowed to wear the *hijab* (religious head covering worn by Muslim women), even though an accommodation did not and would not have imposed an undue hardship on business operations; (b) forced her to choose between exercising her sincerely-

held belief and her employment; and (3) terminated her employment for refusing to abandon her religious beliefs by removing her *hijab*.

### **Jurisdiction and Venue**

1. Plaintiff's claims for discrimination on the basis of religion and retaliation in violation of Title VII are brought pursuant to 42 U.S.C. § 2000(e)-5.

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).

3. Costs and attorneys' fees may be awarded pursuant to Title VII, 42 U.S.C. § 2000e-5(k) and Fed. R. Civ. P. 54.

4. This Court has personal jurisdiction over Defendant because Defendant conducts business in the Commonwealth of Virginia.

5. Venue is proper pursuant to 28 U.S.C. § 1391 as to Defendant because Defendant conducts business in this judicial district and this district is where a substantial part of the events or omissions giving rise to the claims occurred.

### **Parties**

6. Plaintiff, Ms. Keseanda Brooks, is an individual, a female, a Muslim, and a former employee of Defendant. She was at all relevant times an "employee" as the term is defined by Title VII. Plaintiff resides in this judicial district.

7. Defendant Medical Facilities of America, Inc. is a for profit corporation incorporated under the laws of Virginia (State Corporation Commission No. 02561835). MFA does business as Hanover Health & Rehabilitation Center, located at 8139 Lee Davis Road, Mechanicsville, VA 23111. MFA's headquarters and principal place of business is located at 2917 Penn Forest Blvd, Suite #300, Roanoke, VA 24018. MFA regularly and

systematically conducts business in the Commonwealth of Virginia and within this judicial district. MFA was at all relevant times an “employer” as the term is defined in Title VII.

### **Administrative History**

8. Plaintiff has exhausted her administrative remedies.

9. Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”).

10. EEOC issued a letter of “Dismissal and Notice of Rights” to Plaintiff, dated March 6, 2018. **Exhibit A – EEOC Notice of Right to Sue.**

11. This Complaint is being timely filed within 90 days from the date Plaintiff received the Dismissal and Notice of Right to Sue from the EEOC.

### **Facts**

12. Ms. Brooks is a practicing Muslim woman.

13. Ms. Brooks was hired as a full-time Certified Nursing Assistant by MFA at its Hanover Health & Rehabilitation Center location, one of 44 MFA locations, in April 18, 2016.

14. Defendant’s job description for a Certified Nursing Assistant was at all relevant times to “provide[] direct care to patients; assist[] in Activities of Daily Living (ADLs) under the direction and supervision of a licensed nurse.”

15. At the time Ms. Brooks was hired, the Employee Handbook made no mention of religious accommodations or articles of clothing for religious observance.

16. Ms. Brooks converted to Islam and began wearing the *hijab* in September 2016, approximately five months after she commenced employment with Defendant.

17. The *hijab* is a religiously-mandated Islamic head covering, and in accordance to that mandate, Ms. Brooks covered and continues to cover her hair, ears, neck, and chest

when she is in public or in the presence of men who are not members of her immediate family.

18. Ms. Brooks began wearing the *hijab* because of her sincerely-held belief that her religion mandates her to wear the *hijab*.

19. The *hijab* did not and does not affect Ms. Brooks' ability to perform her job responsibilities as a Certified Nurse Assistant in any way.

20. In fact, Ms. Brooks wore the *hijab* for approximately three months without incident.

21. No burden of any kind was placed on Defendant during the time that Ms. Brooks wore the *hijab* to work, nor did it interfere with her job performance in any way.

22. On January 4, 2017, the Director of Nursing and the Registered Nurse Unit Manager requested a meeting with Ms. Brooks, whereby they informed her that she was required to remove her *hijab* or her employment would be terminated.

23. They told Ms. Brooks that the purported reasons for requiring her to remove her *hijab* was that it was a safety and security threat because it could be grabbed or pulled.

24. Ms. Brooks protested the requirement that she remove her *hijab* to maintain her employment, explained that she recently converted to Islam and was required to wear the *hijab* in accordance with her sincerely-held religious beliefs, and requested a religious accommodation to wear the *hijab* while on the job.

25. Ms. Brooks sincerely and reasonably believed that Defendant could reasonably accommodate her need to wear the *hijab* with no interference with business operations.

26. For example, Ms. Brooks could wear the *hijab* tightly around her head and neck such that it could not be grabbed or pulled.

27. As a result of refusing to remove her *hijab* in accordance with her sincerely-held religious beliefs, Defendant terminated Ms. Brooks' employment.

28. Since Ms. Brooks' employment was terminated, Defendant updated its Employee Handbook to reflect that "[a]rticles of clothing for religious observance are now permitted to be worn with the uniform," confirming that the *hijab* does not interfere with job responsibilities at Defendant's workplace.

29. Defendant acted in conscious disregard of or reckless indifference to Ms. Brooks' right to be free from religious discrimination and/or retaliation, knowing full well that Title VII required, unless excused by undue hardship, reasonable accommodation of their employee's sincerely-held religious beliefs and practices and protected opposition to employment decisions which were sincerely and reasonably believed to be in violation of Title VII and yet forcing Ms. Brooks to choose between her religion and her job, denying a reasonable accommodation and terminating her employment.

30. Defendant acted with malice due to pique at Plaintiff's opposition and protestation at the denial of her accommodation request.

31. As a direct and proximate result of Defendant's actions, Ms. Brooks has suffered emotional distress, anxiety, humiliation, inconvenience, lost wages and benefits, and other consequential damages.

### **Claims for Relief**

#### **First Count: Discrimination in Violation of Title VII**

32. Paragraphs 1 through 31 above are realleged and incorporated herein.

33. By refusing to grant a reasonable accommodation of permitting Plaintiff to wear the *hijab* such that Plaintiff would be allowed to adhere to her sincerely-held religious belief and practice, even though such an accommodation would not have interfered with business operations, and terminating Plaintiff's employment when she insisted on adhering to those beliefs and practices, Defendant violated Title VII.

**Second Count: Retaliation in Violation of Title VII**

34. Paragraphs 1 through 33 above are realleged and incorporated herein.

35. By terminating Plaintiff's employment for opposing a requirement to remove her *hijab*, which she sincerely and reasonably believed was discriminatory, Defendant committed retaliation in violation of Title VII.

**Prayer for Relief**

WHEREFORE, Plaintiff requests that this Honorable Court enter judgment in her favor and against Defendant, on each and every count in this Complaint, and enter an Order awarding the following relief:

- A. Reinstatement of Plaintiff to her former position;
- B. Payment for all economic damages, including but not limited to, back pay, front pay, and lost benefits;
- C. Payment for non-economic damages, including emotional harm;
- D. Attorney's fees and costs;
- E. Punitive damages; and,
- F. Any further relief to which Plaintiff is entitled.

**JURY DEMAND**

NOW COMES Plaintiff, by and through her undersigned counsel, and hereby demands a trial by jury of the above-referenced causes of action.

**CAIR LEGAL DEFENSE FUND**

By: /s/ Gadeir Abbas  
Gadeir I. Abbas (81161)  $\alpha$   
Lena F. Masri (D.C. Bar No. 100019)  $\beta$   
453 New Jersey Ave., SE  
Washington, DC 20003  
Phone: (202) 742-6420  
Fax: (202) 379-3317

*$\alpha$  Licensed in VA, not in D.C. Practice limited to federal matters.  
 $\beta$  Pro hac vice pending*

Dated: May 31, 2018