

In the United States Court of Federal Claims

No. 22-1280

Filed: April 17, 2023

ALBERTA BELL et al,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

The Court hereby **ISSUES** the attached Notice and Consent form to be distributed on or before **June 13, 2023**. The Court **APPROVES** the method of notice agreed upon by the parties. Further, a status conference is **SCHEDULED** for **June 14, at 11:00 a.m. ET** to advise the Court of progress and establish a litigation schedule going forward.

IT IS SO ORDERED.

s/ David A. Tapp
DAVID A. TAPP, Judge

This is a Court-Authorized Notice and is not a Solicitation from a Lawyer

**United States Court of Federal Claims
Notice of Collective Action and Opportunity to Join**

PLEASE READ CAREFULLY

If you went on a detail to an Unaccompanied Children’s site through the Department of Health and Human Services’ Office of Refugee Resettlement Program, this notice concerns your potential legal rights to back pay and other damages

YOU ARE RECEIVING THIS NOTICE BECAUSE THE PARTIES IN THIS CASE BELIEVE THAT YOU MAY MEET THE REQUIREMENTS TO PARTICIPATE IN THIS LAWSUIT. YOU ARE ELIGIBLE TO JOIN THIS LAWSUIT IF:

- 1. YOU ARE OR WERE AN EMPLOYEE OF A FEDERAL AGENCY OTHER THAN THE DEPARTMENT OF JUSTICE;**
- 2. YOU WERE CLASSIFIED AS FLSA EXEMPT (MEANING YOU WERE NOT ORDINARILY ELIGIBLE TO BE PAID FLSA OVERTIME);**
- 3. AT ANY POINT WITHIN THREE YEARS OF THE DATE OF THIS NOTICE, YOU WENT ON A DETAIL THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES’ OFFICE OF REFUGEE RESETTLEMENT UNACCOMPANIED CHILDREN PROGRAM (ORR UC);**

AND

- 4. WHILE ON DETAIL YOU PERFORMED ANY OF THE POSITIONS/DUTIES LISTED BELOW (OR THOSE THAT ARE SIMILAR) FOR AT LEAST 75% OF THE TIME AND DID NOT TIMELY RECEIVE FLSA OVERTIME PAY (TIME AND ONE-HALF).**

Youth Care Worker
Onsite Volunteer Coordinator
Youth Care Volunteer
Case Management Volunteer
Line of Sight (LOS)

Children Supervision
Spanish Translator
Phone Center Support
Unaccompanied Children (UC)
Discharge Reports

Serious Incident Report
Medical Records Management
Case Manager
ESL Teacher to Afghan women
Clothing Distribution
Case Management Volunteer
Youth Care Worker/Line of Sight
Discharge Coordinator
Transportation coordinator

Case management
Transportation Assistance
Records Management Specialist
SIR Reviewer
Lead SIR Reviewer
Approvals Box
Medical Transport Driver
Medical Support Team
COR Support Team

Several federal employees who went on ORR UC Program details and did not properly receive overtime pay pursuant to the Fair Labor Standards Act (FLSA) have sued Defendant, the United States, in the United States Court of Federal Claims alleging that Defendant improperly failed to pay, or timely pay, FLSA overtime. FLSA overtime is paid at 1.5 times your regular hourly rate. If you received overtime pay, but did not receive it timely, you may still be eligible for damages in this case.

The Plaintiffs, on behalf of themselves and all other similarly situated employees, allege that all employees who meet the requirements listed on page 1 are entitled to overtime and/or liquidated damages and that Defendant's failure to timely and properly pay them overtime violated the law. The case name is *Bell, et al. v. United States*, Case No.: 22-1280.

The Court has authorized the distribution of this Notice to all similarly situated current and former employees, excluding employees whose home agency is the Department of Justice, so that they may be permitted to "opt-in" to, or join, this lawsuit to assert their similar legal rights. Your contact information has been provided by the United States as someone who, as per the Court's Order, meets the definition of a similarly situated employee.

The Court has not yet decided whether Defendant has done anything wrong or whether this case will proceed to trial. You have a choice to assert your legal rights in this case.

YOUR LEGAL RIGHTS & OPTIONS

ASK TO BE INCLUDED

To Ask to Be Included, you must complete the Opt-in Consent Form attached to this Notice. By "opting in," you gain the possibility of receiving money or benefits that may result from a trial or settlement, but you give up your right to separately sue Defendant for the same legal claims brought in this lawsuit.

Effect of Joining: If you choose to join this lawsuit, you will be bound by the judgment or settlement. While the suit is pending, you may be required to provide information, sit for depositions, and/or testify in court. You will also be bound by a retainer agreement with Plaintiffs' attorneys. The retainer agreement provides for a fee which is the greater of the actual attorney's fees and costs incurred

or a 30% contingency fee, (e.g., the attorneys will receive 30% of any settlement or judgment in Plaintiffs' favor). If Plaintiffs are denied any recovery the attorneys will not receive any attorneys' fees and Plaintiffs will owe nothing to the attorneys. If ordered, the Defendant's costs will be paid by Plaintiffs' attorneys.

Legal: If you choose to join in the lawsuit, you will be represented by Snider & Associates, LLC, counsel for the Plaintiff in this matter.

DO NOTHING

By doing nothing, you retain your legal rights to bring a separate suit against Defendant (within the applicable statute of limitations period) for allegedly unpaid overtime compensation. If money or benefits are later awarded in this case, you will not share in them. You are permitted to hire the attorney of your choice if you choose to bring a separate suit.

Your options are included in this Notice. To opt-in, you must complete the Opt-in Consent Form attached and found at www.sniderlaw.com/ORRUC, by DATE. If you have any questions or concerns, please contact the Plaintiffs' attorney:

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Baltimore, Maryland 21208
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THE LAW PROHIBITS ANYONE FROM DISCRIMINATING OR RETALIATING AGAINST YOU FOR TAKING PART IN THIS CASE. IF YOU BELIEVE THAT YOU HAVE BEEN PENALIZED, DISCIPLINED, PUNISHED, THREATENED, INTIMIDATED, OR DISCRIMINATED AGAINST IN ANY WAY AS A RESULT OF YOUR RECEIVING THIS NOTIFICATION, YOUR CONSIDERING WHETHER TO COMPLETE AND SUBMIT THE NOTICE OF CONSENT, OR YOUR HAVING SUBMITTED THE NOTICE OF CONSENT, YOU MAY CONTACT SNIDER & ASSOCIATES, LLC AT THE INFORMATION PROVIDED ABOVE