

DRAFT

New York

New York County

Employment – National Origin Discrimination - Employment - Retaliation

Plaintiff alleged national origin employment discrimination and retaliation

Settlement \$500,000

Case Chijioke Ajoku v. the State of New York, New York State Office of Temporary and Disability Assistance, Cora Humphreys, Thomas Dudley, Patricia Walter-Johnson, Donna Frazier, Cheryl Contento and John and Jane Doe , No. 159104/2018

Court New York Supreme

Judge Lynn R. Kotler

Date 2/26/2025

Plaintiff Attorney(s)

Samuel O. Maduegbuna ; Maduegbuna Cooper LLP; New York NY(Chijioke Ajoku,)

Defendant Attorney(s)

Diana Constantino Gomprecht ; Epstein Becker & Green, P.C.; New York NY(Cheryl Contento,Donna Frazier,New York State Office of Temporary and Disability Assistance,Patricia Watler-Johnson)

James D. Mackinson ; Epstein Becker & Green, P.C.; New York NY(Cheryl Contento,Donna Frazier,New York State Office of Temporary and Disability Assistance,Patricia Watler-Johnson)

Albert Rizzo ; Law offices of Albert Rizzo; New York NY(Cora Humphreys,Thomas Dudley)

Facts & Allegations

In 2016, plaintiff Chijioke Ajoku, 56, a Black man of Nigerian national origin, began working for the New York State Office of Temporary and Disability Assistance (OTDA) as a consultant with the Physical Plants Unit (PPU).

Ajoku claimed that despite performing well in his role, he was allegedly bypassed for a supervisory position, retaliated against for reporting wage and time theft and terminated. Ajoku claimed these discriminatory and retaliatory behaviors were instigated by Special Assistant Cora Humphreys, Supervising Consultant Thomas Dudley, Assistant Manager of Programs Patricia Watler-Johnson, Director of Program Donna Frazier and Deputy Commissioner Cheryl Contento. On Sept. 14, 2018, Ajoku was terminated.

Ajoku sued the State of New York, New York State Office of Temporary and Disability Assistance, Humphreys, Dudley, Walter-Johnson, Frazier and Contento for employment discrimination and retaliation.

Ajoku claimed that beginning in 2016, he observed and reported favoritism by his supervisor, Dudley, who allegedly gave preferred assignments and advancement opportunities to non-Nigerian employees. Ajoku claimed he filed internal complaints regarding this discriminatory behavior in November 2016 and in February and July 2017. He also reported time theft and falsified timesheets by favored employees, which were allegedly covered up by Dudley.

Ajoku claimed his protected complaints triggered escalating retaliation. He received an incomplete and unfounded performance evaluation in July 2017. In September 2017, Ajoku served as a witness in an internal discrimination investigation against Dudley, further exposing him to reprisal.

Despite Ajoku's top civil service score, in October 2017 OTDA bypassed him for a supervisory position and instead promoted Humphreys, who had a lower score and lacked the minimum required qualifications. When Ajoku raised concerns about the promotion, Frazier admitted Humphreys was selected because "we don't want anybody that's telling on other people's time."

Ajoku claimed he was then placed under Humphrey's supervision and allegedly subjected to hostile treatment, including false accusations, excessive scrutiny, threats of disciplinary action and further negative evaluations. Despite submitting multiple

complaints to Human Resources, the Department of Labor and the Equal Employment Opportunity Division, no corrective action was taken. In April 2018, Ajoku claimed he received an unjustified "unsatisfactory" performance evaluation co-authored by Dudley, who was no longer his supervisor.

Injuries/Damages

Ajoku claimed he suffered lost wages by not being promoted to supervising consultant, then again when he was terminated without cause and lost the opportunity to complete weekend work, as well as emotional distress damages.

Ajoku sought recovery of damages including lost wages in the amount of \$78,666.20 for failure to promote, unpaid paid time off and loss of weekend work Ajoku had been accepting from OTDA. Ajoku also sought recovery of \$13,470 for interest on lost wages, \$60,000 for loss of health, dental and other benefits from 2018 to 2023, pension income loss in the amount of \$150,000, interest on pension loss totaling \$13,500, \$750,000 for emotional distress of a non-garden variety nature, punitive damages of \$1,000,000 and attorneys' fees and costs of \$220,000.

Result

The parties negotiated a pretrial settlement. **Mediated by Chief Magistrate Judge Retired of JAMS** and NYS agreed to pay Ajoku \$500,000.

Plaintiff(s)

chijioko ajoku

Final Demand

\$750,000

Last Offer

\$200,000

Insurer(s)

State of New York for New York State Office of Temporary and Disability Assistance, Cora Humphreys, Thomas Dudley, Patricia Watler-Johnson, Donna Frazier and Cheryl Contento

Trial Details

Trial Length 0

Jury Deliberations 0

Jury Poll

Jury Composition

Plaintiff Experts(s)

Defendant Experts(s)

Post Trial

Editor's Note

This report is based on information that was provided by plaintiff's counsel. Defense counsel could not be reached for comment.

Plaintiff(s) Demographic

Chijioko Ajoku

Age 56 Years

Occupation Code Compliance Specialist

Gender M

Married Y

Children Y

Case No

264060

Written By

Jason Cohen