

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**ARTURO MORENO, JR.,**  
**individually and on behalf of others similarly situated,**

**Plaintiffs,**

**No. \_\_\_\_\_**

**V.**

**BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES OF THE UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY and THE UNITED STATES OF  
AMERICA,**

**Defendants.**

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**COMPLAINT**

**INTRODUCTION**

1. Plaintiffs were employed by defendants. Plaintiffs worked more than 40 hours per week for defendants while in training at the Federal Law Enforcement Training Center. Defendants unlawfully failed to pay plaintiffs overtime at the rate of time and one half for all hours over forty.
2. Plaintiffs seek unpaid overtime wages, liquidated damages, costs and attorneys' fees under the Fair Labor Standards Act (FLSA), 29 U.S.C. §201 *et seq.*

**JURISDICTION**

3. Jurisdiction is conferred upon this Court by 28 U.S.C. §1491 as an action against the United States founded upon an Act of Congress, the Fair Labor Standards Act, 29 U.S.C. §216, for liquidated damages.

## **PARTIES**

### **A. Plaintiffs**

4. The named plaintiff MORENO was an employee of defendants. A Consent to Sue for the named plaintiff is attached.
5. Named plaintiff MORENO is a resident of El Paso, Texas.
6. Plaintiffs were engaged in commerce while working for defendants.
7. The named plaintiff represents additional federal employees who trained at the Federal Law Enforcement Training Center who were not paid time and one half for hours over 40 in a week.
8. The term plaintiffs as used in this complaint refers to the named plaintiff and any additional federal employees who have not yet been paid their full overtime earnings and liquidated damages pursuant to the collective action provision of 29 U.S.C. §216(b).

### **B. Defendants**

9. Defendant, BUREAU OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, formerly known as UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE, is a governmental agency subdivision of the United States of America. The defendant maintains operations in Washington, DC.
10. Upon information and belief, defendant grossed more than \$500,000 in the past fiscal year.
11. Defendant operates an enterprise engaged in commerce within the meaning of the FLSA.

## **FACTS**

12. Plaintiffs are or were employed by defendants.
13. Plaintiff MORENO was employed by the U.S. Department of Justice, Immigration and Naturalization Service and the United States of America from June 2002 through January 2003 as a United States Immigration and Naturalization Inspector.
14. Plaintiffs were required by their employers to participate in training at the Federal Law Enforcement Training Center in Glynco, Georgia.
15. Plaintiffs were required by defendants to attend training sessions which were regularly scheduled for six days per week, eight hours per day, thus working more than 40 hours per week for defendants.
16. Defendants paid plaintiffs a biweekly salary.
17. Plaintiff MORENO's pay grade was GS-05(01).
18. Defendants failed to pay plaintiffs overtime compensation at the rate of time and one-half for all hours worked over 40.
19. Defendants' failure to pay plaintiffs the proper wages required by law was willful.
20. All actions and omissions described in this complaint were made by defendant directly or through its supervisory employees and agents.

### **FIRST CAUSE OF ACTION (FAIR LABOR STANDARDS ACT - OVERTIME)**

21. Defendants failed to pay overtime wages to the plaintiffs in violation of the Fair Labor Standards Act, 29 U.S.C. §207 *et seq.* and its implementing regulations.
22. Defendants' failure to comply with the FLSA overtime protections caused plaintiffs to suffer

loss of wages and interest thereon.

**WHEREFORE**, plaintiffs request that this Court enter an order:

- A. Granting judgment to plaintiffs in the amount of their unpaid wages as secured by the Fair Labor Standards Act as well as an equal amount in liquidated damages;
- B. Awarding the plaintiffs' costs and reasonable attorneys' fees; and
- C. Granting such further relief as the Court finds just.

Dated: March 8, 2005

Respectfully Submitted,

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