

DEBRA D'AGOSTINO

FOUNDING PARTNER

Federal Practice Group

1750 K Street, NW, Suite 900 | Washington, DC 20006

202-862-4360 | Fax: 888-899-6053 | www.FedPractice.com

PROFILE

Debra D'Agostino, a Founding Partner of The Federal Practice Group and leader of the firm's federal employment law team, focuses on providing representation to federal employees worldwide in a wide range of matters against federal agencies, including EEO complaints and U.S. Equal Employment Opportunity Commission (EEOC) hearings, U.S. Merit Systems Protection Board (MSPB) appeals, U.S. Office of Special Counsel (OSC) complaints, and replying to proposed adverse actions or disciplinary actions. She has more than 15 years of experience in this complicated area of the law and has obtained successful outcomes for her clients, including findings of liability in discrimination claims and reversals of adverse actions such as removals. Additionally, Ms. D'Agostino has represented Clients in appellate matters before the EEOC's Office of Federal Operations, the MSPB, and the U.S. Court of Appeals for the Federal and D.C. Circuits.

Ms. D'Agostino is routinely looked to by her peers for her niche expertise in representing federal employees, including those in the intelligence community. In 2016, she was selected to be part of a focus group run by the Government Accountability Office to review the best method to implement the Whistleblower Protection Enhancement Act of 2012. The report was sent to the Senate Committee on Homeland Security and Government Affairs and the House Committee on Oversight and Government Reform.

Ms. D'Agostino served on the Board of Directors of the Metropolitan Washington Employment Lawyers Association (MWELA), and is a member of the National Employment Lawyers Association (NELA). For the past three years she has been recognized for her skill

as an attorney by being named to the Super Lawyers list. Ms. D'Agostino is also a AAA certified mediator.

Ms. D'Agostino earned her Juris Doctorate with honors from the George Washington University Law School, and her B.A. from New York University. She is admitted to practice in the U.S. Supreme Court, the U.S. Court of Appeals for the Federal, D.C., and 4th Circuits, and to practice law in D.C. and New York.

CREDENTIALS

- J.D. with Honors, George Washington University Law School
- B.A., New York University

EXPERIENCE

Miskill v. U.S. Social Security Administration, United States Court of Appeals, Federal Circuit, No. 2016-1598, (Decided July 20, 2017) Judith Miskill, who was represented by Ms. D'Agostino and Tom Gagliardo, AFGE Local 1923, prevailed in a challenge at the United States Court of Appeals for the Federal Circuit to an Arbitrator's award sustaining her removal by the Social Security Administration for violations of the Agency's time and attendance policy. Because the Arbitrator's decision is not in accordance with law, the Federal Circuit vacated and remanded the matter in a precedential decision clarifying the use of comparator information in a federal agency penalty analysis.

Appellant v. Central Intelligence Agency, EEOC Appeal No. 0120162226 (March 7, 2017) After the CIA dismissed the Appellant's sexual harassment complaint for alleged untimeliness, Ms. D'Agostino successfully appealed the decision to the EEOC, which overturned the CIA's decision to dismiss the complaint and ordered the CIA to investigate the claims.

Complainant v. Central Intelligence Agency, EEOC No. 570-2013-00431X (February 16, 2017) Ms. D'Agostino successfully represented a senior CIA employee who faced retaliation after reporting disability discrimination and harassment following treatment for cancer, in an

administrative hearing before the EEOC. An Administrative Judge found the CIA liable for discrimination, and awarded appropriate relief.

Juel v. Department of Homeland Security, TSA, MSPB Docket No. DE-1221-14-0510-W-2 (December 12, 2016) Ms. Juel, a former TSA employee, blew the whistle on her management, which in turn removed Ms. Juel in retaliation for her whistle blowing. Ms. D'Agostino filed a complaint with the U.S. Office of Special Counsel, and then an Independent Right of Action (IRA) appeal with the Merit Systems Protection Board challenging the removal. Following a hearing, the Administrative Judge ruled in Ms. Juel's favor and ordered corrective action and other relief as appropriate.

Shimko v. Central Intelligence Agency, EEOC No. 570-2012-0138X, (September 19, 2016) Ms. D'Agostino successfully represented a senior female employee who faced retaliation after reporting sex-based harassment, and then disability discrimination following treatment for cancer, in an administrative hearing before the EEOC. An Administrative Judge found the CIA liable for all claims raised, and awarded appropriate relief.

Complainant v. Department of Defense, Defense Intelligence Agency, EEOC Appeal No. 012014863 (July 19, 2016) Ms. D'Agostino obtained a finding of liability against the Defense Intelligence Agency (DIA) for pregnancy discrimination on behalf of a client who was denied necessary training as a result of her pregnancy, and was thus denied a lucrative overseas assignment. Ms. D'Agostino obtained this result without a hearing, on appeal to the EEOC after an Administrative Judge initially found for DIA on summary judgment.

AWARDS & MEMBERSHIPS

- Superlawyers, 2019, 2020
- Metropolitan Washington Employment Lawyers Association, Board Member
- Women's Bar Association, Sustaining Member
- National Women's Law Center's Legal Network for Gender Equity
- Federal Circuit Bar Association

INSIGHTS

- [Debra D'Agostino Talks with Washington Examiner About Eligibility of DHS Officials](#)
- [Debra D'agostino pens a column for Government Executive on expanded legal protections in areas such as discrimination and paid parental leave.](#)
- [Debra D'Agostino was interviewed by the Inquirer as the attorney for a whistleblower case.](#)
- [Debra D'Agostino was interviewed by Tom Temin of Federal Drive Radio, powered by Federal News Network on changes in the ranks of big agency inspectors general by the Trump White House.](#)
- [Debra D'Agostino Speaks to The Gazette About Checks and Balances](#)
- [Debra D'Agostino Speaks to Government Executive About Strikes](#)
- [Debra D'Agostino Speaks to WTOP About Government Workers and Unemployment Benefits](#)