

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Dunn v. Collins

Civil Action No. 1:21-cv-02845 (CJN) · No. Civil Action No. 1:21-cv-02845 (CJN) · Decided January 6, 2026

SUMMARY

The United States District Court for the District of Columbia grants the Department of Veterans Affairs’ motion for summary judgment in Sylvia Dunn’s employment-discrimination action. The court holds that Dunn failed to exhaust her administrative remedies for her race-discrimination claims, most sex-discrimination claims, and some retaliation claims. The court also concludes that her remaining exhausted sex-discrimination and retaliation claims lack sufficient evidentiary support to proceed to a jury.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Carl J. Nichols
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 6, 2026
DOCKET	Civil Action No. 1:21-cv-02845 (CJN)
DISPOSITION	other
PROCEDURAL POSTURE	The Department of Veterans Affairs moved for summary judgment on Dunn's remaining Title VII sex discrimination, race discrimination, and retaliation claims after the Court dismissed other claims at the pleading stage.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law; the Court draws reasonable inferences in favor of the nonmovant, but the nonmovant must present affirmative evidence to defeat a properly supported motion.
PRECEDENTIAL VALUE	Published federal district court memorandum opinion; no reporter citation appears in the source.
PARTIES	Sylvia Dunn v. Douglas A. Collins, Secretary, United States Department of Veterans Affairs

TOPICS

employment discrimination

title vii

retaliation

exhaustion of remedies

federal employee discrimination

PRACTICE AREAS

employment law

employment discrimination

civil rights

federal employment law

administrative law

QUESTIONS PRESENTED

1. Whether Dunn exhausted her administrative remedies for her Title VII race-discrimination, sex-discrimination, and retaliation claims.
2. Whether Dunn presented sufficient evidence to survive summary judgment on the discrete-act sex-discrimination claim based on the alleged reassignment of EEO responsibilities.
3. Whether Dunn presented sufficient evidence of materially adverse actions and causation to survive summary judgment on her retaliation claims.

HOLDINGS

1. Dunn failed to exhaust her Title VII race-discrimination claims because her EEO complaint did not mention race or raise race-based discrimination.
2. Dunn failed to exhaust most of her discrete sex-discrimination claims because her EEO complaint raised sex only in connection with a hostile work environment, which is distinct from discrete discriminatory acts.
3. Dunn exhausted only the retaliation allegations identified in her amended EEO complaint; she did not exhaust later allegations, including that defendants fabricated false claims against her.
4. Summary judgment was proper on Dunn's potentially exhausted discrete sex-discrimination claim because the claim was not pleaded in the complaint and, in any event, Dunn did not present evidence from which a reasonable jury could find an adverse employment action or an inference of sex discrimination.
5. Dunn failed to establish a prima facie case of Title VII retaliation because she did not show that the alleged acts were materially adverse, that some acts occurred, or that a causal link connected the acts to her protected activity; the government's legitimate reasons also were not shown to be pretextual.

KEY QUOTATIONS

“Summary judgment is appropriate only if there is ‘no genuine issue as to any material fact . . . and the moving party is entitled to a judgment as a matter of law.’” (at 3)

“Because a hostile work environment claim and a discrete discrimination claim are ‘different in kind,’ however, ‘exhausting one does not exhaust the other.’” (at 5)

“To survive summary judgment on these claims, Dunn must ‘establish a prima facie case of retaliation by showing (1) that [s]he engaged in statutorily protected activity; (2) that [s]he suffered a materially adverse action by h[er] employer; and (3) that a causal link connects the two.’” (at 14)

FACTUAL BACKGROUND

Sylvia Dunn, an African American woman employed by the Department of Veterans Affairs, served as Director of Resource Management. She alleged that her supervisor, Kevin Hanretta, excluded her from Human Resources Council meetings, reduced or redirected responsibilities, and otherwise discriminated and retaliated against her. Dunn filed an administrative EEO complaint in 2017, but the complaint primarily described sex-based hostile-work-environment allegations and retaliation; it did not mention race and did not identify most of the discrete acts later asserted in court.

PROCEDURAL HISTORY

Dunn, a Department of Veterans Affairs employee, filed an administrative EEO complaint and later sued in federal district court asserting claims under Title VII, section 1981, the Americans with Disabilities Act, and the Whistleblower Protection Act. The Court dismissed the section 1981 claim and dismissed the Whistleblower Protection Act, hostile-work-environment, and ADA claims, while allowing Title VII sex discrimination, race discrimination, and retaliation claims to proceed. After discovery, the government moved for summary judgment, which the Court granted on exhaustion and merits grounds.

DISPOSITION

other

CASES CITED

- Wiley v. Glassman, 511 F.3d 151, 155 (D.C. Cir. 2007)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255, 257 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Crawford v. Duke, 867 F.3d 103, 105, 109 (D.C. Cir. 2017)
- Webster v. Del Toro, 49 F.4th 562, 566-68 (D.C. Cir. 2022)
- Ndongji v. InterPark Inc., 768 F. Supp. 2d 263, 276-77 (D.D.C. 2011)
- Holmes v. WMATA, 723 F. Supp. 3d 1, 14 (D.D.C. 2024)
- Moore v. U.S. Department of State, 351 F. Supp. 3d 76, 96 (D.D.C. 2019)
- National Railroad Passenger Corp. v. Morgan, 536 U.S. 101, 113-15 (2002)
- Taylor v. Mills, 892 F. Supp. 2d 124, 137 (D.D.C. 2012)
- Bain v. Office of Attorney General, 648 F. Supp. 3d 19, 60 (D.D.C. 2022)
- Hamilton v. Geithner, 666 F.3d 1344, 1350, 1357-58 (D.C. Cir. 2012)
- Romero-Ostolaza v. Ridge, 370 F. Supp. 2d 139, 149 (D.D.C. 2005)
- Park v. Howard University, 71 F.3d 904, 907 (D.C. Cir. 1995)
- McCallum v. Mayorkas, No. 21-cv-1911, 2023 WL 3203011, at *7 (D.D.C. 2023)
- Bassett v. Walsh, No. 22-cv-2408, 2023 WL 4999176, at *3 (D.D.C. Aug. 4, 2023)
- Azumah v. Yellen, No. 20-cv-2696, 2021 WL 3784323, at *4 (D.D.C. 2021)
- McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
- Aka v. Washington Hospital Center, 156 F.3d 1284, 1288 (D.C. Cir. 1998)

- Brady v. Office of the Sergeant at Arms, 520 F.3d 490, 493-94 (D.C. Cir. 2008)
- U.S. Postal Service Board of Governors v. Aikens, 460 U.S. 711, 715 (1983)
- Robinson-Reeder v. American Council on Education, 674 F. Supp. 2d 49, 53 n.2 (D.D.C. 2009), aff'd, 417 F. App'x 4 (D.C. Cir. 2011)
- Lawrence v. Lew, 156 F. Supp. 3d 149, 162 (D.D.C. 2016)
- Figueroa v. Pompeo, 923 F.3d 1078, 1087 (D.C. Cir. 2019)
- Richard v. Bell Atlantic Corp., 209 F. Supp. 2d 23, 35 (D.D.C. 2002)
- Johnson v. Perez, 823 F.3d 701, 710 (D.C. Cir. 2016)
- O'Connor v. Consolidated Coin Caterers Corp., 517 U.S. 308, 312 (1996)
- Teamsters v. United States, 431 U.S. 324, 358 (1977)
- Brown v. Sessoms, 774 F.3d 1016, 1022 (D.C. Cir. 2014)
- Chambers v. Burwell, 824 F.3d 141, 145 (D.C. Cir. 2016)
- Wheeler v. Georgetown University Hospital, 812 F.3d 1109, 1115-16 (D.C. Cir. 2016)
- Murray v. Gilmore, 406 F.3d 708, 715 (D.C. Cir. 2005)
- Jones v. Bernanke, 557 F.3d 670, 677-78 (D.C. Cir. 2009)
- Taylor v. Solis, 571 F.3d 1313, 1321-22 (D.C. Cir. 2009)
- Burlington Northern & Santa Fe Railway Co. v. White, 548 U.S. 53, 68 (2006)
- Clark County School District v. Breeden, 532 U.S. 268, 273-74 (2001)
- Mack v. Strauss, 134 F. Supp. 2d 103, 114 (D.D.C. 2001), aff'd, No. 01-5122, 2001 WL 1286263 (D.C. Cir. Sept. 28, 2001)
- Jimenez v. Wolf, No. 19-cv-2055, 2020 WL 13546497, at *10 (D.D.C. Sept. 29, 2020)
- Fruge v. Board of Governors of the Federal Reserve System, No. 20-cv-2811, 2022 WL 5166031, at *19 (D.D.C. Oct. 5, 2022)
- Bryant v. Brownlee, 265 F. Supp. 2d 52, 70 (D.D.C. 2003)
- Allen v. Johnson, 795 F.3d 34, 41, 46 (D.C. Cir. 2015)