

STATE OF WASHINGTON

COURT OF APPEAL

DIVISION II

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STATE OF WASHINGTON
BY  CLERK

Steffanie Chau (Appellant)

Vs

Attorney General State of Washington (Respondent)

Re: Reply Respondents' Brief

REPLY BRIEF

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I. INTRODUCTION

This case has caused me great distress, humiliating me my family and in the community I live in. They put a hole in my heart. What they did was cruel and they took part of my soul for the last five years. Under State law, I'm entitled to recover all damages, which are proximately caused by the unlawful conduct. Marini, 137 Wn.2d at 367-368. My case involves fraud, which was combined with conspiracy, perjury, and negligent infliction of emotional distress. It includes economic and non-economic damages. I had to spend substantial time and money to bring these matter to the court. God give me the strength and courage to standup for my right.

I'm not attacking Employment Security Dept (ESD), Personnel Appeal Board (PAB) and Attorney General. The facts are ESD created fraudulent documents to dismiss my employment. **Therefore I should not been dismissed my employment and I should not have to repay my unemployment benefits.**

The ESD accused me of creating inaccurate and unreliable financial records for the agency, which resulted in an accounting error totaling in excess of \$12 million. Any errors I made were the result of reasonable reliance on the actions of my supervisors and my co-workers, and were not made with intention of any misconduct profit, or any interest of personal gratification on my part.

I was only following the directions of Mr. Hanson, my colleague, and my supervisors, as I had been doing for the six years I worked there. My supervisor

approved my work. She watched me like a hawk, and examined a great deal of my work with a fine –toothcomb (CP doc#9 p 54-67,71,72 and p 74-82).

The evidence showed that Mr. Hanson, Ms.Meixsel and Ms. Kristofferson created 12 million dollars in errors (CP doc#9 p 14,24,27.30 and 70)¹.

The ESD overruled the administrative law judge and dismissed my unemployment compensation benefits claims. I filed an appeal to the Superior Court with Honorable Paula Casey. The decision of Honorable Paula Casey never raised nor addressed fraudulent or potential fraudulent documents.

On April 16, 2004 Honorable Paula Casey Case#03-2-00263-9 Thurston County Superior Court for **unemployment compensation benefits** affirmed the decision basically ruling that the issue the PAB's decision of my termination on June 30, 2003. The decision of the Personnel Appeal Board constituted an error of law; was contrary to the evidence; and was arbitrary and capricious. Its findings constitute a disregard for the actual evidence that allegedly supported the conclusions reached by the board. The decision of the PAB was "**Clearly erroneous**".

On October 28, 2004, I appealed the **unemployment compensation benefits** Case#03-2-00263-9 Thurston County Superior Court decision to the Court of Appeal (Case # 31572-6-II Division II.). The Court Commissioner rendered a written decision affirming the superior court decision of Judge Paula Casey. Judge Paula Casey which is based the decision of the PAB was **Clearly erroneous**".

¹ See page 14, 15 Appellant's Brief filled Sept 2008,CP #9 case#07-2-02566-6 12-07 Doc#5 page 1-266 case#05-2-00708-4 April 2005

I have done further research. Following these decisions. I reviewed the CD recording and transcripts of the PAB hearing on April 16, 17, 2003 and the documents. I suspected the ESD's decision was tainted by fraudulent documents.

I therefore brought a separate tort action alleging unlawful dismissal, based upon my discovery of these tampered and fraudulent documents. ESD had utilized fraudulent documents to dismiss my employment. ESD staffs perjury at the hearing on April 16, 27, 2003.

Therefore on April 10, 2005, I filed an action against the ESD involving **fraud, perjury, retaliation and hostile environment workplace Case# 05-2-00708-4. at the Thurston County Superior Court** The action was dismissed by summary judgment. The Honorable Chris Wickham Thurston County Superior Court Judge dismissed my fraud claim on the ground that it had been raised in the PAB termination proceedings. However, **neither the PAB nor unemployment benefits case contains any reference to fraud**². This is because the issue *was not raised*. As I stated above, the fraud was not discovered until later after these two cases were terminated.

The Honorable Chris Wickham concluded that my arguments asserting fraud were barred due to the doctrine of collateral estoppel. However, a careful reading of the Honorable Chris Wickham decision fails to reveal any reference of fraud and perjury, retaliation, discrimination findings of fact or conclusion of law.

² PAB hearing on April 16,17, 2003 CP 98 PAB decision on June 30, 2003,Unemployment Compensation Benefits. Honorable Paula Casey Thurston County Superior Court Case#03-2-00263-9 April 2004 Court Appeal Case#315-72-6-II Oct 2004 for Unemployment Compensation Benefits.

In his findings he considered by the PAB and were barred because they had previously been litigated in the PAB appeal and Honorable Paula Casey **Case# 03-2-00263-9 for Unemployment Compensation Benefits.**

It was never raised nor addressed of fraudulent or of potentially fraudulent documents at the PAB hearing or Honorable Paula Casey hearing **Case#03-2-00263-9 unemployment compensation benefits.** Nor addressed perjury at the April 2006 with Honorable Chris Wickham decision. **Case #05-2-00708-4.**³

On July 6, 2006 I appeal the decision of Honorable Chris Wickham Case#05-2-00708-4 to The Court of Appeals **Case #33830-I-II Court Appeal in an unpublished decision.** The Court concluded that I arguments involving fraud were barred due to the doctrine of collateral estoppel based on the mistaken rationale of Judge Wickham.

My case has been toss out in the past misinformation, misstatement, by the evidence I presented in PAB hearing on April 16, 17, 2003 **Case 03-2-00263-9** Honorable Paula Casey for unemployment compensation benefits and in April 2005 lawsuit **Case#05-2-00708-4 Honorable Chris Wickham.**

The trial court erred in concluding the plaintiff's claims for conspiracy, based on fraud, had been previously claimed or litigated, in either the PAB, or Unemployment Compensation Benefits case.

On Dec 7, 2007, I filed a lawsuit against the Attorney General for conspiracy with the ESD and PAB in fraud and negligent infliction of emotional distress. Because ESD committed fraud, it action to terminate me was erroneous

³ Thurston County Superior Court ESD v Chau Steffanie case#05-2-00708-4 April 2005.
I appeal to the Court Appeal case#33830-1-II July 2006

as a matter of law, and was arbitrary and capricious, **its action toward me resulted in a distortion and corruption of the actual competent evidence.**

The Honorable Richard Hicks, Thurston County Superior Court Judge dismissed my action by granting the Attorney General's motion for summary judgment. He concluded I was proscribed from litigating my claims based on the doctrine of res judicata summary judgment.

According to Attorney General in Respondent's Brief on October 23, 2008 page 2: **"In addition, Ms.Chau added claims for perjury and negligent infliction of emotional distress."**⁴.

Once again AG protected the ESD **I included a claim of perjury in my April 2005 lawsuit case#05-2-00708-4 also see page 5 of Mr.Paul James states on brief on Oct 2008.**⁵ In 2007, I filed a lawsuit against the Attorney General, who conspired with ESD and the PAB to cover up fraudulent evidence and perjury, which caused me negligent infliction of emotional distress for the last 5 years I have lost. I shouldn't have to repay back my unemployment compensation benefits due to the fact that the ESD created fraudulent documents to support their termination of my employment.

The Attorney General, ESD and PAB staff manipulated the process. They should be accountable for their misbehavior. I believe in justice.

Here is a case of overkill, which reveals an agency, presumably bent upon protecting itself from the embarrassment of negative findings from the State

⁴ Reply brie of appellant case#33830-1-II page 7,16,20 on Feb 2006

⁵ Reply Responding Brief case#33830-1-II page 7, 15, 20

Auditor, driven to removing, at all costs by fabricated documents to dismiss a member of a protected class. This extreme and unnecessary behavior is not what members of the public expect from the many fine public servants working for the good of this state.

At this time the only thing I am sure of is the fact that when I go to sleep at night, I sleep with a clear conscience that I did nothing wrong. This could not be the same for the people who have stepped out of their way to cover up for their indiscretion by using me as their scapegoat, destroying an innocent person (One made to bear the blame for the mistakes or sins of others).

I suppose it is easier to bury small crumbs under the rug than it is an entire loaf of bread. An investigation of the upper crust would be an embarrassment to the State, where as this investigation only got rid of someone he or she knew could take a fall without causing to much commotion to the public.

The state has done me wrong, I am entitled to have a jury of my peers listen to my plea. Having to bear decisions based on false information, perjury and fraudulent documents has been very frustrating for me. *All I'm asking is for the Court of Appeals to carefully review the record to verify the mistakes that have prejudiced my ability to obtain justice.* To be able to distinguish between right and wrong and to recognized the mind quality of ESD, PAB and AG actions.

If conspiracy, fraudulent, misleading the information of evidence, perjury, discrimination, retaliation and hostile environment workplace are legal then the state will walk away from this free of consequence. I pray that you do not let this happen I need to know in my mind that I did not do this injustice.

All political power is inherent in the people and government derives their just power from the consent of the governed and is established to protect and maintain individual right **Wash Const art 1.**

In the American government everyone is a citizen, powerful leaders must obey the law. Individual or group cannot twist or bypass their services of their own interest.

I respectfully urges the Court Appeal to reverse the decision of the Honorable Richard Hicks, Thurston Superior Court Judge, denying the right to go to trial on the tort claim emanating from being summarily dismissed by the ESD I relies on RAP 13.4(b)(4).

I pray that GOD's will be deeply rooted and planted in your heart to make the right decision.

II. COUNTER STATEMENT OF ISSUES

The issue before the court boils down to whether I did or could have I Litigated the Claim of fraud in my appeal of termination hearing before the Personnel Appeal Board.

Additionally ESD staff perjury themselves at the PAB hearing on April 16, 17, 2003. My case has been dismissed based on misinformation, misstatement and overlooking the evidence.

III. STATEMENT OF THE CASE

After I had worked for the State of WA for 20 years, 16 of which were with ESD, the ESD terminated my employment effective April 29, 2002. The ESD charged me with neglect of duty, incompetence, insubordination, and gross misconduct.

I was only following the directions of Mr. Hanson, my colleague, and my supervisors, as I had been doing for the six years I worked there. My supervisor approved my work. She watched me like a hawk, and examined a great deal of my work with a fine –toothcomb (CP doc#9 p 54-67,71,72 and p 74-82).⁶

According to Attorney General in Respondent’s Brief on October 23, 2008 page 2 last paragraph: “

From the period July 1996 through Sept 2001 there was no issue related to my performance. The final performance evaluation from July 1999 through Sep 2001 were never signed by both my evaluator and me, thus leaving those evaluations incomplete and incompetent evidence.

The PAB held a hearing on April 16, 17, 2003. The decision of the PAB affirming my termination, was entered “clearly erroneous” on June 30, 2003.

The decision of the PAB was erroneous as a matter of law, was contrary to the evidence, and was arbitrary and capricious. It’s finding constitute a disregard

⁶ Appellant’s brief Sept 2008 page 12,13

for the actual evidence, which does not support the conclusion reached by the board.

On April 16, 2004 Honorable Paula Casey **case#03-2-00263-9** **unemployment compensation benefits** affirmed the decision basically ruling that the issue the PAB's decision of my termination on June 30, 2003. **No issue of fraud was raised or addressed, however, the ESD used fraudulent documents to dismiss me. Additionally ESD staff perjured themselves at the PAB hearing on April 16, 17, and 2003.**

The decision of the PAB constituted an error of law, was contrary to the evidence, and was arbitrary and capricious. Its findings constitute a disregard for the actual evidence that allegedly supported the conclusions reached by the board. The decision of the PAB was **"Cleary erroneous"**.

I appeal Judge Paula Casey decision case#03-2-00263-9 to The Court of Appeals on July 6, 2004 case#31572-6-II **for unemployment compensation benefit**, at that time I was not aware the ESD had used fraudulent to dismissed my employment, Oct 28, 2004 The court appeal rendered a written decision affirming the ESD's denial of my claim for unemployment compensation benefits (which is based the decision of the PAB and the Honorable Paula Casey was "Cleary erroneous").

According to Court Appeal for case#31572-6-II page 2 , Thurston Superior Court case# 03-2-00263-9 Unemployment Compensation Benefits.

According to its decision, the ESD denied my claims for unemployment compensation benefits findings hat I had been terminated for misconduct, and for

“my actions in attempting to covertly correct my mistake by presenting misleading information”. **I was given incorrect information from Mr. Hanson, Ms. Kristofferson and Ms. Meixsel created \$12 million in errors.**

According to Court Appeal for case#31572-6-II page 2 “the court wrote that the record indicated that I was repeatedly advised of the need to report transaction accurately; and that both my July 1996 through Sept 2001 performance evaluation refereed to problem with accurate reporting”

The findings is misleading the information see CP#9 page 39 and 40 July 1996-Sept 1999 in the evaluation demonstrate I had a good records.

The findings are misleading the information see CP#9 page 26,27,35,38,44 and 45 July 1999-Sept 2001 in the evaluation demonstrate. I was contested, because I disagreed with my supervisor’s comment. Therefore the final evaluation was never signed. I do not have a bad evaluation July 1999-Sept 2001 contrary to the ESD’s accusation.⁷

According to Court Appeal for case#31572-6-II page 3 for unemployment compensation benefits (Thurston Superior Court case# 03-2-00263-9) “the court wrote that the record indicated, “Chau also received training in ESD accounting procedures and possessed a copy of the payment system manual”.

This finding is misleading. Once again ESD puts forth incomplete and misleading the information in fact, I’m not the only one is received training in the ESD. This training is standard for all fiscal and treasury staffs. There were 10 people in that class.

⁷ Court Appeal Reply Respondent Brief Feb 2006 case#33830-1-II page 13 and Appellan’s Brief on Sept 2008 page 30

Therefore on April 10, 2005, I filed a lawsuit against the ESD involving fraud, perjury, retaliation and hostile environment workplace Case# 05-2-00708-4. My original tort case was dismissed when the Honorable Chris Wickham, Thurston County Superior Court Judge granted the ESD' motion of summary judgment.

The court mistakenly concluded my claims, including that of fraud had been considered by the PAB and were barred because they had previously been litigated in the PAB appeal. In fact the PAB never considered such a claim, because at that time I had not discovered the evidence upon which I claim is based.

BLACKLAW DICTIONARY: FRAUD

“Concealment of a material fact to induce another to act to his or her detriment”.

“A scheme of Fraud could be depriving other of their intangible right to honest services”

Article 1 section 9 of the constitution the principle of Limited Government is also closely related to the “rule of law”.

In the American government everyone is a citizen, powerful leaders must obey the law. Individual or groups cannot twist or bypass their services of their own interests.

PERJURY

According to verbatim report of proceedings Honorable Chris Wickham (page 9) CP 9 at 32-33, I contended that I quote “ Mr. Trause & Mr. Lee Rollee perjury “⁸

Page 23 its states “so you mean they can perjury themselves?”

Page 4,5, and 6 “Attorney General states “we would ask the court to disregard any reference to the struck documents or exhibit that are found in those briefing or in her oral argument”.

Page 7 “With respect to discrimination, there are no facts in the record which established a prima facie case of discrimination”. With respect to discrimination there are no facts in the record which established a prima facie case of discrimination” However, there are facts in the record of discrimination. **No disciplinary action was taken against Ms.Meixsel, Ms. Kristofferson and Mr. Hanson. I was the only one been dismissed from my employment.**⁹

In the last paragraph on page 7 of the verbatim report of proceedings of **Honorable Chris Wickham, it states** “ Plaintiff made numerous accounting errors in her position” No records show I have made numerous accounting errors. I was given incorrect information from Mr. Hanson. His supervisor admitted at the hearing on April 16, 17, 2003 Tim made a mistake¹⁰.

⁸ Reply Respondent brief case#33830-III page 16,20

⁹ CP #9 P 24,27,30 and P 70 and my Appellant Brief on page 14

¹⁰ CP 9 page 27,30 and page 70 and my appellant brief

On page 20 of CP9, Judge Chris Wickham Verbatim report of proceeding concludes, **“even if this were a brand new discrimination. I think it’s a re-presentation of the original PAB claim”** and Page 22 **“ I don’t see that this case is different from the issues that were presented to Honorable Paula Casey case# 03-2-00263-9 unemployment compensation benefits”** As I mention above. PAB order on June 30, 2003 was **clearly erroneous**.

On page 23 Judge Chris Wickham Verbatim reports of proceeding states **“No. I’m not saying the state didn’t do some things that were wrong. They may very well have done improper things”**.

On July 6, 2006 I appealed the decision of the Judge Chris Wickham case# 05-2-00708-4 to the Court Appeals case# 33830-1-II in an unpublished decision court affirmed summary judgment in favor of ESD. The Court concluded that I arguments involving fraud were barred due to the doctrine of collateral estoppel.

According to the Respondent Brief on Oct 23, 2008 page 3 2nd paragraphs.

On Dec 7, 2007, I filed this lawsuit against the Attorney General for conspiracy with the ESD and the PAB, alleging that fraud caused me negligent infliction of emotional distress for the last 5 years. I should not have to repay my unemployment compensation benefits. Because ESD involves fraudulent to dismissed my employment, discrimination, retaliation and an hostile environment workplace and PAB decision was erroneous as a matter of law, was contrary to

the evidence and was arbitrary and capricious, its finding constitute a disregard for the actual evidence.

Once again AG stepped out of their way to cover up ESD, PAB errors the evidence shows that I did include perjury in my April 2005 action in my lawsuit. Please see page 5 Mr.Paul James states on his brief on Oct 2008.¹¹

My case has been dismissed based upon misinformation, misstatement, and overlooking the evidence. **I presented in the PAB hearing April 16, 17, 2003, Judge Paula Casey case #03-2-00263-9 on April 2004 for unemployment compensation benefits and I appeal to Court Appeal case#31572-6-II on Oct 2004 for unemployment compensation benefits, Judge Chris Wickham on April 2005 case#05-2-00708-4 for fraud, perjury, discrimination, retaliation workplace I appeal to Court Appeal case#33830-1-II in unpublished decision. Judge Richard Hick case for AG conspired with ESD and PAB caused me infliction emotional distress.**

Please don't let false statements, false information from ESD, PAB and Attorney sway your decision, because ESD used this fraudulent to dismiss my employment. ESD has caused me great distress, humiliating me in the community I live in. They put a hole in my heart. What they did was cruel and they took part of my soul for the last 5 years. I shouldn't repay my Unemployment Compensation Benefits because ESD involved fraudulent to dismiss my employment.

¹¹ Thurston County Superior Court Case#05-2-00708-4 April 2005

IV. STANDARD OF REVIEW

I accept the respondent's statement of the standard of review. The issue Remaining before the Court is whether res judicata applies to my fraud claim. The Court review of this issue is de novo. The court must consider the facts in the light most favorable to the nonmoving party, and the motion should be granted only if, from all the evidence, reasonable persons could reach but one conclusion. *Marincovich v Tarabochia*, 114 Wn.2d 271, 274, 787 P.2.562. (1990).

The lower court's decision was improper and must be reversed as a matter Of law, because I did not, nor could not raised the fraud issue before the PAB. I did not discover the facts that would have allowed me to raise that issue until after that proceeding, and any appeals relating to that proceeding had culminated.

Please don't let false statements sway your decision. ESD used this Fraudulent to dismissed my employment. The ESD staff perjured themselves at The PAB hearing on April 16, 17, 2003 and additionally the ESD presenting Misleading information, misleading evidence to the PAB hearing, and PAB Official stated one thing at the hearing on April 16,17, 2003 but the order on June 30, 2003 stated otherwise.¹²

V. ARGUMENT

The trial Court's judgment is invalid because of its erroneous assumption that I had made a claim that the ESD utilized fraudulent documents to terminate

¹² CP at the PAB hearing on April 16, 17, 2003

my employment. I did not. The superior court reviewing the PAB's decision did not rule on such a claim, because it had never been made. I was **unable** to raise such a claims at the PAB hearing. I was absolutely unaware of the potential ESD created fraudulent documents to dismiss my employment.

The Honorable Paula Casey Thurston County Superior Court Judge concluded for unemployment compensation benefit case#03-2-00263-9 on April 2004. There is no reference in Judge Casey's decision to an issue of fraud, nor could there have been, because her decision was except for circumstances not present here, confined to the record of the PAB hearing. RCW 34.05.476(3).558.

The Honorable Paula Casey, Thurston County Superior Court affirmed the PAB's decision terminating my employment. The record clearly shows that Judge Paula Casey ruled on the **PAB decision, which is clearly erroneous.**

There is no reference in Judge Casey's decision to an issue of fraud, nor could there have been, because her decision was, except for circumstances not present here, confined to the record of the PAB hearing RCW 34.05.476(3).558. The record in that proceeding contained no evidence of or allegation of fraud and **the evidence was misinformation and misleading evidence.**

The Court of Appeals, in affirming the dismissal of my tort suit, compounded the error by incorrectly assuming that the fraud issue had been litigated before the Honorable Judge Paula Casey. The Court mistakenly declared in its decision¹³

I have never had the opportunity to have my fraud, perjury claim reviewed by jury of my peers. The Attorney General, who should know better, has thus far

¹³ Court Appeal case#31572-6-II Oct 2004 page 2,3

failed to recognize the injustice that has occurred against me. I respectfully request this Court to exercise its power of de novo review to scrutinize this matter, and rule as a matter of law that the doctrine of res judicata does not apply to bar me from bringing my fraud, perjury claim in April 2005 lawsuit. (Fraud, Perjury, Discrimination and Retaliation) before an impartial jury.

CONSPIRACY

The Attorney General (Mr. John A Level) conspired with ESD's and PAB's. The Court has authority to address Attorney General (Mr. Level and Mr. James) cover up (conspiracy with ESD and PAB) **chapter 38.38.644.69.60.407** and chapter **9.22 RCW 69.50.407** to the Common Law of the State of Washington. The Court has jurisdiction over the subject matter of this action **WAC 260-80-050.**

601 Statutory definition "Conspiracy is committed when a person, acting with intent that conduct constituting a crime be performed agrees with someone else to engage in or cause that conduct". Conspiracy and attempt Act RCW 69.50.407.

602 History of statute Conspiracies a gross misdemeanor, regardless of the crimes **9A.28.040** criminal conspiracy 1,2 & 3. Attorney General (Mr. Level) conspiracy with PAB personnel Appeal Board (PAB) and Employment Security Dept (ESD) covered up ESD errors by involved Fraudulent documents and at the PAB hearing on April 16,17, 2003 ESD staff's witness perjury themselves.

I shouldn't have been dismissed my employment and I shouldn't have to pay back my Unemployment Compensation Benefits because ESD and PAB staff "deliberate" committed and conspired to destroy an innocent person. It was the most humiliation embarrassment experience of my life.

The Honorable Chris Wickham case#05-2-00708-4, Thurston County Superior Court judge concluded that the Honorable Paula Casey of the same court had considered my termination based on PAB decision THAT WAS an error.

I have never had the opportunity to have my fraud; perjury claim reviewed by a jury of my peers, The Attorney General, who should know better, has thus far failed to recognize the injustice that has occurred here. I respectfully request this Court to exercise its power of de novo review to scrutinize this matter, and rule as a matter of law that the doctrine of res judicata does not apply to bar me from bringing my fraud, perjury claim in April 2005 lawsuit. (Fraud, Perjury, Discrimination and Retaliation) before an impartial jury.

I'm asking the Court Appeal to rehear my lawsuit alleging torture of my claims. Attorney General (Mr. John A Level) conspired with Personnel Appeal Board (PAB) and Employment Security Dept (ESD) involved fraudulent documents and Perjury, misinformation at the hearing on April 16, 17, 2003.

I shouldn't have been dismissed my employment and I shouldn't have to pay back my Unemployment Compensation Benefits because ESD and PAB staff "deliberate" committed and conspired to destroy an innocent person. It was the most humiliation embarrassment experience of my life.

The Court has authority to address the underlying ESD fraudulent issue here under **Rap 13.4(b)(4) and RCW 9.38.020, 9.45.211**. The ESD used fraudulent severely prejudiced my case.

The Court has authority to address the underlying perjury and misleading evidence issue raised here under **RCW 9.72.010 RCW 9.72.050, RCW 5.28.060 and RCW 5.28.020**. ESD staff perjury themselves at the PAB hearing on April 16,17, 2003.

The Court has authority to address the issue whether the action of the ESD in termination my employment in violation of Washington's Law against Discrimination chapter **49.60.RCW**.

Personnel Appeal (PAB) fraud never raised at the hearing, however a careful reading PAB decision fail to reveal any reference to fraud, perjury, misinformation. (**Case#03-2-00263-9 Thurston County Superior, appeal to Court Appeal Case#31572-6-II Unemployment Compensation Benefits**). (**Case#05-2-00708-4 Thurston County Superior appeal to Court of Appeal Case#33830-1-II Fraud, Perjury, Discrimination, Retaliation**).

Attorney General, who conspired with the ESD and the PAB to cover up fraudulent evidence and perjury, caused me infliction of emotional distress for the last 5 years I have lost. I should not have to repay back my unemployment compensation benefits due to the fact that the ESD created fraudulent documents to dismiss my employment.

If conspiracy, fraudulent, misleading, perjury, discrimination, retaliation and creation of a hostile environment workplace are **permitted here** then the state

will walk away from this free of consequence. I pray that you do not permit this to happen I need to know in my mind that I did not do this injustice.

The ESD and the PAB and the Attorney General have through their careless actions related to my termination caused me infliction emotional distress. I have unjustly been single out as the scapegoat for careless accounting practices. I have been the subject of unfair discipline. I'm entitled to my claims and the date in court.

VI. CONCLUSION

The Court should reverse the decision made by Thurston County Superior Court and enter a judgment to return to me my Unemployment Compensation Benefits and reinstate my employment). Based upon the facts I presented to the court.

RCW 5.28.020, RCW 5.28.060, RCW9a.28.040 (1,2&3), RCW 9.38.020, RCW 9.45.211, RCW 9.72.010, 9.72.050, RCW 49.60 AND RCW 69.50.407.

The ESD created fraudulent documents to support its termination dismisses of my employment. Neither the facts, nor the law supporting the fraud claim have been previously considered or examined in any of the prior litigation involving my termination.

The lower court's judgment is invalid, because of its erroneous conclusion that the lower tribunals had considered the issues of whether the ESD's used fraudulent documents to terminated my employment.

My case has been tossed out in the past due to misinformation, misstatement, by the evidence I presented at the PAB hearing on April 16, 17, 2003, Thurston County Superior Court on April 2004 with Judge Paula Casey for unemployment compensation benefits case #03-2-00263-9. I appeal to the Court Appeal on Oct 2004 case#31572-6-II. And Case# 05-2-00708-4 Thurston County Superior Court on April 2005 with Judge Chris Wickham. I appeal to the Court Appeal on Oct 2006 (**unpublished**) for the fraudulent, perjury, discrimination, and retaliation workplace.

The decision of the trial court to grant summary judgment on the issue of fraud must be reversed. The Attorney General, the ESD and the PAB staff manipulated the process. They should be accountable for their misbehavior. I believe in justice. The defendants manipulated the process.

If conspiracy, fraudulent, misleading, perjury, discrimination, retaliation and hostile environment workplace are **permitted here** then the state will walk away from this free of consequence. I pray that you do not let this happen I need to be affirmed that I did not cause this injustice.

Dated this 25 day of November 2008

Steffanie Kim Chau



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PROOF OF SERVICE

I Steffanie Kim Chau that on November 25, 2008 I serve a copy of this document the Appellant's Reply Brief Papers on all parties or their counsel of record on the date below as follows

US mail Postage to Court of Appeal and Attorney General of Washington State to Mr. Paul F James.

I certify under penalty or perjury under the laws of the State of Washington that the forgoing is true and correct.

Date this Nov 25, 2008 at Olympia WA

Steffanie Kim Chau



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