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## JOHN V. BERRY

### FOUNDING PARTNER

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Mr. Berry is the founding partner and represents federal employees, government contractors, employers, state employees, federal intelligence agency employees, law enforcement officers, firefighters, private sector employees, in various employment, labor and national security law matters.

Mr. Berry's primary practice areas include disciplinary action defense, security clearance defense, administrative investigations, and equal employment opportunity (EEO) claims. For federal employees and government contractors, Mr. Berry represents them nationwide in federal disciplinary actions and security clearance appeals. Mr. Berry frequently defends federal employees in proposed removals, proposed suspensions, and performance matters before their respective agencies; represents federal employees in appeals before the Merit Systems Protection Board (MSPB); represents individuals in Equal Employment Opportunity (EEO) complaint matters before respective federal agencies and the Equal Employment Opportunity Commission (EEOC); and represents federal employees and government contractors in security clearance matters before the Department of Defense Central Adjudication Facility (DoDCAF) and the Defense Office of Hearings and Appeals (DOHA). In addition, Mr. Berry represents security clearance holders before all federal agencies (DoS, DoD, DoE) and those federal agencies within the Intelligence Community (NRO, NGA, CIA, DIA, NSA).

Mr. Berry has represented hundreds of individuals in administrative investigations conducted by agency investigators, inspectors general (IG), internal affairs unit investigators and before the Office of Professional Responsibility (OPR) of various federal agencies. Mr. Berry also represents private sector, state, county, and municipal employees in the Commonwealth of Virginia, Maryland, and the District of Columbia in various types of investigations, county and state grievance procedures, disciplinary actions, whistleblower issues, and equal employment opportunity (EEO) matters.

Mr. Berry previously served as the General Counsel to the United States Park Police and United States Capitol Police Federal Labor Unions representing law enforcement officers in disciplinary, wage and security clearance matters. Mr. Berry has also served as counsel for local businesses involving issues related to wage and hour matters, Human Resources Policy development, and employment legal defense. He is a security clearance lawyer and member of the [Security](#)

## [Clearance Lawyers Association.](#)



Mr. Berry has been interviewed on radio and television networks, like CNN, and written and commented on articles for news organizations such as the Washington Post and others. He has taught continuing education courses for lawyers in his practice areas. He has written several published legal articles on various topics regarding employment and labor law as well as security clearance law. He authors four of the firm's informative legal blogs involving MSPB appeals, security clearance matters, federal employee employment issues and Virginia employment law. These legal blogs are located at: [www.mspb-lawblog.com](http://www.mspb-lawblog.com), [www.securityclearanceblog.com](http://www.securityclearanceblog.com), [www.employmentlawvirginia.com](http://www.employmentlawvirginia.com), [www.federalemployeelawblog.com](http://www.federalemployeelawblog.com) and [www.securityclearancelawyer.com](http://www.securityclearancelawyer.com).

In addition, he was the Editor-in-Chief of the District of Columbia Bar Labor and Employment Law Newsletter and served as a guest speaker for Continuing Legal Education (CLE) seminars on administrative, employment and labor law issues. Mr. Berry frequently provides legal guidance and training to Human Resources personnel of companies, nonprofit entities, and labor union representatives.

In 2009, Mr. Berry was elected by his peers to the D.C. Bar Labor and Employment Law Section's Steering Committee. The Committee works to advance the professional development and competence of its members by offering educational programs and publications in the substantive law fields of labor and employment law, as well as areas of practice and procedure. Since 2014, Mr. Berry has served as co-author of the firm's legal articles on [RestonNow](#) and [ArlingtonNow](#). Also, in 2018 Mr. Berry began to serve as co-author of the firm's legal articles on the Tysons Corner news website, [Tysons Reporter](#). Mr. Berry's Twitter account can be found [here](#).

## Legal Articles

- ▶ Representing Federal Employees in Misconduct Investigations
- ▶ How do Employees Prove a Hostile Work Environment?
- ▶ Keys to Suitability Appeals for Federal Employees and Applicants
- ▶ The Whole-Person Concept in Security Clearance Cases
- ▶ Filing Sexual Harassment Complaints in Virginia
- ▶ Final Wages Owed to Virginia Employees Must Be Paid
- ▶ Fairfax County Office of Human Rights Complaints



- ▶ Responding to the Statement of Reasons in a Security Clearance Matter
- ▶ Wrongful Termination in Virginia
- ▶ Employee Access to Personnel Files in Virginia
- ▶ Security Clearance: The Duty to Self-Report
- ▶ Are You Representing Yourself At The MSPB?
- ▶ Changes to Employment Sexual Orientation Laws and Enforcement
- ▶ Disclosing Criminal Violations in the Security Clearance Process
- ▶ The Importance of Discovery During an MSPB Appeal
- ▶ Filing Complaints at the Office of Special Counsel
- ▶ Psychological Conditions and Security Clearances
- ▶ What to Expect During an MSPB Hearing
- ▶ Responding to Proposed Disciplinary Actions
- ▶ Requesting Reconsideration After a Security Clearance is Denied
- ▶ Due Process Issues in MSPB Cases for Federal Employees
- ▶ The MSPB Pre-Hearing Process
- ▶ 8 Tips for the Security Clearance Process
- ▶ Appealing a Final Federal Agency Decision: MSPB vs. Arbitration
- ▶ 8 Tips When Facing Virginia Employment Law Problems
- ▶ Meeting With Security Clearance Investigators
- ▶ Taking Depositions of Relevant Witnesses at the MSPB
- ▶ Virginia's Grievance Process for State Employees
- ▶ A Summary of the Security Clearance Appeals Process
- ▶ Seeking Information Regarding Security Clearance Incident Reports
- ▶ A Federal Employee's Guide to Burden of Proof Issues at the MSPB
- ▶ Polygraph Examinations for Federal Employees and Contractors
- ▶ The Importance of Properly Completing Security Clearance Forms
- ▶ Indefinite Suspension for Federal Employees
- ▶ The Completion and Submission of an MSPB Appeal
- ▶ Performance Improvement Plans for Federal Employees
- ▶ The Douglas Factor Defense for Federal Employees

## Education

### Graduate School

- ▶ George Washington University School of Law, LL.M., Litigation and Dispute Resolution, 2000

### Law School

- ▶ University of Detroit School of Law, J.D., 1997
  - ▶ Executive Editor of the *Law Review*

### Undergraduate School

- ▶ University of Michigan, B.A., 1993

## Bar Admissions

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- ▶ District of Columbia
- ▶ Virginia
- ▶ Maryland
- ▶ New York
- ▶ Michigan

### **Court Admissions**

- ▶ U.S. Court of Appeals for the Federal Circuit
- ▶ U.S. Court of Appeals for the District of Columbia Circuit
- ▶ U.S. District Court, District of Columbia

### **Federal Agency Practice**

- ▶ Department of Defense Consolidated Adjudications Facility (DoD CAF)
- ▶ Merit Systems Protection Board
- ▶ All Federal Agencies for Disciplinary, Adverse and Performance Actions
- ▶ Defense Office of Hearings and Appeals
- ▶ Intelligence Community (IC) Security Clearance Appeals
- ▶ All Federal Agency Security Clearance Appeals
- ▶ Office of Special Counsel
- ▶ Equal Employment Opportunity Commission
- ▶ Office of Inspector General

### **Memberships & Affiliations**

- ▶ Security Clearance Lawyers Association
- ▶ D.C. Bar Labor and Employment Law Section
- ▶ Metropolitan Washington Employment Lawyers Association

### **Seminars & Lectures**

- ▶ The Intersection of Security Clearances and Family Law, CLE Instructor, Fairfax Bar Association (Dec. 2017)
- ▶ Council on Education & Management, Employment Laws and How They Impact Human Resources Management
- ▶ Shop Steward Training, an Introduction to Federal Labor Concepts