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March 1, 2007

Contact:
Jackie Clark
(301) 987-7113

**CATHOLIC PRIEST REINSTATED AT NIH
AFTER PROVING CASE OF
RELIGIOUS DISCRIMINATION:
*Veteran Chaplain Fired for Advocating Spiritual
Care for Catholic Patients***

WASHINGTON, DC – March 1 – A Catholic chaplain who has been responsible for ministering to patients at the National Institutes of Health Clinical Center has been reinstated after proving that he had been fired for his Catholic beliefs, attorneys from Kator, Parks & Weiser, PLLC, announced today. In a February 23 decision the Merit Systems Protection Board wrote “We concur in and adopt the Equal Employment Opportunity Commission’s finding that the agency discriminated against the appellant on the basis of religion and retaliation for equal employment opportunity activity.”

In discussing the ruling, lead attorney Irving Kator said, “Here a government agency was punishing a Catholic priest for embracing his religion. It’s truly an astonishing abuse of his first amendment rights, and raises questions about why a taxpayer-funded government organization would be dictating to a clergyman how he should be practicing his faith.”

At the heart of the case is the concept of “Generic” or Multi-Faith Chaplaincy, a practice that calls for clergy to direct religious services of persons outside their own practicing faith. According to the records in the lawsuit, beginning in 1999 Father Henry Heffernan repeatedly raised concerns about the incongruence between the practices and teachings of the Roman Catholic faith and the practices, including the concept of multi-faith chaplaincy, advocated by his immediate supervisor. For example, he noted that under the multi-faith concept, a non-Catholic could minister to Catholic patients. The Roman Catholic Church has very strict requirements surrounding its teachings, and Father Heffernan believed that he would be compromising his faith by permitting this type of chaplaincy for Roman Catholic patients.

While NIH argued that it had terminated Father Heffernan for, among other things, failing to attend entry level continuing education programs, the EEOC found otherwise. Specifically, the EEOC found that:

“A preponderance of the evidence establishes that the Supervisor's decision to discharge complainant based on the failure to comply with the training certification requirement was motivated by discriminatory and retaliatory animus.”

The EEOC decision went on to document animosity at NIH towards Roman Catholics including:

- Testimony from a contract chaplain who stated that the Supervisor would joke about Roman Catholic priests being pedophiles. She also testified about a conversation in which the Supervisor stated he "would never hire another Roman Catholic priest again”
- Another chaplain who testified that Heffernan’s supervisor boasted that he had a degree in psychology and that he had done things to provoke Father Heffernan in order to get rid of him;
- The contract chaplain said Father Heffernan’s supervisor told her that he instituted the continuing education requirement "to get rid of Father Heffernan.”

Father Heffernan, a graduate of Gonzaga College High School, has been a priest for 45 years. He served as Chaplain, GS-0060-12 at the agency's Spiritual Ministry Department, Warren G. Magnusson Clinical Center at the National Institutes of Health in Bethesda, Maryland. He was supervised by the Chief, Spiritual Ministry Department who was also a Methodist minister. On October 5, 2006 the EEOC issued its decision finding discrimination had occurred. The Merit Systems Protection Board issued its ruling on February 23, and Father Heffernan should be returning to work on March 15.

Concluded Kator, “In today’s environment where everyone should be sensitive about the need to respect a wide array of religious beliefs, it is outrageous that an employee at a government agency would target someone for nothing more than embracing his own faith.”

KATOR, PARKS & WEISER, PLLC is a Washington, D.C. based law firm with a civil practice in employment law, and a special concentration on employment law involving Federal employees. The case was litigated by founding member Irving Kator and Cathy Harris. Currently the firm is also representing a Rabbi who was fired by the same management after he testified in support of Father Heffernan.

For more information or to read the decisions visit <http://www.katorparks.com/heffernan.htm>