

Immigration Judge Who Violated the Hatch Act Fined \$1K with 30-Month Debarment from Federal Service

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WASHINGTON, D.C./September 17, 2019 – The U.S. Office of Special Counsel (OSC) today announced that an Administrative Law Judge (ALJ) on behalf of the Merit Systems Protection Board (MSPB) has imposed significant disciplinary action against Carmene “Zsa Zsa” DePaolo, an immigration judge formerly employed by the U.S. Department of Justice who violated the Hatch Act from the bench. The ALJ’s decision sides with OSC, finding that DePaolo violated the Hatch Act when she promoted then-Presidential candidate Hillary Clinton’s plan for immigration reform during a deportation hearing over which DePaolo presided in March 2016.

The individual at the immigration hearing was facing deportation and a subsequent ten-year bar on reentry into the United States, which DePaolo called “a pretty harsh thing” that Clinton intended to change, provided “the Senate becomes a Democratic body and there’s some hope that they can actually pass immigration legislation.” DePaolo said the Republicans, on the other hand, “aren’t going to do anything” about immigration “if they can help it,” other than to “try to deport everybody.” The hearing was open to the public.

In the decision, the ALJ finds DePaolo’s actions merit “a considerable sanction given the public nature of her position.” The decision imposes a fine of \$1000, the maximum possible civil penalty, along with a 30-month debarment from federal service since DePaolo has since retired.

The decision states:

“Respondent’s actions raises the specter that this nation’s courtrooms are partisan, and that judges consider political platforms when advising litigants. The very nature of her offense politicizes the judiciary and the federal workforce and militates toward a more severe sanction.... This conduct sends a bad message to subordinates, and possibly instills the notion that political activity is allowed at work. If a judge can say it from the bench, what stops other employees from making these statements in the office?”

Special Counsel Henry J. Kerner: “We are very pleased with the outcome of this case and believe the significant disciplinary action imposed against Judge DePaolo is appropriate and warranted.”

In June 2018, OSC [filed the Complaint](#) charging DePaolo with violating the Hatch Act’s prohibitions against engaging in political activity while on duty or in the federal workplace and using her official authority or influence to interfere with or affect the result of an election.
