

To:

California Unemployment Insurance Appeals Board
Employment Development Department
UI Center Pacific Center
PO Box: 1041
Atwood, CA 92811-1041

From:

Ashwin Dixit
2625 Rio Vista Drive
Bakersfield, CA 93306



Date: 2023/06/25

Subject: Appeal of EDD's UI benefit decision for Ashwin Dixit

Greetings,

My name is Ashwin Dixit. Here is a letter giving reasons why I am appealing EDD's recent decision to deny my UI benefits claim.

From June 18, 2022, to January 31, 2023, I worked as an employee of Gray Digital LLC.

Gray Digital is a contractor for AFS (Accenture Federal Services).

AFS is a contractor for the Department of Veteran Affairs (VA).

Effectively, I was working as a Perl/Web Developer (Software Engineer) on the VA's Digital G. I. Bill project.

During onboarding, I provided detailed information about my background (education, employment, residences, marital history, finances etc.) to the NBIS (National Background Investigation Service) which investigated me for over 3 months. The investigation included an hour-long in-person interview with an agent of a federal investigation agency. After this process, I was granted a Public Trust clearance.

Ashwin Dixit, SSN: 

Page: 1

As a Web Application Developer, I was initially on the [REDACTED] team, until the AFS leadership decided to pause work on the [REDACTED] project, and spin off a sub-project called [REDACTED]. I was moved to [REDACTED] where I spent over a month as a solo team member, while the AFS leadership re-adapted their plans.

During this time I:

- took charge and proactively reified this project.
- gathered requirements which were nebulous at that stage.
- translated the requirements into an overall technical design for the web application.
- wrote documentation and specifications.
- created an automated test framework to improve the reliability of the delivered software.
- rapidly implemented a working Front-End (User Interface) for the web application, much ahead of schedule.

All this work was done mostly solo and in parts, on my initiative. My Team Lead, Mrs. Deepika Sahay (AFS) gave me a gift certificate to recognize my work.

As new team members were onboarded, I helped orient them to our mission and provided technical guidance. I coached junior team members, taught them new technologies, and encouraged them to give presentations. I was also involved with making technical and architectural decisions with my Team Lead, as well as writing code every day. Overall, I was a productive, proactive, and enthusiastic member of the team who deeply cares about the mission of serving our veterans better.

However, around this time things were going wrong between me and Gray Digital.

After working with the AFS HCD (Human Centered Design) team for a while, I made some requests of them in my capacity as a Software Engineer on the same project. The HCD team was using a closed software process, instead of open Internet standards. I pointed out that not using open standards was greatly harming the project in terms of time, money, and product quality. For days, I politely persisted in trying to engage the HCD team in productive dialog to address this egregious problem, but to no avail.

Ashwin Dixit, SSN: [REDACTED]

Page: 2

Then I sent out an email to some relevant teams, including the HCD team, discussing the issue in fairly objective terms. AFS met me with silence. Mr. Randall Weidberg (CEO, Gray Digital) told me in a private video call that if I wanted to continue working there, I had to write an apology.

I was aghast, and felt like I had done nothing wrong here. This was economic coercion, and I just didn't have the courage to stand up to it. So I wrote an apology in which I expressed regret if I had hurt feelings. Further, I tried to convey that we were all just functionaries of our respective roles and should be motivated more by our common goal, and less by ego. I conveyed that my aim was to improve the overall quality of the product we were building together, and provide good value to our veterans and taxpayers. This apology appeared to mollify everyone.

I had taken a \$20K/year pay cut (documented proof of alternate offer provided on request) to join Gray Digital, because Gray Digital advertised "Unlimited Vacation" on their web site. (<https://gray.digital/>)

However, when I applied for a Christmas vacation for 2022, Gray Digital denied the request, even though it had been formally approved by AFS.

Mr. Randall Weidberg (CEO, Gray Digital) told me I should read my contract, and that there really was no "Unlimited Vacation".

I persisted, and explained how I had left a better paying job because of how Gray Digital had represented itself. I insisted that at least the wording on the web site be changed to not say "Unlimited Vacation".

Mr. Weidberg told me that the policy would be changed.

So I accepted 10 days without pay for Christmas 2022, and dropped the matter.

Months passed, and the wording on the web site remained the same.

So I messaged Mr. Weidberg over a private Slack channel and asked him when the wording would change. Mr. Weidberg started completely ignoring my messages. Finally, Mr. Weidberg posted a vacation policy to me in a private Slack message. This policy was more consistent between the benefits it promised and the benefits Gray Digital actually delivered. Again, I was satisfied, and dropped the matter.

Time went by, and the policy Mr. Weidberg had posted to me in private, still did not match the policy on the web site. After mentioning this to Mr. Weidberg in a private channel, I was met with silence again. I felt "gaslighted" to use an informal term.

I was emotionally stressed, because not only was I working hard for AFS, I was being shortchanged by Gray Digital. I sought therapy, and had several sessions with a counselor. I also sought medical help, as my left pinky finger was going numb.

On Tuesday, January 31, 2023, I brought up the policy issue politely, in a public Slack channel for Gray Digital employees. In a matter of minutes, my message was deleted from Slack, and I was abruptly disconnected from Slack. Mr. Weidberg called me and told me to read my contract, and said that Gray Digital could basically change the terms at will. Mr. Weidberg then asked me if I still wanted to work for Gray Digital. I replied that I did, but under fair conditions.

Within the hour, Mr. Weidberg called me and told me that it was my last day at Gray Digital. I told Mr. Weidberg that I would be going fully public with this matter. Two days later, Gray Digital's lawyers sent me a cease-and-desist letter, telling me not to discuss the matter.

I noticed on February 2, 2023, about 2 days after my termination, that Gray Digital's web site had updated their vacation policy. "Unlimited Vacation" had been changed to "Flexible Vacation".

The new policy stated: "As long as you're performing and it's approved by your manager, you can take time off."

This is still not true.

1. AFS had formally approved my Christmas vacation request.
2. AFS had shut down for Christmas break and work was suspended.
3. I had been performing well.

On December 22, 2022, my team gave a demonstration of the work done thus far, to the Product Owner. A lot of functionality that had been planned for months later was already implemented. The web application had a good user interface, partly because I had painstakingly adapted the HCD team's design. Even now, I had the same professional objections about HCD's non-compliance with open Internet standards. However, I did not voice the concerns, for the sake of remaining employed. I personally had a big part in the work delivered at this stage.

Mr. Andrew Smyser, the Product Owner of the [REDACTED] project for the Department of Veteran Affairs, expressed pleasure with the work delivered. Mr. Smyser had been present nearly every working day for a daily call in which all team members, gave the current status of our work, and received feedback. Mr. Smyser and I also corresponded by email.

Gray Digital terminated me abruptly, without giving notice or reason, in the middle of a work day. I was not debriefed on the work in progress, nor asked to transfer knowledge to anyone else. No explanation whatsoever was given for the abrupt termination.

Gray Digital claims that a "reasonable rule" was broken. Gray Digital does not have a rulebook, to the best of my knowledge. There is no code of conduct that Gray Digital employees are made aware of. If there is a set of rules, which I don't believe is the case, then it is electronic and ever changing, and in Gray Digital's arbitrary control. So this claim is disingenuous.

What is the reason for this completely unplanned disruption in an ongoing federal software project? How will this abrupt termination of a performing Software Engineer, who had a lot of knowledge relevant to the project, better serve our veterans?

I have sued Gray Digital for wrongful termination of a whistleblower. Pre-litigation talks between my lawyers and Gray Digital's lawyers have ended. So I have to stand in court to defend my rights as a worker to bring up a workplace issue in the workplace that affects all workers.

I have also sued Gray Digital for worker's compensation for workplace injuries. After a 2-hour-long court deposition over a Zoom video call, in which I gave testimony under oath and was cross-questioned by Gray Digital's lawyer, Gray Digital has now resorted to delay tactics, and has requested yet another deposition on August 28, 2023, nearly 2 months in the future.

It has been 5 months of stressful unemployment for me so far. I have been applying continually for jobs, and have had several interviews and programming tests, but the economic climate is strongly in favor of the employers right now, and finding a job has proven challenging.

My savings are running low, and unless something comes through, I will be on the verge of homelessness. My medical insurance benefits have run out. I just had surgery for work-related injuries, paying insurance out of pocket.

So now Gray Digital is cutting off my unemployment benefits and delaying worker's compensation. There is nothing unambiguous about this worker's compensation claim. All my medical, surgical and insurance records have been released. Gray Digital's lawyer has even had plenty of opportunities to question me about them, under oath.

Now Gray Digital apparently intends to use their capital as leverage against an employee with limited financial resources. They're trying to choke the small guy out of a living.

My account here will be corroborated strongly if Gray Digital's Slack channel records were subpoenaed by a court. Therefore, I humbly request that all relevant emails, chats, and other correspondence between myself, Gray Digital, AFS, and the VA be subpoenaed.

I am with the truth. The facts are on my side, and the truth cannot be suppressed. Justice will be done.

I understand that my former position on the team is still open after all these months. How is this delay in the project's progress justified? How much is this costing taxpayers?

I think I now understand what a Veteran feels like, after having served, and having given their earnest effort, only to be backstabbed by politicians, corporate executives and bureaucrats back home.

In addition to subpoenas of electronic communications, here are some people who worked in a professional capacity with me on this project, and would be able to give their individual assessments of the matter.

1. Andrew Smyser ([REDACTED])
Product Owner, Department of Veteran Affairs
2. Christian Leckner ([REDACTED])
Team Lead, AFS, Gray Digital

Ashwin Dixit, SSN: [REDACTED]

3. Mitch Livingstone ([REDACTED])
Product Owner, AFS, Gray Digital

4. Deepika M. Sahay ([REDACTED])
Team Lead, AFS

I would like to humbly request that my UI benefit be restored, as Gray Digital is engaged in a bad faith effort to financially coerce me.

Sincerely,

—Ashwin Dixit.