

21. In 2015 SBPD posted openings for three positions of patrol Sergeant and Hackett applied.
22. Chief of Police Ronald Teachman passed over Hackett for promotion in favor of three less qualified white officers.
23. Hackett filed a Charge of Discrimination with the EEOC on October 20, 2015 due to Teachman's failure to promote him.
24. In August 2016 Hackett applied for the position of logistics Sergeant. The logistics Sergeant works with SBPD's armaments and other equipment, a position for which Hackett's military training made him particularly well qualified.
25. Chief of Police Scott Ruskowski passed over Hackett on September 19, 2016 in favor of a less qualified white candidate.
26. Since filing his complaints about discrimination on the basis of his race and military status, Chiefs Teachman and Ruskowski retaliated against Hackett by subjecting him to a battery of unjustified investigations and discipline.
27. At all times Teachman acted in the scope of his employment by the City of South Bend and under color of Indiana law.
28. At all times Ruskowski acted in the scope of his employment by the City of South Bend and under color of Indiana law.

Legal Claims

29. Teachman and Ruskowski's failure to assign Hackett to the bomb squad and permit him to perform his duties there constitute discrimination on the basis of his military status in violation of 38 U.S.C. §§ 4301–4335.