

CHARLES P. DUPREE
ATTORNEY AT LAW

RAS 5954 50-390-CIVP, et. al.

Licenses Exhibit 99-Rec'd 5/7/02

OCT 10 RECD

101 ROBINSON BUILDING
622 GEORGIA AVENUE
CHATTANOOGA, TENNESSEE 37402

October 4, 2000

(423) 756-1841

FAX: (423) 756-1845

Ray Levitt
OSHA
P.O. Box 11442
Knoxville, Tn 37939

Ray Johannes
OSHA Supervisor
Atlanta Federal Center
100 Alabama N.W.
Room 6T50
Atlanta, Ga 30303

Re: Ronald Grover v TVA

Gentlemen:

This letter and the accompanying affidavit is to be filed as a complaint against TVA fir retaliation the agency is taking against Mr. Grover for his support of another employee in his well founded whistleblower\retaliation case against TVA.

The affidavit and accompanying materials set out the complaint briefly; Mr. Grover will be glad to meet with you and provide more details of the incidents and actions at your convenience.

Please mark our office as counsel for him and let us know if you need anything else at this time to file and process this complaint.

Your help is greatly appreciated.

Yours truly,



Charles P. Dupree

TVA Exh. 99

GB001543

Template = SECY-028.

SECY-02

CLEAR REGULATORY COMMISSION

Docket No. 50-390 CIVP Official Ex. No. TVA-99

In the matter of TVA

Staff _____ IDENTIFIED
Applicant RECEIVED
Intervenor _____ REJECTED _____
Other _____ WITHDRAWN _____
DATE 5/7/02 Witness _____
Clerk BHM

DOCKETED
USNRC



2003 MAR 10 PM 1:01

OFFICE OF THE SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

COMPLAINT AND AFFIDAVIT OF RONALD GROVER

STATE OF TENNESSEE:
COUNTY OF HAMILTON:

After being duly sworn, Ronald Grover deposes and says:

I am an African American Male, over forty years old, and have been employed with the Tennessee Valley Authority since February, 1994 as a manager in Nuclear Engineering. My attorney is Charles P. Dupree, whose office is located at Suite 101 Robinson Bldg., 622 Georgia Ave., Chattanooga, Tn 37402. His telephone number is (423) 756-1841. I am requesting that all contacts with me regarding this Complaint be directed through his office.

This complaint is to be filed with the Department of Labor as a complaint against TVA, my current employer, for their acts of retaliation against me as prohibited by 42 USC 5851 (b)(1)). These acts towards me was initiated by TVA and the Inspector General's office after I gave an interview in December 1998 to the investigator for the NRC in support of the whistleblower\retaliation claims of Gary Fiser contrary to the wishes of TVA and their general counsel's office. I am also requesting that I be afforded all relief to which I may be entitled under 42 USC 5851(b)(2)(B), as well as that afforded under 42 USC 1988. An historical review of the incidents may be helpful.

GE001544

In 1996, a reorganization and staff reduction in Nuclear engineering took place. The Corporate Radiology and Chemistry Control manager's position became available and because of

performance, I was qualified for consideration to fill that position. The job was filled by a white male without the position ever being posted or put through the selection process as required by TVA human resources written policy. I met with the Human Relations General Manager and Manager regarding the action taken, and they finally admitted that the selection was not properly handled. Rather than filing an EEO complaint based on Racial Discrimination in Employment and advancement, an agreement was made that I was to have a four year career plan established, which would include two years at INPO, the Institute of Nuclear Power Operations, followed by mentoring and re-entry into the TVA organization at a comparable position. During that time I would receive additional training and assignments that would lead to continued advancement in the management track in TVA Nuclear. The agreement was approved by senior management and was in compliance with the adoption of the Wes Motley Task force and the written announcement of June 25, 1992, which required the posting of all management and specialist positions prior to selection to obtain a more diverse candidate pool. The posting requirement was adopted in response to the acknowledged problems caused by the active or unintentional discrimination against the professional advancement of TVA minority employees. Attached are the 1992 documents referred to and the Letters of August 5 and September 9 that summarize and set out the agreement regarding my future employment.

GBC01545

After this agreement was reached, I went to Atlanta, Georgia as a shared employee at INPO, returning to TVA in December, 1997. Upon my return, I found that nothing had been done to designate a mentor for me or to help integrate my re-entry into the employment process.

basically spent the year of 1998 attempting to make something happen within the organization with no results; I had no permanent assignment and no plan for future advancement was developed.

During this time (December, 1998) I was contacted and interviewed by Diana Benson of the NRC regarding a whistle blower\retaliation complaint filed by Gary Fiser, a TVA employee who claimed that he was being retaliated against because of voicing Nuclear safety concerns. I had first been questioned by the TVA IG (Inspector General's) office in July, 1996 and told them then that I would tell the truth about what I knew and had happened. The TVA lawyer present chose not to stay at the December, 1998 recorded interview and said that he was leaving because "your view on the case was different than TVA's". I only told the truth. In the discussions, we talked about Gary Fiser and then the investigator asked me some questions about my current situation at TVA. She was surprised that TVA had not acted to honor the agreement and said that it appeared that VA was retaliating against me for my testimony in the Fiser case. I was asked why I had not filed a DOL complaint, and told that NRC had enough evidence of my situation to conclude that TVA was taking adverse action against me because of the Fiser testimony. I said that I was trying to work out things internally. The questioning then returned to the Fiser matter and the interview was completed.

Finally, In January of 1999, because of the continued inaction and apparant disregard of the prior agreement, I wrote a proposed severance agreement and background statement requesting that I be severed under appropriate terms since TVA apparently had --

GE001546

prior agreement. I began pushing for a meeting to make a decision on the proposal. Two meetings were scheduled and abruptly cancelled in February.

On February 22, 1999, I was contacted by IG investigators, who suddenly had a need to review all my telephone calls and travel when I was at INPO, several years back. As I continued the pressure on my superiors to either develop a plan or separate me with a paid agreement, the IG office continued their "investigation", with one of the inspectors at the second three hour interview finally asking me why I just did not quit TVA and go work somewhere else.

I finally received a signed developmental plan on October 8, 1999, dated August 25. In spite of this plan, I have been placed in a hostile work environment and been continually harassed by the IG office and management, and not, as yet, obtained a permanent position. I have been questioned again by the IG office two more times in 2000, TVA is not following through with their third developmental plan, and I was notified that as of June 29, 2000 that my position was removed from the FY2001 budget. I am yet to learn if my position and advancement potential, which was promised and agreed with me, has been eliminated by another adverse agency action taken against me.

Attached also is the "developmental plan" and the additional notes I have made regarding my treatment and the numerous meetings held through Spring, 2000.

GE001547

I have no question that

harassment and retaliation designed to force me to resign my position with TVA because of my actions in supporting a whistleblower in the NRC and DOL investigations and based on my race . I have refused to allow TVA to not comply with the written plan and agreement they made with me in settlement of any claim I had based on their discrimination against minorities and minority advancement in the TVA management ranks. The harassment is also done in an articulated manner to prevent me from exercising employment rights that were earned and negotiated, and in violation of the Equal Opportunity and Equal Employment laws.

Because of the actions of TVA in attempting to force my resignation rather than following their agreement to provide upward promotions and a career path, I have lost the value of both any settlement or agreement, including the opportunity to earn the monetary benefits and the career advancement that was due and promised me. This is another example of continuing discrimination against African American and minority members and those who stand up with others in attempt to properly address safety concerns. TVA's actions have caused me monetary and emotional damages, as well as legal fees and other necessary expenses as the result of the workplace hostility aimed at me at TVA.

Further deponent sayeth not



Ronald Grover

GE001548

Sworn to and subscribed before me,
this 4th day of October, 2000

Judith Jones
Notary Public

My Commission Expires: 10-3-2001

LAW OFFICES
BERNABEI & KATZ, PLLC
1773 T STREET, N.W.
WASHINGTON, D.C. 20069-7139

LYNNE BERNABEI
DEBRA S. KATZ
LISA J. BANKS
ARI M. WILKENFELD
ALAN R. KABAT

(202) 745-1942
TELECOPIER (202) 745-2627
E-Mail: BERKATZLAW@AOL.COM

OF COUNSEL: DAVID J. MARSHALL
GARY FELLER

ADMITTED IN CO ONLY
ADMITTED IN MD ALSO
ADMITTED IN MD ONLY

Certified Mail, Return Receipt Requested
July 23, 2001

Ms. Karen L. Mann
Deputy Regional Administrator
Occupational Safety and Health Administration
61 Forsyth Street, S.W.
Room 6T50
Atlanta, GA 30303-8931

Mr. R. Davis Layne
Acting Assistant Secretary
Occupational Safety and Health Administration
United States Department of Labor
200 Constitution Avenue, N.W.
Room S-2315
Washington, DC 20210-0002

Re: Section 211 Discrimination Complaint of Ronald O. Grover

Dear Ms. Mann and Mr. Layne:

Pursuant to Section 211 of the amended Energy Reorganization Act ("ERA"), codified at 42 U.S.C. § 5851 et seq., I am filing this supplemental complaint of discrimination on behalf of Ronald O. Grover, who was terminated by the Tennessee Valley Authority ("TVA") in retaliation for engaging in activities protected under the ERA. Mr. Grover filed a related complaint of discrimination on October 4, 2000, with the Wage and Hour Division in Knoxville, Tennessee, which was accepted for processing by the Occupational Safety and Health Administration ("OSHA") on November 17, 2000. That complaint is now awaiting hearing before the Honorable Clement J. Kennington, Administrative Law Judge, and is captioned Grover v. Tennessee Valley Authority, ALJ Case No. 2001-ERA-32.

Mr. Grover's initial complaint alleged that TVA had discriminated against him in retaliation for his support of a TVA whistleblower, Gary Fiser, by breaching written commitments that TVA had made regarding Mr. Grover's career advancement, and by

GE001550

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 2

conducting, through its Office of Inspector General ("OIG"), an intrusive and retaliatory investigation into his supposed "misconduct." Based on this retaliatory OIG investigation, TVA suspended Mr. Grover from his employment on October 6, 2000, and terminated his employment on April 26, 2001. TVA's suspension and discharge of Mr. Grover occurred subsequent to, but as part of, the same continuing course of discriminatory conduct raised in Mr. Grover's initial complaint.

The letter that OSHA issued in June 2001¹ dismissing Mr. Grover's complaint noted the intervening suspension and termination of his employment and apparently found that these actions were not discriminatory. Because it is unclear whether OSHA's investigation addressed Mr. Grover's suspension and termination, since they were not specifically mentioned in his initial complaint, Mr. Grover is filing this supplemental complaint to ensure that these discriminatory actions have been properly placed before OSHA for investigation.² Mr. Grover requests that OSHA complete its investigation of this supplemental complaint within 30 days of receipt, or waive investigation of TVA's suspension and termination of his employment, as he has moved the ALJ to consolidate the hearing on his initial complaint with this supplemental complaint.

Mr. Grover explained, in his earlier complaint and in the statements and materials provided to OSHA during its investigation of his complaint, that Tom McGrath, then-Acting General Manager for Corporate Operations Support at TVA Nuclear, unfairly denied him the opportunity to interview for position of Corporate Radiological and Chemistry Control Manager in June 1996, since TVA had already pre-selected Wilson McArthur for the position. On July 1, 1996, Mr. Grover initially complained to Phillip Reynolds, General Manager for Human Relations ("HR"), that Mr. McGrath's actions constituted discrimination.

On July 11, 1996, while Mr. Grover was awaiting Mr. Reynolds' response, TVA's OIG contacted him regarding Gary Fiser, a TVA employee whom he had supervised and who had recently filed a Department of Labor ("DOL") Section 211 whistleblower complaint against TVA after Mr. Grover's superiors biased the selection

¹This letter was not dated, but was received by Mr. Grover on June 30, 2001.

²Mr. Grover did send OSHA a copy of TVA's notice of termination of his employment and the termination was specifically noted in OSHA's decision.

GEC01551

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 3

process against Mr. Fiser for a position during the same period in 1996.³ Mr. Grover's opinion as Mr. Fiser's supervisor was that Mr. Fiser was a good employee and was qualified for the position, which was contrary to TVA management's position. In response to the OIG's questions about Mr. Fiser on July 11, 1996, Mr. Grover told the OIG that, if asked about Mr. Fiser, he intended to tell the truth.

During July and August 1996, Mr. Grover had several discussions with Mr. Reynolds and Ed. Boyles, an HR manager, about Mr. McGrath's refusal to allow him to interview for the position of Corporate Radiological Chemistry Control Manager. Mr. Reynolds and Mr. Boyles eventually admitted that they and Mr. McGrath had acted wrongfully and agreed, as an alternative to Mr. Grover's filing an EEO complaint against Mr. McGrath, to a four-year career plan for Mr. Grover. This agreement, which is memorialized in documents that Mr. Grover provided to OSHA as part of his initial complaint, provided that Mr. Grover would spend up to two years on loan to the Institute of Nuclear Power Operations ("INPO"). The agreement provided that Mr. Grover would then return to TVA and, with the help of an assigned mentor and additional training, would progress through a series of developmental and career-enhancing assignments leading to an appropriate management position.

DOL investigators contacted Mr. Grover regarding Mr. Fiser's complaint and, on September 27, 1996, Mr. Grover provided a statement to DOL. In that statement, Mr. Grover described Mr. Fiser as a good performer, stated that Mr. McGrath had made negative comments about Mr. Fiser, and stated his belief that Mr. McGrath's negative perception of Mr. Fiser was based on Mr. Fiser having filed a whistleblower complaint.

Mr. Grover worked at INPO in Atlanta, GA, from September 1996 through December 1997. While at INPO, Mr. Grover called and met with Mr. Boyles on numerous occasions, inquiring about a mentor and the development plan. Mr. Boyles' response was always the same, to the effect that "we are working on your items."

³This was Mr. Fiser's second whistleblower complaint. He had filed a DOL complaint in 1993 after TVA surplused him for raising safety concerns at the Sequoyah Nuclear Plant. TVA settled the complaint in 1994, by reinstating Mr. Fiser and placing him under Mr. Grover's supervision as a Chemistry Manager. Mr. Fiser filed his second complaint in 1996 after Mr. Grover's supervisors, including Mr. McGrath, biased the selection process against Mr. Fiser for a position.

GE00152

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 4

When Mr. Grover, at his request, met with Mr. Boyles and Jack Bailey, Vice President of Corporate Engineering Nuclear, in December 1997, to prepare for his return to TVA, he found that TVA had neither assigned him a mentor nor developed any plan for his training or developmental assignments. During the three and one-half years between Mr. Grover's return to TVA from INPO and his termination in April 2001, TVA repeatedly breached its agreement to provide him with mentoring, training, a career plan and career-enhancing assignments.

In his original complaint and in the statements and materials he provided to OSHA investigators, Mr. Grover detailed the numerous discussions and meetings he had with Messrs. Boyles, Bailey and Reynolds. In those communications, these TVA officials repeatedly assured Mr. Grover that they were signing him up for Senior Reactor Operator ("SRO") training, developing his career plan, and preparing a succession of career-enhancing assignments. In fact, it took until October 8, 1999 (nearly two years) for these officials to issue a career development plan for Mr. Grover, and from his return to TVA until his termination, they denied him SRO training and provided him with no career-enhancing assignments whatsoever.

Twice during 1998, Mr. Grover provided testimony that was very damaging to TVA's defense against Mr. Fiser's whistleblower complaint, which was under investigation by DOL and the Nuclear Regulatory Commission ("NRC"). The first of these protected activities occurred on January 29, 1998, just weeks after Mr. Grover returned to TVA from INPO, when Mr. Fiser's attorney took his deposition as part of discovery in the DOL proceedings. Brent Marquand, an attorney from TVA's Office of General Counsel ("OGC"), represented Mr. Grover at his deposition. As Mr. Grover had told TVA's OIG he would do when it first contacted him about the Fiser matter in July 1996, he testified truthfully, stating under oath that Mr. Fiser was a good performer, that he was qualified for the position that Mr. McGrath and other TVA officials had non-selected him for, and that the TVA officials had appeared to pre-select another candidate prior to and apart from the required selection process.

Less than two weeks after Mr. Grover's deposition in the Fiser case, TVA canceled, without explanation, an SRO training class that it had supposedly scheduled Mr. Grover to attend. Approximately seven weeks later, in March 1998, Mr. Boyles and/or Mr. Bailey interfered directly with and blocked another career-developmental opportunity that Mr. Grover had found on his own — a succession of positions at the Watts Bar Nuclear Plant ("WBN")

GB001553

Ms. Karen L. Mann
Mr. R. Davis Layne
July 23, 2001
Page 5

— that WBN site managers had offered to him. TVA managers' actions left Mr. Grover with no assignment.'

Mr. Grover gave a second set of testimony in the Fiser case in December 1998, when NRC investigator Diane Benson interviewed him at length about the circumstances of Mr. Fiser's non-selection for the Chemistry Manager position. This time TVA's OGC declined to represent Mr. Grover in the interview because, as an OGC attorney told Mr. Grover just before the interview, Mr. Grover's position on the Fiser case was different from TVA's position.

In early 1999 (or possibly earlier), TVA's OIG launched an intrusive and harassing investigation into Mr. Grover's activities, focusing broadly both on his work and his private life. On February 22, 1999, OIG investigator Beth Thomas contacted Mr. Grover and stated that she wanted to meet with him to ask him questions about his assignment to INPO back in 1996 and 1997. When Ms. Thomas and Don Hickman, OIG Assistant Director of Investigations, met with Mr. Grover on February 24, 1999, they asked him a number of unwarranted questions about the period he worked at INPO, including his use of a TVA automobile, the per diem he received, his housing arrangements while working in Atlanta, and real estate investments he held. They also asked him what he was doing now, and, in response to his explanation that he was waiting for TVA to give him an assignment and a career plan, Mr. Hickman suggested that Mr. Grover should look for another job and leave TVA.'

In April 1999, in response to Mr. Grover's continued pressure on them to develop his long-awaited career plan, Messrs. Reynolds and Boyles assigned Mr. Grover to co-manage, with David Nye, a Dose Records Recovery Project. The NRC had mandated this program as a result of glaring inaccuracies that had been revealed in TVA's tracking of radiation exposure received by TVA and contractor personnel. In so doing, Messrs. Boyles and Reynolds were setting up Mr. Grover. The project had been underway under Mr. Nye's direction and behind schedule for some time, and TVA management was pressuring Mr. Nye to complete the project in an unrealistic time frame.

'TVA also subjected Mr. Grover to an unusual number of "random" drug tests in 1998, all of which had negative results.

'Mr. Hickman's statement can only be seen as a threat to Mr. Grover that he leave TVA or the TVA OIG would conduct a damaging investigation.

GB001554

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 6

In addition, the project team had found that data was missing from at least 1400 individual dose records, and that much of the missing data recorded exposure levels during two of TVA's more serious nuclear incidents at the Browns Ferry Nuclear Plant in Alabama. The absence of this data made it impossible for the project team to produce an accurate report without alerting the NRC to the missing data and without alerting the affected TVA personnel that their radiation exposure levels might be much higher than they believed.

Further, as the project continued with the review of additional records, more problems with incorrect and missing dose record data were continually identified. However, TVA Nuclear senior management denied the project team the additional time for adequately addressing new problems and pressured Mr. Grover to complete the project by December 1999, notwithstanding any future problems and issues that might arise. The reluctance by TVA Nuclear management to conduct a complete evaluation of the Does Records database, as requested by Mr. Grover, along with their refusal to address these problems in a truthful and accurate manner with the NRC and with TVA personnel serves as a basis to find that TVA has engaged in willful misconduct and willful non-disclosure. Instead, TVA management wanted Mr. Grover to "take the fall" for the project if he went along with the ongoing cover-up, or, alternatively, to appear as the person responsible for the failure to complete the program in a timely manner.

Throughout the time that Messrs. Grover and Nye co-managed the Dose Records Recovery Project during the second half of 1999, Mr. Nye was unusually hostile towards Mr. Grover. He excluded him from important discussions and was verbally abusive on a number of occasions, and generally treated Mr. Grover with disrespect. Mr. Nye became especially abusive towards Mr. Grover in mid-August 1999, when Mr. Grover refused to go along with Mr. Nye's insistence that the project team deal with the missing data by dropping the 1400 incomplete records from the project altogether and not reporting this omission to the NRC. From that point forward, Mr. Nye intensified his harassment of Mr. Grover. Without consulting Mr. Grover, he ordered administrative personnel to move Mr. Grover's office next to his, and falsely accused Mr. Grover of being difficult to find when needed. At one point, Mr. Nye persuaded TVA management to instruct Mr. Grover to report to him rather than to continue co-managing the project. More than once, Mr. Nye informed Mr. Grover that he had spoken to "senior management on the sixth floor" — i.e., Messrs. Bailey and Reynolds, and Karl Singer — and that Mr. Grover should be careful because he was "on the way out" of TVA.

GE001555

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 7

Despite the fact that Messrs. Reynolds and Boyle had finally issued a career development plan for Mr. Grover on October 8, 1999, as he was completing his assignment to the Dose Records Recovery Project, TVA made no effort to implement the plan, and provided Mr. Grover with no further significant assignments in late 1999 or 2000. To the contrary, during 2000, Mr. Grover experienced a heightened level of harassment and retaliation as a result of his having engaged in protected activity.

On February 7, 2000, the NRC issued a scathing report in its investigation of the Fiser case, assuredly based in large part on Mr. Grover's testimony as Mr. Fiser's supervisor. The NRC found that TVA had non-selected Mr. Fiser in 1996, because of his protected activity, and issued a Notice of Violation and levied a \$110,000 civil penalty against TVA. NRC also issued Notices of Violation to Messrs. McGrath and McArthur, charging them with deliberate misconduct in arranging for Mr. Fiser's non-selection based on retaliation for engaging in activities protected by the ERA.

In April 2000, just two months after the NRC took action against TVA in the Fiser case and while Mr. Grover was pressuring Messrs. Reynolds and Boyle to implement the career plan they had issued, investigators from TVA's OIG again contacted Mr. Grover, to tell him they had more questions about Mr. Grover's activities while working for INPO in 1996 and 1997. Mr. Grover was surprised to hear from the OIG, which had not contacted him during the 14 months since they had last interviewed him about his INPO assignment. When Mr. Grover met with the OIG investigators on April 17, 2000, however, they ignored the INPO assignment and subjected Mr. Grover to a long interrogation about his real estate investments, his annual federal employee disclosure statements, and personal calls he had made on a TVA company calling card, for which they had obtained records. They also asked him a number of questions about what he was doing with his time at TVA, and about specific dates on which he had or had not requested leave.

On August 28, 2000, TVA OIG issued an administrative subpoena duces tecum to Mr. Grover's accountants, seeking all of his tax records and other financial records, and those of his wife, for the years 1994-1999. When Mr. Grover's accountants refused to produce the records pursuant to the Tennessee law governing accountant-client privilege, TVA petitioned the federal district court in Chattanooga to enforce the subpoena. In its petition, TVA misrepresented the nature of its investigation of Mr. Grover, falsely telling the court that the investigation was a criminal one and therefore not subject to Tennessee's

GB001556

Ms. Karen L. Mann
 Mr. R. Davis Layne
 July 23, 2001
 Page 8

accountant-client privilege. Based on these false representations — the investigation was actually aimed at developing pretextual reasons for Mr. Grover's termination, and was not aimed at criminal prosecution — the court enforced the subpoena, and TVA OIG obtained extensive information about Mr. Grover's and his wife's finances.

On September 28, 2000, the TVA OIG issued a 70-page draft report of its findings in its investigation of Mr. Grover. The draft report was replete with inaccuracies, and painted a preposterously false picture of Mr. Grover as a dishonest employee who had enriched himself through gross abuse of TVA per diem, telephone calling cards, rental cars, travel vouchers and employee leave (including falsified leave slips). The OIG also falsely branded Mr. Grover as a wealthy real estate tycoon who had not only used company time and resources to develop his vast real estate holdings, but who had also failed to disclose his outside income and transactions on federal financial disclosure reports. Purportedly based on the draft OIG report, Mr. Bailey suspended Mr. Grover from duty and barred him from TVA property on October 6, 2000.

None of the charges contained in the draft OIG report had any merit. As Mr. Grover explained in his October 31, 2000, response to the draft report, TVA had set his per diem payments while at INPO at a level designed to compensate him as part of the agreement that settled his claims for non-selection in 1996; his use of a TVA calling card was consistent with TVA policy and practice, as he had paid all bills presented to him (TVA had rarely presented phone bills to him or any other manager), and had paid all that he owed shortly after the OIG first brought the matter to his attention to him in 1999; the rental car and travel voucher allegations had no factual basis whatsoever; the OIG's computation of Mr. Grover's use of employee leave was incorrect and its allegation about falsification of leave slips based on a faulty examination of documents. Mr. Grover also pointed out that he held only passive real estate investments, which TVA allowed its employees to have, and that he had always disclosed the same and received approval each year by TVA financial disclosure officers. Mr. Grover provided substantial documentation to support his rebuttal to each allegation in the OIG report.

Despite Mr. Grover's powerful rebuttal, TVA used the OIG report as a pretext for terminating his employment on April 26, 2001. On January 26, 2001, the TVA OIG issued a final report, largely unchanged from the draft report. On March 5, 2001, Mr. Reynolds provided Mr. Grover with notice of his proposed

GE001557

Ms. Karen L. Mann
Mr. R. Davis Layne
July 23, 2001
Page 9

termination, in which he adopted the OIG's findings in their entirety. On April 26, 2001, Mr. Bailey sent Mr. Grover notice of his termination, purportedly because Mr. Grover had "misused TVA property, conducted personal business on TVA time, and violated TVA policy."

Based on the foregoing facts, it is clear that TVA suspended Mr. Grover and ultimately terminated his employment not because of any performance problems or wrongdoing on his part, but rather because he engaged in activity protected under the ERA. In particular, TVA retaliated against Mr. Grover for testifying against TVA in the DOL and NRC investigations of Mr. Fiser's whistleblower complaint in 1998, and for insisting in 1999 that TVA make full disclosure to the NRC and to TVA employees regarding the Dose Records Recovery Project missing data. TVA's termination of Mr. Grover's employment was the culmination of a long pattern of retaliation, and mandates a finding of a violation of Section 211 of ERA.

TVA's unlawful actions have caused Mr. Grover to suffer substantial economic damages, severe emotional distress, anxiety, humiliation and damage to his professional reputation and career. Mr. Grover requests the following relief:

- 1) Back pay to compensate him for the shortfall in salary and benefits he suffered as a result of his non-selection to the position of Corporate Radiological and Chemistry Control Manager in June 1996;
- 2) Compensatory damages for the mental anguish, personal humiliation, and pain and suffering he has suffered;
- 3) Expurgation of his personnel records to remove negative references about his job performance and the erroneous TVA OIG report; and
- 4) The reasonable attorneys' fees and costs he has incurred in connection with bringing this complaint.

Please serve all official documents on Mr. Grover and on the law firm of Bernabei & Katz, who is representing him in this matter. Mr. Grover's address is:

Mr. Ronald O. Grover


GB001558

[8802 ON YR/XL] 20:ST DEM 10/80/80

Ms. Karen L. Mann
Mr. R. Davis Layne
July 23, 2001
Page 10

Thank you for your attention to this matter.

Sincerely,

David J. Marshall

David J. Marshall
Attorney for Complainant
Ronald O. Grover

cc: Mr. Ronald O. Grover

GE001559