

United States  
Nuclear Regulatory Commission



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# Report of Investigation

PALO VERDE NUCLEAR GENERATING STATION,  
UNIT 1:

DISCRIMINATION AGAINST A (b)(7)(C)  
(b)(7)(C) FOR RAISING SAFETY CONCERNS

Office of Investigations

Reported by OI:RIV

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Exemptions: b(7)(C)  
FOIA/PA 2012-0291

A/3

Title: PALO VERDE NUCLEAR GENERATING STATION, UNIT 1:

DISCRIMINATION AGAINST A (b)(7)(C) FOR RAISING SAFETY CONCERNS

Licensee:

Arizona Public Service Company  
P. O. Box 52034  
Phoenix, AZ 85072-2034

Docket No.: 50-528

Allegation No.: RIV-2008-A-0104

Reported by:

(b)(7)(C)  
(b)(7)(C) Special Agent  
Office of Investigations  
Field Office, Region IV

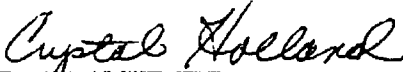
Case No.: 4-2009-006

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Reviewed and Approved by:

  
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Office of Investigations  
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**SYNOPSIS**

This investigation was initiated by the U. S. Nuclear Regulatory Commission, Office of Investigations, Region IV, on May 27, 2008, to determine if a (b)(7)(C) employed at Arizona Public Service Company's Palo Verde Nuclear Generating Station (PVNGS), Tonopah, Arizona, was subjected to discrimination for reporting safety concerns.

Based upon the evidence developed during this investigation, the allegation that a (b)(7)(C) employed at PVNGS was subjected to discrimination for reporting safety concerns was not substantiated.

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Case No. 4-2009-006

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TESTIMONIAL EVIDENCE

Exhibit

(b)(7)(C)	Palo Verde Nuclear	
Generating Station (PVNGS), Tonopah, Arizona	.....	10
(b)(7)(C)	PVNGS	.....9
(b)(7)(C)	PVNGS	.....5
(b)(7)(C)	PVNGS	.....7
(b)(7)(C)	PVNGS	.....13
(b)(7)(C)	PVNGS	.....12
(b)(7)(C)	PVNGS	.....4
(b)(7)(C)	PVNGS	.....15
(b)(7)(C)	PVNGS	.....11
(b)(7)(C)	PVNGS	.....8
(b)(7)(C)	PVNGS	.....3
(b)(7)(C)	PVNGS	.....14
(b)(7)(C)	PVNGS	.....6

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DOCUMENTARY EVIDENCE

Exhibit

(b)(7)(C)	.....	16
(b)(7)(C)	.....	17
(b)(7)(C)	.....	18
(b)(7)(C)	.....	19
(b)(7)(C)	.....	20
Separation of Employment Letter pertaining to (b)(7)(C) dated (b)(7)(C)	.....	21
Corporate Policy No. 28, Subject: Positive Discipline, dated August 15, 2001	.....	22
Oral Reminder pertaining to (b)(7)(C) dated (b)(7)(C)	.....	23
Packet of documents and handwritten notes pertaining to the incident resulting in (b)(7)(C) oral reminder, various dates	.....	24
Email containing (b)(7)(C) notes documenting her interviews with (b)(7)(C) various dates	.....	25
Packet containing interviews pertaining to the incident between (b)(7)(C) and (b)(7)(C) various dates	.....	26
Packet containing background and interviews pertaining to the incident between (b)(7)(C) various dates	.....	27
Packet containing behavior observation forms, ACAD hold request forms and other documents pertaining to (b)(7)(C) referral to EAP, various dates	.....	28
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DETAILS OF INVESTIGATION

Applicable Regulations

10 CFR 50.5 Deliberate misconduct (2008 Edition) (Allegation No. 1)

10 CFR 50.7 Employee protection (2008 Edition) (Allegation No. 1)

Purpose of Investigation

This investigation was initiated by the U. S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region IV (RIV), on May 27, 2008, to determine if (b)(7)(C) at Arizona Public Service Company's (APS) Palo Verde Nuclear Generating Station (PVNGS), Tonopah, Arizona, was subjected to discrimination for reporting safety concerns [Allegation No. RIV-2008-A-0104] (Exhibit 1).

Background

On October 14, 2008 (b)(7)(C) notified the NRC:RIV, that on (b)(7)(C) he filed a Differing Professional Opinion (DPO) at PVNGS against his section leader, (b)(7)(C) PVNGS, regarding (b)(7)(C)

(b)(7)(C) reported that he discussed his DPO with (b)(7)(C) on (b)(7)(C) and with the PVNGS Employee Concerns Program (ECP) on (b)(7)(C) [NF]. (b)(7)(C) stated he forwarded his DPO to (b)(7)(C) PVNGS, or (b)(7)(C) and notified the NRC of his concerns on (b)(7)(C) [Allegation No. RIV-2008-A-0068]. (b)(7)(C) further advised that on (b)(7)(C) presented him with a separation of employment letter (involuntary termination), effective (b)(7)(C). (b)(7)(C) said he believed his employment at PVNGS was terminated for raising safety concerns in his DPO.

On October 21, 2008, the RIV Allegations Review Board met to discuss (b)(7)(C) allegation and determined (b)(7)(C) should be offered an opportunity to participate in the NRC's Alternative Dispute Resolution (ADR) process in an attempt to resolve his dispute with the licensee. Subsequently, Harry FREEMAN, Senior Allegation Coordinator, Allegation Coordination and Enforcement Staff (ACES), RIV, informed OI:RIV that (b)(7)(C) had declined to participate in the ADR process. ACES requested that OI:RIV initiate an investigation to determine whether (b)(7)(C) was subjected to discrimination for reporting safety concerns.

Agent's Analysis

Protected Activity

A review of the DPOs determined the issues raised by (b)(7)(C) were under the regulatory purview of the NRC; therefore, the submission of the DPO(s) would constitute protected activity.

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(b)(7)(C) filed 5 DPOs during the period between (b)(7)(C) as follows:

(b)(7)(C)

Management Knowledge

Interviews of (b)(7)(C) (b)(7)(C) PVNGS, and (b)(7)(C) PVNGS, confirmed that PVNGS management was aware that (b)(7)(C) had submitted the DPOs. DPOs are part of the PVNGS formal corrective action program and are thus assigned by the Performance Improvement Group, PVNGS, to an individual within the organization for follow up action.

Adverse Act

On (b)(7)(C) (b)(7)(C) received an oral reminder for his actions and inappropriate behavior during a meeting on (b)(7)(C) (Exhibit 23).

By APS letter dated (b)(7)(C) (b)(7)(C) employment with APS was involuntarily terminated (Exhibit 21).

Nexus: Was (b)(7)(C) Subjected to Discrimination for Raising Safety Concerns?

Interviews of PVGNS personnel disclosed that (b)(7)(C) was not subjected to discrimination by PVNGS management for raising safety concerns nor submission of DPOs (Exhibits 4-15). On (b)(7)(C) separate occasions from (b)(7)(C) (b)(7)(C) was engaged in protected activity when he reported safety concerns via the PVNGS corrective action program by preparing and submitting DPO's (Exhibits 16-20).

During an interview of (b)(7)(C) he explained the DPO process by stating that "DPO's are when an individual has a technical issue that doesn't feel ... it's been adequately resolved in the corrective action program; allows then another means to challenge an evaluation if they don't agree with the evaluation, or to challenge some technical aspect at the facility that they disagree with, and it provides that avenue" (Exhibit 4, p. 7). (b)(7)(C) further explained that "there are

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other instances where a DPO is initiated if an individual has a technical issue that may not necessarily be documented in the corrective action program. It's a means for individuals to challenge a decision that was made or an evaluation that was made, then allows them pretty much a one-on-one interface with the person that is assigned the DPO to work to a solution, to gain common ground" (Exhibit 4, p. 7). (b)(7)(C) stated that DPO's at PVNGS are assigned "to somebody who has expertise in a particular area" and may or may not be within the author of the DPO's chain of command (Exhibit 4, p. 9). (b)(7)(C) was assigned responsibility for (b)(7)(C) DPOs (b)(7)(C)

When interviewed about his involvement with (b)(7)(C) (b)(7)(C) APS, he stated, "...the one DPO that I am familiar with, and I had involvement from the portion of the (b)(7)(C) clarifications in that aspect...is that management would bend over backwards to satisfy (b)(7)(C) in their response to the DPO" (Exhibit 15, pp. 15-16).

AGENT'S NOTES: DPOs initiated by were reviewed by the NRC technical staff under Allegation Number RIV-2008-A-0142.

In his interview (b)(7)(C) testified that he believed (b)(7)(C) for raising safety concerns, specifically issues he addressed in DPO (b)(7)(C) (b)(7)(C) explained this particular DPO was different because it involved (b)(7)(C) in an area he should have known" (Exhibit 3, p. 112). (b)(7)(C) claimed he never received a reason for his termination, and when asked if he ever received any type of counseling, whether it be written or oral (b)(7)(C) responded, "no, no, no" (Exhibit 3, pp. 106 and 107).

In (b)(7)(C) received an oral reminder, which is the first step in the PVNGS disciplinary process, for his angry outburst at other employees attending a (b)(7)(C) According to the PVNGS Formal Disciplinary Process, an oral reminder remains active for 12 months (Exhibit 22, p. 6). In addition to the oral reminder (b)(7)(C) was required to attend anger management classes. Although (b)(7)(C) did complete the anger management classes, less than 1 year after receiving the oral reminder (b)(7)(C) was involved in another incident in which a (b)(7)(C) (b)(7)(C) believed he was threatened by (b)(7)(C) was informed that his behavior was not acceptable, and the investigation was still ongoing in to that matter when (b)(7)(C) was involved in another incident with (b)(7)(C) In each of the incidents, numerous people either witnessed or overheard (b)(7)(C) outbursts and stated they were in fear of (b)(7)(C) Although he was not formally disciplined until (b)(7)(C) there were reports of other incidents where (b)(7)(C) was unable to control his anger and had been an ongoing problem. Reportedly when asked what action he was going to take to change his behaviors, (b)(7)(C) responded, "I'm not going to change, this is the way God made me. That's just the way it is" (Exhibit 12, p. 28).

A review of APS Corporate Policy No. 28 revealed that the discipline process at PVNGS consists of coaching, oral reminders, written reminders, decision making leave and termination (Exhibit 22). On (b)(7)(C) received an oral reminder, with confirmation by letter dated the same day, for his actions and inappropriate behavior during a meeting on (b)(7)(C) (b)(7)(C) Exhibit 23). The oral reminder was prepared as a result of (b)(7)(C) actions during a meeting which was also had PVNGS (b)(7)(C) personnel in attendance.

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During the early part of 2008, (b)(7)(C) took over as the (b)(7)(C) at PVNGS. (b)(7)(C) testified that he supervised six employees, including (b)(7)(C). (b)(7)(C) explained that he was on leave from work from (b)(7)(C) and that upon his return to work, he was informed that there had been an incident between (b)(7)(C) and (b)(7)(C) at (b)(7)(C) [NFI] at PVNGS. (b)(7)(C) advised that he spoke to (b)(7)(C) and asked him (b)(7)(C) to write up what had occurred between him and (b)(7)(C) during the incident (Exhibit 26). (b)(7)(C) explained that he also spoke with several employees about the incident (Exhibit 27). (b)(7)(C) advised that he then contacted HR to find out what his options were concerning actions to take regarding (b)(7)(C). (b)(7)(C) testified that (b)(7)(C) PVNGS, informed him that one of his options was to send (b)(7)(C) for Fitness for Duty (FFD) testing in addition to sending (b)(7)(C) home on administrative leave until a determination was made. (b)(7)(C) advised that in addition to the FFD testing, he (b)(7)(C) had to complete a Behavioral Observation Checklist paperwork recommending that action be taken to deny (b)(7)(C) access to the protected area and referral of (b)(7)(C) to the (b)(7)(C) (Exhibit 28 p. 3). (b)(7)(C) advised that subsequently a discipline review board was held with HR, (b)(7)(C) himself, and APS attorneys. The board convened with the options to provide discipline ranging from an oral reminder to termination, but the (b)(7)(C) employment (Exhibit 21).

(b)(7)(C) explained that it took him about a week to interview employees and ascertain what happened between (b)(7)(C) and (b)(7)(C). (b)(7)(C) advised that during the following week, he interviewed (b)(7)(C) who "got a little upset in the meeting. And I basically told him (b)(7)(C) if this is the kind of behavior you're demonstrating, it needs to stop, and it needs to stop now. We can't have that any longer in the (b)(7)(C) (Exhibit 12, p. 13). (b)(7)(C) advised that directly after the meeting, (b)(7)(C) PVNGS, approached him outside the meeting room and said (b)(7)(C) comment about contractor's opinions really kind of offended me. Do you care if I talk to him? I said (b)(7)(C) if that offended you, I encourage you to talk to him" (Exhibit 12, p. 18). (b)(7)(C) testified that approximately 10 minutes later (b)(7)(C) re-entered his (b)(7)(C) office visibly shaken, close to tears, trembling (b)(7)(C) stated that (b)(7)(C) said, "I talked to (b)(7)(C) and I told (b)(7)(C) that his opinion wasn't any better than anybody else's opinion. that my opinion was just as good as his. And each time I made a comment like that, his (b)(7)(C) voice got louder, and he got more and more angry" (Exhibit 12, p. 19). (b)(7)(C) said the first words out of (b)(7)(C) mouth when he was called in to discuss the matter were "I screwed up didn't I" (Exhibit 12, p. 19). (b)(7)(C) explained that the most memorable thing about his conversation with (b)(7)(C) was when (b)(7)(C) stated as he walked out of the office, (b)(7)(C) (Exhibit 12, p. 20).

AGENT'S NOTE: (b)(7)(C) advised that he had known (b)(7)(C) for approximately (b)(7)(C) and although (b)(7)(C) has always had a reputation for showing bouts of anger, he noticed a difference in (b)(7)(C) recent anger then than in years past. (b)(7)(C) explained that in addition to the anger, (b)(7)(C) now has an arrogant, intimidating, threatening, and frightening tone.

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When questioned about the (b)(7)(C) incident with (b)(7)(C) testified that they [he and (b)(7)(C) were talking and was asked by (b)(7)(C) if he had a problem, would he take it to the in-house people, or would I go to the NRC. And I said I would probably go to the NRC since I do not work for APS... and he (b)(7)(C) blew his cool" (Exhibit 11, p. 9). (b)(7)(C) explained that (b)(7)(C) took exception...lost his cool..." when he said he would report a problem to the NRC. (b)(7)(C) further stated, "I couldn't figure out why he had lost his cool. So then I went over to get myself a cup of coffee, and I felt a hand on my shoulder. I thought, oh Lord, what's this. And it was (b)(7)(C) and he said, I was just kidding. And I felt threatened at that point." (Exhibit 11, p. 12).

Additional interviews of PVNGS personnel were conducted regarding their interactions or observations of (b)(7)(C) as follows:

(b)(7)(C) testified that when he was a PVNGS employee (b)(7)(C) (b)(7)(C) although he did not have supervisory title, he was the (b)(7)(C) and had daily interactions with (b)(7)(C) and had input in to (b)(7)(C) annual performance reviews. (b)(7)(C) explained that he observed (b)(7)(C) lose his temper on many occasions over several years and, although (b)(7)(C) was very heated and raised his voice, he never observed (b)(7)(C) get physical with any other employees (b)(7)(C) testified he never documented any of the incidents in which he observed (b)(7)(C) lose his temper. In reference to the meeting in 2007 that resulted in (b)(7)(C) oral reminder and subsequent referral to anger management (b)(7)(C) could not recall what the disagreement was about or even if (b)(7)(C) anger was directed at him (b)(7)(C) or (b)(7)(C) (b)(7)(C) stated that, "all I know is that if I had acted like he (b)(7)(C) did, I would have been fired first time I did it. I couldn't understand how anybody could get by with that" (Exhibit 6, p. 11).

(b)(7)(C) explained that, although he had never witnessed it, he was aware that (b)(7)(C) had a reputation for being passionate about his conversation. (b)(7)(C) testified that during the (b)(7)(C) meeting in (b)(7)(C) raised his voice toward another individual during the meeting and stated, "...I told myself, if it ever happens to me, I'm walking out, I'm going to call HR, I'm going to call security... I walked out of the room, because I wasn't going to stand there and take it" (Exhibit 7, p. 7). (b)(7)(C) explained that he had confronted (b)(7)(C) and at that point, (b)(7)(C) stepped in and then (b)(7)(C) PVNGS, came in and "stood between (b)(7)(C) and I and asked (b)(7)(C) if he wanted to go for a walk. He needed to settle down and take it easy" (Exhibit 7, p. 7). (b)(7)(C) testified that after the meeting, he went to his desk, documented his notes and went "straight to HR" (Exhibit 7, p. 8).

(b)(7)(C) testified he was present for the (b)(7)(C) that ultimately became heated between (b)(7)(C) and (b)(7)(C) explained that both (b)(7)(C) and (b)(7)(C) voices were elevated but probably more on (b)(7)(C) side than (b)(7)(C) (Exhibit 8, p. 8). (b)(7)(C) testified he had never seen (b)(7)(C) do that before, "but I had heard over the years when he (b)(7)(C) worked... there was a lot of problems, and several people [NFI] were like, you need to watch out for him. He can get mad or angry. I never had a problem. I always got along with (b)(7)(C) We've never had a-we've disagreed, but it never got to the point where we would argue about something" (Exhibit 8, p. 8). When asked why the (b)(7)(C) stood out from other disagreements he (b)(7)(C) had with (b)(7)(C) responded, "Because (b)(7)(C) was getting upset to where he was screaming. And you could see him where he was getting red, and he was shaking" (Exhibit 8, p. 9).

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(b)(7)(C) testified that she had been (b)(7)(C) first line supervisor for a couple of years and that during that time she believed (b)(7)(C) had prepared approximately three different DPO's. (b)(7)(C) explained that she was aware of (b)(7)(C) DPO's and, as a leader, she was required to (b)(7)(C) (b)(7)(C) said she "was not involved in answering the DPO" (Exhibit 9, p. 8). (b)(7)(C) testified that (b)(7)(C) was a good (b)(7)(C) very thorough. So as far as I'm concerned, from a technical perspective, he was very qualified to do the job that he was doing" (Exhibit 9, p. 9). In regards to (b)(7)(C) temperament issues, (b)(7)(C) said, "I don't recall a temperament issue that I addressed necessarily in a positive discipline perspective" (Exhibit 9, p. 10). (b)(7)(C) explained that as (b)(7)(C) leader, she was informed of the incident with (b)(7)(C) at the (b)(7)(C) but was not present for the meeting. (b)(7)(C) testified that (b)(7)(C) telephonically contacted her the day of the (b)(7)(C) to inform her, and they (b)(7)(C) ... worked with HR, worked with my boss (b)(7)(C) and worked through that process to put (b)(7)(C) on notice that that behavior was not acceptable" (Exhibit 9, p. 12).

A (b)(7)(C) of (b)(7)(C) PVNGS, testified that he observed (b)(7)(C) on occasion during a meeting "...lose control of his bodily functions, slurring of speech, shaking, and yelling really loud, very much I would call a hostile environment" (Exhibit 5, pp. 8 and 9). (b)(7)(C) explained that he had approached (b)(7)(C) on probably two or three occasions about his (b)(7)(C) ability to control himself but never documented it prior to the oral reminder. When asked why he documented the oral reminder, (b)(7)(C) stated, "It was kind of a rude awakening at how somebody could totally lose their control, to the point of not even speaking fluently, and just trembling, and I was really somewhat concerned for the employee across the table. I would have hated to think what if the table wasn't there separating the two" (Exhibit 5, p. 15). (b)(7)(C) testified that he took notes and informed his supervisor, (b)(7)(C) of the incident with (b)(7)(C) prior to working with Human Resources (HR), PVNGS, who actually prepared the oral reminder. (b)(7)(C) explained that in addition to the oral reminder, he (b)(7)(C) filled out a PVNGS employee observation form which led to (b)(7)(C) access being suspended and resulted in a mandatory referral to the PVNGS Employee Assistance Program (EAP). (b)(7)(C) testified he did not consider nor document (b)(7)(C) or any of his other employee's temperament in their annual performance reviews.

A review of an email dated (b)(7)(C) documented that (b)(7)(C) (b)(7)(C) PVNGS, performed an evaluation of (b)(7)(C) and referred him to anger management classes (Exhibit 25). When interviewed (b)(7)(C) testified that she first saw (b)(7)(C) through a mandatory referral arising from "The first time he had an incident in a meeting where he had...a meltdown...And apparently he had been exhibiting those behaviors for some time; it had not been addressed until this particular incident, and he was brought to my attention for an evaluation" (Exhibit 10, p. 6). (b)(7)(C) further testified that the interview with (b)(7)(C) resulted in a mandate that he attend anger management meetings. (b)(7)(C) explained that she made the determination to refer (b)(7)(C) to anger management classes based on "this pattern of behavior that he continued to present to colleagues" (Exhibit 10, p. 7). (b)(7)(C) advised that (b)(7)(C) was required to provide a certificate of completion documenting his completion of "...probably 12 session's worth" anger management classes (Exhibit 10, p. 7). (b)(7)(C) testified that she did not feel comfortable recommending that (b)(7)(C) access to the protected area be restored and without it (b)(7)(C) would be unable to perform his job. (b)(7)(C) advised

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that (b)(7)(C) had also asked her if they could discuss the possibility of his (b)(7)(C) (b)(7)(C) (Exhibit 10, pp. 5-19).

AGENT'S NOTE: (b)(7)(C) notes taken from the time of her interview with (b)(7)(C) showed that (b)(7)(C) was required to complete 10 sessions rather than 12 sessions (Exhibit 25).

(b)(7)(C) PVNGS, testified in her interview that she was part of review panel regarding (b)(7)(C) behavior at PVNGS and recalled that the panel "...looked at the circumstances and the history, we took into consideration the EAP feedback, that in and of itself was going to result in termination" (Exhibit 14, p. 15). (b)(7)(C) further stated, "during the discipline review panel we did discuss that we wanted to allow options if (b)(7)(C) were interested...One of the options would be that he could voluntarily resign in return for a release and waiver from the company" (Exhibit 14, p. 16).

(b)(7)(C) testified (Exhibit 13) that she had an altercation at work with (b)(7)(C) and told him that she did not appreciate his comment about the contractors and that (b)(7)(C) just got angry and started getting louder and louder and she kept saying "calm down" (Exhibit 13, p. 9). (b)(7)(C) explained that after (b)(7)(C) walked away, he "turned, went off on me again, right in the shop" (Exhibit 13, p. 10). (b)(7)(C) advised she was encouraged by others who overheard or observed the altercation between her and (b)(7)(C) to report the incident to (b)(7)(C).

In summary (b)(7)(C) for several issues involving his inability to control his anger toward other PVNGS employees (b)(7)(C) filed (b)(7)(C) DPO's during the last 2 years that he was employed at PVNGS, and raised what he believed to be various safety concerns. The DPO's were all filed through the formal process and were handled accordingly. In many instances, it was determined the issues were valid and were addressed through various avenues such as, additional training. Although (b)(7)(C) was never formally disciplined until after he raised the safety concerns, OI:RIV concluded the filing of the DPO's did not have an impact, nor were they considered, in PVNGS's (b)(7)(C).

Testimony from several former supervisors and employees determined (b)(7)(C) was a qualified engineer and, with the exception of his angry outbursts, was a good employee. (b)(7)(C) former supervisors also explained they did not make any references to his temperament when drafting his performance reviews as they believed it to be unrelated to his work performance. In the 3 years (b)(7)(C) received a "Distinguished" rating for work performance in 2005 and 2006 and a "Valued" rating for work performance in his 2007 performance review (Exhibit 29).

Based on the testimonial and documentary evidence, OI:RIV concluded that PVNGS management acted appropriately and in accordance with requirements and followed the formal PVNGS disciplinary process in documenting (b)(7)(C) inability to control his anger which eventually resulted in his (b)(7)(C) PVNGS. There was no evidence found, either testimonial or documentary, to support the allegation that (b)(7)(C) was subjected to retaliation and discrimination for raising safety concerns.

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Conclusions

Based on the evidence developed during this investigation, the allegation that (b)(7)(C) was subjected to discrimination for reporting safety concerns was not substantiated.

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DIRECTOR, OFFICE OF INVESTIGATIONS, REGION IV~~

LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
1	Investigation Status Record, dated November 6, 2008 (1 page).
2	Allegation Review Board materials, dated October 21, 2008 (6 pages).
3	Transcript of Interview with (b)(7)(C) dated December 1, 2008 (116 pages).
4	Transcript of Interview with (b)(7)(C) dated March 4, 2009 (48 pages).
5	Transcript of Interview with (b)(7)(C) dated March 4, 2009 (35 pages).
6	Transcript of Interview with (b)(7)(C) dated March 4, 2009 (15 pages).
7	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (20 pages).
8	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (16 pages).
9	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (19 pages).
10	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (21 pages).
11	Transcript of Interview with (b)(7)(C) dated March 2, 2009 (29 pages).
12	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (50 pages).
13	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (15 pages).
14	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (21 pages).
15	Transcript of Interview with (b)(7)(C) dated March 5, 2009 (17 pages).
16	(b)(7)(C)
17	
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LIST OF EXHIBITS

<u>Exhibit No.</u>	<u>Description</u>
21	Separation of Employment Letter pertaining to (b)(7)(C) dated (b)(7)(C) (1 page).
22	Corporate Policy No. 28, Subject: Positive Discipline, dated August 15, 2001, (6 pages).
23	Oral Reminder pertaining to (b)(7)(C) dated (b)(7)(C) (1 page).
24	Packet of documents and handwritten notes pertaining to the incident resulting in (b)(7)(C) oral reminder, various dates (8 pages).
25	Email containing (b)(7)(C) notes documenting her interviews with (b)(7)(C) various dates (1 page).
26	Packet containing interviews pertaining to the incident between (b)(7)(C) and (b)(7)(C) various dates (2 pages).
27	Packet containing background and interviews pertaining to the incident between (b)(7)(C) and (b)(7)(C) various dates (5 pages).
28	Packet containing behavior observation forms, ACAD hold request forms and other documents pertaining to (b)(7)(C) referral to EAP, various dates (6 pages).
29	2005-2007 Performance Reviews pertaining to (b)(7)(C) various dates (3 pages).

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