UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

THIRD CIRCUIT DOCKET NO. 13-1886

In the Matter of

SYED M. A. HASAN
PETITIONER

[AGENCY NO. ARB 12-096]

v.

UNITED STATES DEPARTMENT OF LABOR

RESPONDENT

ENERCON SERVICES, INC.
INTERVENOR

PRO SE PETITIONER'S REPLY TO THE DECEPTIVE RESPONSE OF THE RESPONDENT, PERTAINING TO MY URGENT MOTION [FILED WITH THIS COURT ON JUNE 12, 2013] FOR RELIEF [[REQUESTING THIS COURT TO ORDER THE US NUCLEAR REGULATORY COMMISSION [NRC] TO IMMEDIATELY FILE WITH THIS COURT COPIES OF TRUE AND COMPLETE [NON-REDACTED] SWORN STATEMENTS / AFFIDAVITS / TESTIMONIES [BEFORE THE NRC] OF THE OFFICERS / EMPLOYEES OF ENERCON SERVICES, INC. (ENERCON), PERTAINING TO MY ERA CASES AGAINST ENERCON

It is my duty, as pro se Petitioner, to Reply to the deceptive response (dated: June 20, 2013) of the Respondent, pertaining to my urgent Motion [Filed with this court on June 12, 2013] **for Relief** [[requesting this court to Order the NRC TO IMMEDIATELY FILE WITH THIS COURT COPIES OF TRUE AND COMPLETE [NON-REDACTED] SWORN STATEMENTS / AFFIDAVITS / TESTIMONIES [BEFORE THE NRC] OF THE OFFICERS / EMPLOYEES OF ENERCON SERVICES, INC. (ENERCON), PERTAINING TO MY ERA CASES AGAINST ENERCON].

The Judges of this court should note that it is the Legal duty of the NRC [a US Government agency] to File its response BY June 24, 2013 (as Ordered by this court) **to my**

urgent Motion (as stated above).

In fact, the NRC (in order to help this court to arrive at the whole truth of this ERA Case), on its own, must have submitted (at least, weeks ago) to this court COPIES OF TRUE AND COMPLETE [NON-REDACTED] SWORN STATEMENTS / AFFIDAVITS / TESTIMONIES [BEFORE THE NRC] OF THE OFFICERS / EMPLOYEES OF ENERCON SERVICES, INC. (ENERCON), PERTAINING TO MY ERA CASES AGAINST ENERCON.

The Respondent, without having the record of this Case in its possession [the Respondent has already Filed Two Motions for extensions to File the record with this court]**, filed the June 20, 2013 deceptive response to my urgent Motion (as stated above).**

The Respondent on page three of its spurious response to my urgent Motion (as stated above) ADMITS THAT "----- the Administrative Review Board ("ARB") has not yet completed ---- record, **---." [End of quotation].**

The Judges of this court should note that ALJ Kennington Committed fraud on the court [without referring to the NRC documents (redacted or non-redacted)] by stating, See his order (page three) of July 30, 2012 (a copy of this order is in the possession of this court), **"--------- while allowing Hasan to introduce any contradictory statements Respondent made to the NRC concerning its conduct during that period; this he failed to do." [End of quotation]. [Emphasis added].**

The Judges of this court should note that ALJ Kennington issued an order [[dated: March 21, 2012; a copy of this order (one page) is attached to this submittal]], regarding the NRC documents; referring to my submittal (eight page submittal) of March 12, 2012 addressed to ALJ Kennington ---- the Judges of this court should note that ALJ's order (one page) of March 21, 2012 (as mentioned above) was included as an attachment (page A7) to my Petition for Review (dated : August 6, 2012) addressed to the Administrative Review Board (ARB); after ALJ Kennington

issued his Biased order of July 30, 2012 (a copy of this order is in the possession of this court).

In the last paragraph of page eight (8) of my March 12, 2012 submittal, as mentioned above, (introduced as Complainant's Exhibit CX 83 at the Hearing before ALJ Kennington)**, addressed to ALJ Kennington, I stated as follows:**

> **"I BEG this court to order the NRC (for truth and Justice) to provide this court with a complete (unredacted) and true copy** (I made a request in this connection at the January 2012 Huntsville, AL, Hearing) **of the entire FILE, regarding the so-called NRC investigations of my issues (involving Enercon). In this manner, this court would be able to compare statements / affidavits at al of the officials of Enercon (in the DOL proceeding) with the sworn statements (including the 'position paper / statement') Enercon officials gave to the NRC."**
>
> **[End of Quotation].**

Please Study every word of my Petition for Review Filed with this court (on April 1, 2013).

The Judges of this court should note that ALJ Kennington illegally rejected my Exhibits at the Hearing on a large scale; ALJ Kennington rejected all of my Exhibits pertaining to the Redacted documents (involving Enercon) that I received from the NRC.

See footnote 2 (page 2) of ALJ Kennington's order of July 30, 2012.

For the sake of Truth and Justice, **the Judges of this court should have the entire record of my first THREE ERA cases** [Hasan I, Hasan II and Hasan III (as mentioned in my urgent Motion Filed with this court on June 12, 2013)] **that I Filed against Enercon [in the possession of the US Government (either the US department of Labor (DOL) or the US Nuclear Regulatory Commission (NRC))].** My fourth ERA case [Hasan IV] against Enercon is still pending before the ARB of the DOL.

Based on my Petition for Review Filed [on April 1, 2013] with this court, it is crystal clear that ALJ Kennington in his order of July 30, 2012 [the ALJ for my ERA cases against Enercon Services, Inc. (Enercon), ALJ Case Nos. 2004- ERA-22 and 2004-ERA-27 (Hasan II and Hasan III)] **made repeated references** [please study his order of July 30, 2012 (in the possession of this court)] **to my first ERA case against Enercon [ALJ Case NO. 2003-ERA-31, Hasan I;** the name of the ALJ for Hasan I is: ALJ Price].

This court [Third Circuit Docket No. 10-1288], **without having the complete record of Hasan I**, was only involved with the timeliness of my Motion for Reconsideration filed with the ARB.

ALJ Kennington abused his powers, regarding the admission of my Exhibits [including the Critical exhibits of Hasan I (as background evidence] at the hearings. ALJ Kennington, illegally [in order to favor Enercon], rejected my exhibits on a large scale at the hearings; the ARB, illegally [in order to favor Enercon], remained a silent spectator, by blindly affirming the Biased order of ALJ Kennington [See my Petition for Review Filed with this court] ---- See below.

The ARB, in its FD&O [March 14, 2013, this court (the Third Circuit) did receive a copy of this illegal and Biased order of the ARB], **committed a serious Reversible Error by refusing to address the rejection, on a large scale, of my Exhibits at the hearings by ALJ Kennington (ALJ)** [[See page 2 of the ARB's order (September 9, 2011, See my Hearing Exhibit CX 5), **"[t]he Board reviews an ALJ's determinations on procedural issues and evidentiary rulings under an abuse of discretion standard"]]. [End of quotation.]. [Emphasis added].**

For Truth, Law and Justice, it is vital that this court should study every word of this case [Hasan II and Hasan III] as well as my first ERA case against Enercon, as background evidence [ALJ Case No. 2003-ERA-31 (ALJ Price's illegal order of January 15, 2004), ARB No. 04-045 (ARB's illegal FD&O of May 18, 2005)]. See my Exhibits introduced at the Hearing, CX 15 and CX 14.

Also, See the September 25, 2008 Published Order of this court [Opinion of this court for ALJ Case Nos. 2004-ERA-22 / 2004-ERA-27 (Hasan II and Hasan III), my Hearing Exhibit CX 13], the Respondent referred to this court's published Order (CX 13) in its response on page 2.

The Judges of The US Court of Appeals for the Third Circuit (this court) issued a published Opinion (dated: September 25, 2008, CX 13), Third Circuit No. 07-3813, for the above two ERA cases (case) that I filed against Enercon. This court remanded this case back to the ARB, by stating: "---. A failure to hire a qualified individual for a position is a "rejection" for purposes of establishing a prima facie case. ---- If an administrative agency makes an error of law, we must 'correct the error of law committed by that body, and after doing so,... remand the case to the [agency] so as to afford it the opportunity of examining the evidence and finding the facts as required by law.' ICC v. Clyde S. S. Co., 181 U.S. 29, 32-33 (1901). ----------**The law does not support the ARB's conclusion that Hasan failed to show he was 'rejected' when he was not hired for an employment position."** [End of quotation]. [Emphasis added].

I Beg the Judges of this court to Study every word of all of my pleadings Filed with this court as well as the entire record of my three ERA cases (Hasan I, Hasan II and Hasan III) against Enercon. See the Hearing Transcript (T), T6 to T1538.

Based on the above, the Judges of this court, for Truth and Justice, should have the complete record of Hasan I, as Background Evidence [ALJ Case No. 2003-ERA-31, See the April 30, 2013 order of this court for the above Docket (13-1886)] --- **See the last sentence of paragraph 17 of** *National Railroad Passenger Corp. v. Morgan* [536 U. S. 101, 113 (2002)], **which stated "Nor does the statute bar an employee from using the prior acts as background evidence in support of a timely claim." [End of quotation] [Emphasis added].**

By having the entire Original record of Hasan I, Hasan II and Hasan III, with copies

(Hasan I, Hasan II and Hasan III) **to me, this court, after studying the entire Record, will be convinced about the illegal Conduct of the DOL Judges, ALJ Price and ALJ Kennington, and the ARB of the DOL (in Hasan I, Hasan II and Hasan III).**

The NRC and the DOL, acting as agents of Enercon, left no stone unturned by issuing one illegal ruling after another. SEE ENERCON'S HEARING EXHIBIT [RX 30, LETTER (dated: December 16, 2011) FROM THE NRC TO ENRCON (two page document)]. A COPY OF RX 30 [NRC DOCUMENT] IS ATTACHED TO THIS SUBMITTAL FOR THIS COURT'S PERUSAL. ALJ Kennington rejected all of my Exhibits pertaining to the redacted documents that I received from the NRC.

Based on the above paragraph, the Judges of this court should note that the NRC OI (Office of Investigations) INVESTIGATOR (AGENT), NRC OI CASE NO. 1-2010-047, ADMITTED [please study the attached page, A REDACTED DOCUMENT THAT I RECEIVED FROM THE NRC] that he did not Conduct any Discrimination / Retaliation investigation at all, regarding Enercon's Principal offices in Atlanta, GA, Tulsa, OK and Germantown, MD [for my ERA Case Nos. 2003-ERA-31, 2004-ERA-22 and 2004-ERA-27. In other words, the Biased NRC (agent of Enercon) issued the report (RX 30, as mentioned above), without Conducting COMPLETE investigations EVEN FOR ALJ CASE NO. 2003-ERA-31 (Hasan I), LET ALONE FOR ALJ CASE NOS. 2004-ERA-22 AND 2004-ERA-27 [Hasan II and Hasan III].

In short, the evil and Biased NRC, one more time, engaged in illegal Obstruction of Justice, by issuing RX 30 (as mentioned above).

ON MARCH 23, 2012, I received from Enercon Services Inc. (Enercon) a copy of a letter (dated: December 16, 2011, one page), with one page of attachment, signed by NRC's Director [FREDERICK D. BROWN]. In this NRC document (including the one page attachment), NRC DIRECTOR, FREDERICK D. BROWN openly LIES by stating that no

discrimination was committed [fully knowing that the NRC did not conduct complete investigations even for my first ERA Case against Enercon (ALJ CASE NO. 2003-ERA-31, Hasan I)], LET ALONE ALJ CASE NOS. 2004-ERA-22 AND 2004-ERA-27(Hasan II and Hasan III).

Based on the above, I had no choice but to write a letter [DATED : MARCH 23, 2012] to President OBAMA, a copy of this letter [total: three pages, including one page attachment] is attached to this submittal for this court's perusal ---- I did include a copy of my MARCH 23, 2012 letter [total: three pages, including one page attachment] ADDRESSED TO PRESIDENT OBAMA, in my Petition for review (dated: August 6, 2012) addressed to the ARB [as pages A8, A9 and A10].

ALJ Kennington Committed Fraud upon the court, by rejecting all of my exhibits pertaining to the REDACTED DOCUMENTS I received from the NRC, regarding the Sworn testimonies / Sworn Statements / Sworn affidavits of officials / employees of Enercon [including, JOHN RICHARDSON (President and CEO of Enercon), RICHARD McGOEY, WHITMORE et al].

I am continuously unemployed, for being an honest and truthful whistleblower, <u>for more than eleven years</u>.

ALJ Kennington and the ARB, illegally, refused to consider the Redacted documents that I received from the United States Nuclear Regulatory Commission (NRC).

It is vital for the Judges of this court to know that the NRC NEVER furnishes COMPLETE AND TRUE COPIES, the so-called non-redacted documents, (as mentioned above), OF ITS DOCUMENTS to the ordinary citizens of this Country (USA); we (ordinary citizens of this Country) ONLY RECEIVE THE REDACTED DOCUMENTS FROM THE NRC.

Despite my repeated requests, ALJ Kennington and the ARB declined to obtain the complete and non-redacted documents, directly, from the NRC; IN ORDER TO

CONTINUE THE ILLEGAL COVER-UP.

Based on the above, I quote the following sentences, SEE pages 27 and 28 of my Petition for Review (dated: August 6, 2012) addressed to the ARB:

"REDACTED DOCUMENTS v. UNREDACTED DOCUMENTS

This court should note that the ordinary citizens of this Country get the redacted documents from the **NRC.** See, for example, T356 to T359. This court can easily receive non-redacted (complete and true copies of documents) copies of documents from the NRC. For example, CX 79 is a redacted document from the NRC (affidavits of Enercon's official), See CX 86, a complete document submitted to the NRC (including the affidavit of Richardson) ---- this court should compare the affidavit of Enercon's official (Richardson): CX 79 (in redacted form) with CX 86 (non-redacted form), so as to make all of the redacted documents submitted to this court a part of the record.

Based on the above, I Beg this court, for the whole Truth, to get a complete and true copy of NRC's investigation [NRC 1-2010-047], this court can easily compare the redacted documents (that I received from the NRC) with the unredacted documents, complete and true copies, (including the Sworn interviews of McGoey et al by the NRC) of the NRC."

[End of Quotation].

I, virtually, referred to every Complainant's exhibits, so as to keep my issues alive before the ARB, T16 (14-22). See CX 1 [p.7], and CX 77.

I Declare under Penalties for Perjury that for more than twenty-five years, many judges of this Country [IN MY ERA CASES], acting as Biased judges (agents of employers / big Corporations), illegally ignored evidence / exhibits et al that WAS VERY DAMAGING TO EMPLOYERS / BIG CORPORATIONS, THUS COMMITTING FRAUD ON THE COURT [[SEE footnote one (1) of the Respondent's spurious submittal to this court (dated: June 20, 2013)]] --- The Judges of this Court should note that a complaint is frivolous if

it lacks an arguable basis in law or fact. See *Siglar v. Hightower* 112 F.3d 191, 193 **(5th Circuit, 1997).**

The US Supreme Court, to the best of my knowledge, does not Grant CERT petitions filed by pro se litigants (in Whistleblowing cases) ---- the Judges of this court should Study, **regarding the manner in which the submittals of pro se litigants are handled in the US court of Appeals for the Third Circuit (this court),** every word of the Confirmation Hearing **of Judge (Justice) Alito, for the Associate Justice of the US Supreme Court (before the US Senate Judiciary Committee).**

AFTER MORE THAN NINE YEARS, Enercon admitted (in 2011) to the NRC (Not to the DOL) that Enercon was aware of my protected activities on February 21, 2003. T667 (lines 3-11).

This court, by Law, should Sanction Enercon, Kollmorgen [Enercon's attorney], Enercon's Officials (especially, McGoey) for lying UNDER OATH [[for years and years (since 2003)]] about the material facts of this Case.

This court, by law, should admit CX 85 and other Complainant's Exhibits, based on the NRC documents. Based on the above, both McGoey and Whitmore Committed Perjury, in their respective affidavits [CX 41 (June 30, 2003) and CX 52 (not dated), See CX 25 (June 30, 2003)], by stating they were not aware of my protected activity until Enercon received a document from the OSHA on May 30, 2003. McGoey's affidavit of June 30, 2003 (CX 41) and Whitmore's affidavit (not dated, CX 52) [originally submitted to the OSHA (CX 25)] are again attached to CX 85 (dated: March 24, 2011). Enercon / Kollmorgen [T766 (11-17)] never hesitate to furnish totally Contradictory information on the same Critical issue, in the same document (CX 85, dated: March 24, 2011) ---- **At the hearing (on April 27, 2012), McGoey Lied (under Oath) again and again (Committed Perjury), stating that he was not aware of my protected activity until he received a document from the OSHA on May 30, 2003, See T1388 to T1538.(McGoey's testimony).** SEE MY TELEPHONE BILLS, CX 30.

SEE page 4 of 11 of CX 19, regarding the Published Ruling of the Tenth Circuit [employer's knowledge regarding employee's whistleblowing activities], in the matter of *Syed M. A. Hasan v. United States Department of Labor*, Tenth Circuit Docket No. 01-9521 [dated: April 26, 2002]. The ARB, on behalf of the US Secretary of Labor (SOL), is using the above Case law of the Tenth Circuit [employer's knowledge regarding employee's whistleblowing activities] for other circuit's ERA cases [for example, the First Circuit, SEE CX 57 and CX 58, in the matter of *Syed M. A. Hasan v. Stone & Webster*, ALJ Case No. 2000-ERA-10].

Based on the above, Richardson [Enercon's CEO / President] Committed Perjury, in his Sworn Affidavit to the NRC (CX 86), by stating (item 7, See page 3 of 16): "---. I have also read the Affidavits of Ken Whitmore and Rick McGoey that are included in Enercon's submissions to the N.R.C. The information set forth in these affidavits are true and correct statements of fact, ----." **[End of quotation].**

Based on the above, the Judges of this court, for Truth and Justice, should Order the NRC TO IMMEDIATELY FILE WITH THIS COURT COPIES OF TRUE AND COMPLETE [NON-REDACTED] SWORN STATEMENTS / AFFIDAVITS / TESTIMONIES [BEFORE THE NRC] OF THE OFFICERS / EMPLOYEES OF ENERCON SERVICES, INC. (ENERCON), PERTAINING TO MY ERA CASES AGAINST ENERCON; WITH COPIES TO ME.

Respectfully submitted,

JUNE 21, 2013
112 Sanoma Drive
Madison, AL 35758-1394
Tel. No. (256)464-0765

S. M. Aziz Hasan

Syed M. A. Hasan
Pro Se Petitioner

[[TOTAL PAGES: SEVENTEEN(17), INCLUDING ATTACHMENTS]]

CERTIFICATE OF SERVICE

I hereby certify that an original and three copies of my Reply [dated: June 21, 2013] to the Respondent's response (dated: June 20, 2013), regarding my urgent Motion [Filed with THE THIRD CIRCUIT ON JUNE 12, 2013], THIRD CIRCUIT DOCKET NO. 13-1886, **WAS MAILED [ON JUNE 21, 2013], BY FEDERAL EXPRESS, TO THE CLERK OF THE US COURT OF APPEALS FOR THE THIRD CIRCUIT, 21400 U. S. COURT HOUSE, 601 MARKET STREET, PHILADELPHIA, PA 19106**

AND ONE COPY (By U.S. First Class Mail / BY FAX) on:

(1) SARAH J. STARRETT, Esq.
Office of the Solicitor, Fair Labor Standards Division,
U.S. Department of Labor
ROOM N-2716
200 Constitution Avenue, N.W.
Washington, D.C. 20210

(2) Terry M. Kollmorgen, Esq.
Moyers, Martin et al, LLP
1100 Mid-Continent Tower
401 South Boston Avenue
Tulsa, OK 74103

(3) **THE CHAIRMAN, US NUCLEAR REGULATORY COMMISSION**
11555 ROCKVILLE PIKE,
ROCKVILLE, MD 20852

S. M. Aziz Hasan

SYED M. A. HASAN
pro se Petitioner
112 SANOMA DRIVE
MADISON, AL 35758-1394
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U.S. Department of Labor

Office of Administrative Law Judges
5100 Village Walk, Suite 200
Covington, LA 70433

(985) 809-5173
(985) 893-7351 (FAX)

Issue Date: 21 March 2012

CASE NO.: 2004-ERA-22; 2004-ERA-27

SYED M.A. HASAN,
Complainant

ENERCON SERVICES, INC.,
Respondent

APPEARANCES:

Syed M.A. Hasan,
Pro Se

Terry M. Kollmorgen, Esq.,
On behalf of Respondent

Before: Clement J. Kennington
Administrative Law Judge

DISCOVERY ORDER

On March 20, 2012, a telephone conference was held with the aforementioned parties to discuss prehearing issues raised in Mr. Hasan's March 12, 2012 filing. Included in this discussion was the production of Enercon's response to a Nuclear Regulatory Commission (NRC) inquiry initiated by a complaint filed by Mr. Hasan. Accordingly, it is decided that Mr. Hasan is ordered to produce any and all documents, files or submissions included in his complaint to the NRC. Similarly, Enercon is ordered to produce any and all documents, files or submissions included in its response to Mr. Hasan's NRC complaint and submitted to the NRC.

Discovery in this matter is ordered to be concluded by April 3, 2012. Any supplemental exhibit lists the parties wish to include at the hearing on April 24, 2012 must be filed by April 13, 2012.

ORDERED this 21st day of March, 2012 at Covington, Louisiana.

Clement J. Kennington

CLEMENT J. KENNINGTON
Administrative Law Judge

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 16, 2011

Mr. Richard McGoey, Director of
New Plant Business Development
Enercon Services, Inc.
400 Valley Road # 301
Mount Arlington, NJ 07856-2316

SUBJECT: NRC OFFICE OF INVESTIGATIONS REPORT NO. 1-2010-047

Dear Mr. McGoey:

This letter refers to an investigation conducted by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI) to determine whether a concerned individual was denied employment at Enercon Services (Enercon) after informing Enercon that he was a known nuclear industry "whistleblower." Based upon the evidence developed during the investigation, OI did not substantiate that the concerned individual was denied employment at Enercon for being a "whistleblower."

In accordance with Title 10 of the Code of Federal Regulations (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

You should note that final NRC documents, including the final OI reports, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information pursuant to the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Request for Records. The instructions for making a request for information under the FOIA are accessible at http://www.nrc.gov/reading-rm/foia/foia-request.html.

If you have any questions or comments regarding this matter, please contact Lois James, Senior Allegations Coordinator of NRC's Office of Nuclear Reactor Regulation, toll free at (800) 368-5642.

Sincerely,

Frederick D. Brown, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Enclosure:
Synopsis of OI Report No. 1-2010-047

SYNOPSIS

This Investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC), Office of Investigations (OI), Region I (RI) Field Office, King of Prussia, PA, on July 20, 2010, to determine whether an Engineer, who was an applicant for employment in 2002, 2003, and 2004, was discriminated against for previously engaging in protected activity. Specifically, the Engineer claimed that he/she was denied employment at Enercon Services, Inc. (ENERCON), Mount Arlington, NJ, after ENERCON became aware that he/she had raised nuclear safety issues at prior employments and was a "whistleblower" within the nuclear industry.

Based upon the evidence developed during the course of this investigation, OI concludes that there is insufficient evidence to substantiate that the Engineer was discriminated against for previously raising nuclear safety concerns or because he/she was a known "whistleblower."

ENCLOSURE

BY US FIRST CLASS MAIL

TOTAL PAGES : THREE (3), INCLUDING ONE PAGE OF ATTACHMENT

Syed M. A. Hasan
112 Sanoma Drive
Madison, AL 35758
MARCH 23, 2012
TEL. NO. (256)464-0765

TO:

OUR PRESIDENT OBAMA

SUBJECT : THE NRC OI PRINCIPAL INVESTIGATOR (**NRC OI CASE NO. 1-2010-047**) AND HIS BOSSES (EVIL WILSON AND **NOTORIOUS** CHERRYL McRARY (NRC OI CHIEF), DIRECTOR FREDERICK D. BROWN ET AL) ARE CORRUPT, DISHONEST AND EVIL AND BIASED (AGENTS OF BIG AND RICH CORPORATIONS, INCLUDING ENERCON SERVICES, INC.) AND HAVE NO REGARD FOR THE SAFETY OF THE US NUCLEAR POWER PLANTS

DEAR MR. PRESIDENT :

Very humbly and very respectfully, I submit as follows:

I am a US citizen. I am a civil / structural engineer.

If you truly love this Country (USA) and care for the Safety of the US nuclear power plants, then YOU must read and Study all of my letters addressed to you (including my letter of NOVEMBER 9, 2011 addressed to you) --- the people around you are irresponsible, that is why this Country is in such a big mess. ALSO, PLEASE STUDY MY LETTERS ADDRESSED TO BUSH JUNIOR.

THE NRC OI PRINCIPAL INVESTIGATOR (**NRC OI CASE NO. 1-2010-047**) promised me in 2010 that he would conduct impartial investigations, regarding my ERA cases against Enercon Services, Inc. (Enercon), ALJ CASE NOS. 2003-ERA-31 (ERA Complaint Filed in 2003), 2004-ERA-22 (ERA Complaint Filed in 2004) AND 2004-ERA-27 (ERA Complaint Filed in 2004), CONSIDERING MANY BIASED RULINGS ISSUED BY THE DOL JUDGES (ALJ PRICE, ALJ KENNINGTON, DOUGLASS, BEYER, AND OLIVER TRANSUE).

THE NRC OI PRINCIPAL INVESTIGATOR (**NRC OI CASE NO. 1-2010-047**), with the help of his notorious bosses, engaged in a massive,

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illegal, COVER-UP AND ISSUED A BAISED RULING --- ENERCON'S OFFICIALS LIED UNDER OATH (AS USUAL). THERE IS NO ONE IN THIS COUNTRY, IN PRO SE COMPLAINANT'S CASES, TO SEND THESE HIGH LEVEL OFFICIALS OF ENERCON TO JAIL (FOR COMMITTING PERJURY), COMPROMISING THE SAFETY OF THE US NUCLEAR POWER PLANTS.

At least, THE NRC OI INVESTIGATOR (NRC OI CASE NO. 1-2010-047) ADMITTED (please Study the attached page) that he Did not Conduct any Discrimination / Retaliation investigation at all, regarding Enercon's PRINCIPAL offices in Atlanta, GA, Tulsa, OK and Germantown, MD (ERA CASE NOS. 2003-ERA-31, 2004-ERA-22 AND 2004-ERA-27) --- in other words, the corrupt NRC issued the report, WITHOUT CONDUCTING COMPLETE INVESTIGATIONS EVEN FOR ALJ CASE NO. 2003-ERA-31 (LET ALONE FOR ALJ CASE NOS. 2004-ERA-22 AND 2004-ERA-27). THIS DOES NOT HAPPEN EVEN IN BARBARIC COUNTRIES.

In short, the evil NRC engaged in illegal Obstruction of Justice.

Today (MARCH 23, 2012), I received (from Enercon Services, Inc.) a copy of a letter (dated : December 16, 2011, one page), with one page of attachment, signed by the corrupt NRC Director FREDERICK D. BROWN --- in this NRC document (including the one page attachment), NRC Director FREDERICK D. BROWN OPENLY (WITHOUT ANY HESITATION) LIES (fully knowing that the NRC did not Conduct complete investigations even for my first ERA case against Enercon (2003-ERA-31)) BY STATING that no discrimination was committed !!!!

Mr. President, that is how discrimination / retaliation (for engaging in ERA protected activities) IS INVESTIGATED IN YOUR REGIME --- You should Order independent investigations.

Mr. President, I doubt very much that you would have a notable place in the US HISTORY.

Respectfully submitted,

S. M. Aziz Hasan.

Syed M. A. Hasan

MARCH 23, 2012
112 Sanoma Drive
Madison, AL 35758
Tel. No. (256)464-0765

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have informed ENERCON of his (HASAN) past protected activity. HASAN stated that (b)(7)(C) has never testified about any of HASAN's aforementioned DOL complaints. HASAN has never spoken to (b)(7)(C) pp. 110–122).

HASAN noted that after receiving the letter from ENERCON, Mt. Arlington, NJ (Exhibit 4), providing his travel reimbursement and indicating that no positions were available at that time that matched his skills, he repeatedly applied for positions (Exhibits 5, 6, 9, 10, 12-14, and 16) listed on ENERCON's website. HASAN related that as a result of applying for the ENERCON jobs, he was never contacted for employment and believes he was discriminated against, as a result of not obtaining employment at ENERCON, for previously raising safety concerns and being a whistleblower (pp. 126–140).

AGENT'S NOTE: Regarding ENERCON, HASAN's transcribed testimony primarily focused on his inability to obtain employment at the ENERCON Mount Arlington, NJ office, first because [redacted] must have said something, and afterwards because they knew he was a whistleblower. HASAN's testimony also then generally indicates that his discrimination is ongoing as the result of HASAN not being able to obtain employment in other ENERCON offices like Atlanta, GA, Tulsa, OK, and Germantown, MD. This additional concern will be considered for a supplemental or separate OI investigation with a distinct report being generated.

(b)(7)(C)

Protected Activity

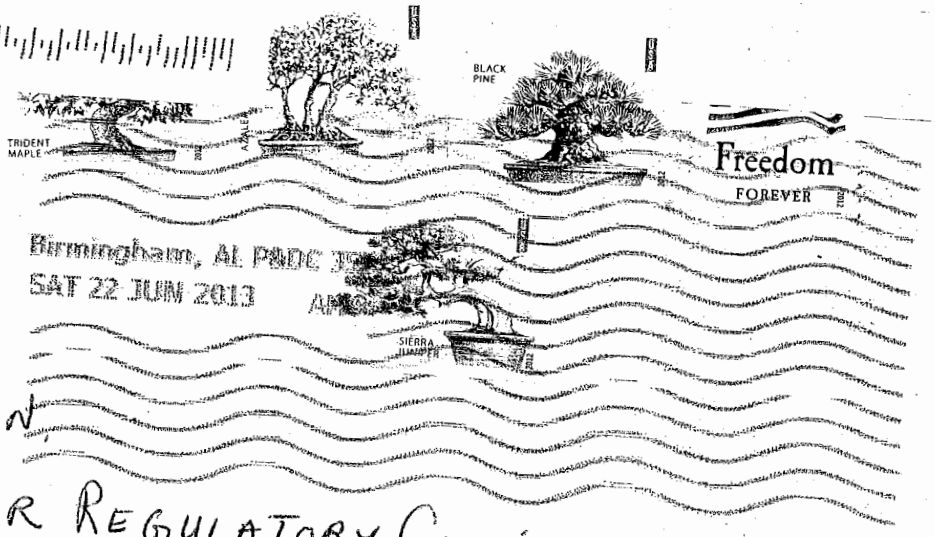
According to HASAN, he worked at two previous nuclear projects with (b)(7)(C) and he (b)(7)(C) was aware that HASAN had raised safety concerns at these two projects. HASAN has filed numerous Energy Reorganization Act (ERA) discrimination complaints, including against ENERCON, as a respondent (Exhibit 19, pp. 110-113).

AGENT'S NOTE: In Exhibits 5, 6, 9, 10, 12-14, and 16, which were letters/applications for employment with ENERCON, HASAN identified himself as a "whistleblower." His resume does not contain any whistleblower references.

Management Knowledge

HASAN stated that he believes (b)(7)(C) while employed at ENERCON during the same time he (HASAN) was being considered for a position with ENERCON, informed ENERCON representatives of his (HASAN) past protected activity. HASAN infers that [redacted] informed both (b)(7)(C) (b)(7)(C) of his (HASAN) history of raising safety concerns but was unable to provide any substantive proof that this actually occurred (Exhibit 19, pp. 117–118).

AGENT'S NOTE: OI considered ENERCON's (b)(7)(C) sworn affidavit to DOL (Exhibit 17) wherein he claims he didn't become aware that HASAN engaged in protected activity until May 2003 when ENERCON received the DOL complaint



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