

# Wrongful discharge suit names Consumers, Zack

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By PAUL RAU  
Daily News staff writer

A civil suit filed Tuesday in Cook County, Ill., Circuit Court names as defendants Consumers Power Co., one of its Midland employees and a Midland nuclear plant subcontractor.

The wrongful discharge suit was brought by Albert "Terry" Howard and Sharon Marello, two former employees of the Zack Co. based near Chicago. Zack, which supplies and installs ductwork at the Midland plant, also was named in the suit.

Other defendants are Zack Co. President Christine Zack DeZutel and Hank Leonard, a Consumers Power Co. employee in Midland.

Consumers Power and Zack declined comment on the suit.

Howard and Marello are seeking in excess of \$15,000 each, according to their attorney, Sandy VandeKauter of the law firm Harvey L. Walner & Associates Ltd. of Chicago. The suit does not seek their reinstatement to their former jobs at Zack headquarters in Chicago.

Howard, Marello and two other Zack employees not involved in the suit were fired by Zack on April 29, 1982, after they had complained to supervisors and Consumers Power about falsified documents in the documentation section where they worked.

Zack has had a history of trouble keeping proper records of materials it supplied for nuclear plants. Federal law requires complete verification of materials used in safety-related nuclear plant systems. The U.S. Nuclear Regulatory Commission fined Consumers Power \$38,000 in January 1981 for a series of paperwork and construction violations committed by Zack.

The NRC is investigating the allegations made by Howard, Marello and others.

Zack hired four persons in October 1981 to clean up its document situation, including Howard and Marello; Howard, a retired educator and real estate consultant,

was made supervisor of the Quality Assurance (QA) documentation section.

Howard told the Daily News last year that the Zack documents were in a "horrendous mess." He said many documents were missing and thousands more had been altered and falsified.

He said he was assured by Mrs. DeZutel that Zack would not interfere with the work of his department, but that his team was harassed by Zack management because the team refused to cover up the document deficiencies.

In April 1981, Howard said, Leonard of Consumers Power promised him confidentiality and protection from reprisals if he would report the document problems through the utility's Midland Project Quality Assurance Department (MPQAD).

At the time, Leonard was Heating, Ventilating and Air Conditioning (HVAC) Quality Assurance section head. Since then he has been promoted to HVAC QA superintendent.

Two weeks after the problems were reported to Consumers' MPQAD, Zack fired its entire QA documentation section. "We were obviously canned because we knew too much. We were retaliated against," Howard said in 1982.

MS. VANDEKAUTER, speaking for her clients, said Howard and Marello decided to sue when Zack's law firm, Jenner & Block, ignored attempts to arrive at an "amicable settlement" of their grievances. Ms. VandeKauter said her calls and letters were not returned by the firm.

She said the two have suffered emotional trauma and financial difficulty since their firings. "Good employees were left without a job in bad economic times for no reason," Ms. VandeKauter said.

She noted that Howard, who has 10 children, moved his family from Massachusetts to Chicago when Consumers offered him a new career in the nuclear industry, and then moved back after being on the job less than a year.

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