

U. S. NUCLEAR REGULATORY COMMISSION
OFFICE OF INVESTIGATION
DALLAS FIELD OFFICE

REPORT OF INQUIRY

August 2, 1982

SUBJECT: INVESTIGATION OF ALLEGED B&R TERMINATION IN VIOLATION OF SECTION 210,
ENERGY REORGANIZATION ACT, AT CPSES
(Investigation No. Q4-82- 0011)

1. On June 25, 1982, Mr. Charles Atchison telephonically advised the reporting investigator that Mr. David G. Stinson, a Brown & Root, Inc. (B&R) Quality Control Inspector at CPSES was terminated for attempting to submit an NCR regarding improper Hilti bolt installation.
2. On July 6, 1982, Mr. Robert J. Fortman, Assistant Area Director, U. S. Department of Labor, Fort Worth, Texas, advised that David G. Stinson had filed a complaint with DOL under the provisions of the Energy Reorganization Act. A copy of the DOL letter acknowledging this complaint is attached as Attachment 1.
3. On July 9, 1982, Stinson was telephonically contacted by the reporting investigator regarding his complaint. Stinson stated he worked as a QC inspector on the night shift at CPSES. He stated his supervisor, Mr. Eddie Holland, had refused to allow him to submit an NCR on June 17, 1982. Stinson stated that an argument with Holland had ensued, subsequent to which he (Stinson) was terminated. Stinson stated Holland wanted to informally apprise the craft supervisor of the defect in order that corrective action could be taken. Stinson agreed to come to the NRC region IV office for further interview. The week of July 12, 1982, he cancelled two appointments and failed to arrive for another. No further contact was made with Stinson.
4. On July 21, 1982, the reporting investigator accompanied Mr. Robert J. Fortman to CPSES to investigate circumstances relating to Stinson's complaint. The following persons were interviewed by Mr. Fortman, DOL, with the reporting investigator present:

Randall Smith, non-ASME Mechanical QC Lead, B&R
Don Mantz, Pipe Hanger General Foreman, B&R
Edward Holland, Night Shift non-ASME QC Superintendent, B&R
James Ragan, Night Shift ASME QC Supervisor, B&R
Cecelia Payne, Night Shift non-ASME QC Inspector, B&R

Interviews of the aforementioned personnel disclosed that Stinson had been reassigned to the night shift non-ASME QC staff in about early June 1982. Smith, Holland, Ragan, and Payne stated Stinson had not wanted to work on the night shift. Holland, Ragan, and Payne stated Stinson was difficult to communicate with and that he had displayed a very poor attitude with other

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persons working that shift. With regard to the situation that allegedly resulted in Stinson's termination, Mantz, Holland, Ragan, and Payne stated the problem was not one which required an NCR and that Stinson had agreed with the corrective action taken at that time. Holland and Ragan related that the termination of Stinson resulted from another matter which occurred on June 17, 1982, subsequent to which Holland had discussed with Stinson his performance. During this discussion, Stinson made the statement "fire me now or fire me later."

(Investigator's note: During the 7/9/82 telephonic interview of Stinson, he commented that he made this statement to Holland.)

Holland stated this comment was the reason he terminated Stinson. Holland stated this statement was interpreted as a display of Stinson's disrespect and his failure to understand that his performance should improve.

5. On July 29, 1982, Mr. Robert Fortman advised the reporting investigator that his determination, relating to Stinson's complaint, was that evidence did not verify that discrimination was a factor in the actions which resulted in his (Stinson) termination. A copy of the DOL letter to Stinson concerning this decision is attached as Attachment 2.



D. D. Driskill, Investigator

Attachments:

1. Attachment 1 - DOL letter dtd 7/8/82
2. Attachment 2 - DOL letter dtd 7/27/82

cc: J. Collins, RIV
J. Gagliardo, RIV

U.S. Department of Labor

Room 7A12, 819 Taylor St.
Fort Worth, Texas 76102



July 8, 1982

David G. Stinson

Dear Mr. Stinson:

This will acknowledge receipt of your complaint against Brown & Root, Inc., alleging violations of the Energy Reorganization Act. Your complaint was received in this office on July 2, 1982.

The Act requires the Secretary of Labor to notify the person named in the complaint of its filing and to conduct an investigation into the alleged violations. Consequently, we are providing Brown & Root, Inc. with a copy of your complaint and advising of the Wage and Hour Division's responsibilities under this law. We have enclosed a copy of the pertinent section of the Act, and a copy of Regulations, 29 CFR Part 24 for your information.

This case has been assigned to Assistant Area Director, Robert Fortman, whose first action will be to try and achieve a mutually agreeable settlement through conciliation. If this is not attainable an investigation will be conducted as soon as possible. If you have further evidence, please give it to our representative who will contact you on this matter. If you have any questions do not hesitate to call me or our representative at 334-3417.

Sincerely,

A handwritten signature in cursive script, appearing to read "Curtis L. Foer", is written over the typed name.

Curtis L. Foer
Area Director

Enclosure

U.S. Depart:

Room 7A12, 819 Taylor Street
Fort Worth, Texas 76102

July 8, 1982

Brown & Root, Inc.
Stephen L. Hoech
Manager of Employee Relations/Compliance
P. O. Box 3
Houston, TX 77001

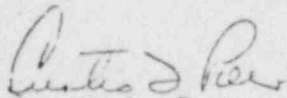
Dear Mr. Hoech:

This will notify you that the Wage and Hour Division of the U. S. Department of Labor has received a complaint from David G. Stinson alleging discriminatory employment practices in violation of The Energy Reorganization Act. This charge was received by our office on July 2, 1982. We have enclosed a copy of the complaint, a copy of Regulations, 29 CFR Part 24, and a copy of the pertinent section of the Act.

The Act requires the Secretary of Labor to conduct an investigation into the violations alleged. This case has been assigned to Assistant Area Director Robert Fortman whose first action will be to try and achieve a mutually agreeable settlement through conciliation. If this is not attainable, the law requires that an investigation be conducted as soon as possible. You are encouraged, and will be given every opportunity, to present any relevant information or evidence to our representative.

Thank you for your cooperation in this matter.

Sincerely,


Curtis L. Poer
Area Director

Enclosures

Room 7A12, 319 Taylor St.
Fort Worth, Texas 76102



July 27, 1982

David G. Stinson

Re: David G. Stinson vs. Brown & Root, Inc.

Dear Mr. Stinson:

This letter is to notify you of the results of our compliance actions in the above case. A previous letter from this office advised you that your complaint was received on July 2, 1982, and enclosed a copy of Regulations, 29 CFR Part 24 and a copy of the pertinent section of the Energy Reorganization Act.

Our initial efforts to conciliate the matter revealed that the parties would not at that time reach a mutually agreeable settlement. An investigation was then conducted. Our investigation did not verify that discrimination was a factor in the actions comprising your complaint. Conversely, it is our conclusion that your allegations are unprovable for the following reasons:

Interviews of other employees and company records provided insufficient evidence that your supervisor, Edward Holland, refused to permit you to write an NCR.

The evidence indicates that Mr. Holland did not have any intentions of terminating you before your meeting of June 17, 1982. It appears that your termination was a result of statements made during that meeting between yourself and Mr. Holland.

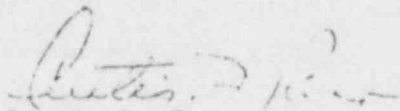
This letter will notify you that if you wish to appeal the above findings you have a right to a formal hearing on the record. To exercise this right you must, within five (5) calendar days of receipt of this letter, file your request for a hearing by telegram to:

The Chief Administrative Law Judge
U. S. Department of Labor
Suite 700, Vanguard Building
1111 - 20th Street, NW
Washington, DC 20036

Unless a telegram request is received by the Chief Administrative Law Judge within the five-day period, this notice of determination will become the final order of the Secretary of Labor dismissing your complaint. By copy of this letter I am advising Brown & Root, Inc. of the determination in this case and the right to a hearing. A copy of this letter has also been sent to the Chief Administrative Law Judge with your complaint. If you decide to request a hearing it will be necessary to send copies of the telegram to Brown & Root, Inc. and to me at 819 Taylor Street, Room 7A12, Fort Worth, Texas 76102, telephone number 817 334-3417. After I receive the copy of your request, appropriate preparations for the hearing can be made. If you have any questions do not hesitate to call me.

It should be made clear to all parties that the role of the Department of Labor is not to represent the parties in any hearing. The Department would be neutral in such a hearing which is simply part of the fact-development process, and only allows the parties an opportunity to present evidence for the record. If there is a hearing, an Order of the Secretary shall be based upon the record made at said hearing, and shall either provide appropriate relief or deny the complaint.

Sincerely,



Curtis L. Poer
Area Director

cc: Brown & Root, Inc.
NRC
Chief Adm. Law Judge