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Scott K. Luiña, Senior Special Agent  
Office of Investigations, Region II  
U. S. Nuclear Regulatory Commission  
245 Peachtree Center Avenue, NE Suite 1200  
Atlanta, Georgia 30303-1257

Desk: 404- 997-4874  
Cell: 404-357-2442  
Office: 404-997-4878  
Fax: 404-997-4908

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## **Exhibit 39**

**Exhibit 39**

2-2019-015

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**  
**OFFICIAL USE ONLY**  
**OI INVESTIGATION INFORMATION**

Title: Interview of John E. Slater

Docket Number: 2-2019-015

Location: Knoxville, Tennessee

Date: November 20, 2019

Work Order No.: NRC-0727

Pages 1-117

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
+ + + + +  
OFFICE OF INVESTIGATIONS  
INTERVIEW

-----x  
IN THE MATTER OF: :  
INTERVIEW OF : OI Case No.  
JOHN E. SLATER : 2-2019-015  
(CLOSED) :  
-----x

Wednesday,  
November 20, 2019

TVA  
Knoxville, Tennessee

The above-entitled interview was conducted  
at 9:02 a.m.

BEFORE:

Senior Special Agent SCOTT LUINA  
Senior Special Agent ALEX ECHAVARRIA

1 APPEARANCES:

2  
3 On Behalf of the Interviewee, other individuals  
4 involved in the subject investigation and TVA:

5  
6 TIMOTHY J. V. WALSH, ESQ.

7 Senior Associate

8 of: Pillsbury Winthrop Shaw Pittman, LLP

9 2300 N Street, Northwest

10 Washington, D.C. 20037

11 (202) 663-8455  
12  
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14  
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1 P-R-O-C-E-E-D-I-N-G-S

2 9:02 a.m.

3 SR. SPECIAL AGENT LUINA: All right.

4 Today's date is November the 20th, 2019, and the time  
5 is now 9:02 a.m. This interview is being conducted  
6 with John E. Slater, S-L-A-T-E-R, who is currently  
7 employed as a Senior Attorney with the Tennessee  
8 Valley Authority, or the TVA. The location of today's  
9 interview is at the TVA offices located in Knoxville,  
10 Tennessee.

11 And as I explained to you, sir, I am  
12 Special Agent Scott Luina, L-U-I-N-A, with the Nuclear  
13 Regulatory Commission's Office of Investigations  
14 Region II Field Office out of Atlanta, Georgia. Also  
15 present is Special Agent Alex Echavarria, E-C-H-A-V-A-  
16 R-R-I-A, who is also with the Office of Investigations  
17 from Region II out of Atlanta.

18 Also present at your request is Mr.  
19 Timothy J. Walsh, W-A-L-S-H, who is an attorney with  
20 Pillsbury Winthrop Shaw Pittman out of Washington,  
21 D.C., and I'll ask you some questions about his  
22 presence here today. But before I do that, I need to  
23 remind you this interview is being recorded and it  
24 will be transcribed at a later date. I need to ask  
25 you, sir, are you recording or transmitting this

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1 interview?

2 MR. SLATER: I'm not.

3 SR. SPECIAL AGENT LUINA: All right.

4 Thank you. Also, as I explained to you, this  
5 interview will be conducted under oath. Do you have  
6 any objections to providing information under oath  
7 today?

8 MR. SLATER: None.

9 SR. SPECIAL AGENT LUINA: All right, good.  
10 Can you please raise your right hand with me? Mr.  
11 Slater, do you swear the testimony that you're about  
12 to provide today will be the truth, the whole truth,  
13 and nothing but the truth, so help you God?

14 MR. SLATER: Yes.

15 SR. SPECIAL AGENT LUINA: All right.  
16 Thank you, sir. I appreciate you doing that. The  
17 other thing I need to cover with you is some questions  
18 we ask everyone that requests counsel to be present  
19 that also represents the company or potentially other  
20 individuals involved in a matter. I just need to ask  
21 you is Mr. Walsh representing you personally in regard  
22 to this investigation?

23 MR. SLATER: Yes.

24 SR. SPECIAL AGENT LUINA: Do you  
25 understand the purpose of his presence here today?

1 MR. SLATER: Yes.

2 SR. SPECIAL AGENT LUINA: Do you  
3 understand that Mr. Walsh also represents the company  
4 and potentially other individuals involved in this  
5 matter?

6 MR. SLATER: I do.

7 SR. SPECIAL AGENT LUINA: All right. Does  
8 your employer require you to have an attorney present  
9 when you're interviewed by the NRC's Office of  
10 Investigations?

11 MR. SLATER: No.

12 SR. SPECIAL AGENT LUINA: Were you in any  
13 way threatened with an adverse action if you did not  
14 request corporate counsel today?

15 MR. SLATER: No.

16 SR. SPECIAL AGENT LUINA: Do you  
17 understand that you have the right to have a private  
18 interview with me at your convenience?

19 MR. SLATER: I do.

20 SR. SPECIAL AGENT LUINA: All right. With  
21 that understanding, do you still want Mr. Walsh  
22 present as your representative here today?

23 MR. SLATER: Yes.

24 SR. SPECIAL AGENT LUINA: Do you feel that  
25 you would suffer any adverse consequences from your

1 employer if you would have elected not to have  
2 personal representation today?

3 MR. SLATER: No.

4 SR. SPECIAL AGENT LUINA: Will your  
5 testimony in this matter be inhibited in any way by  
6 Mr. Walsh's presence?

7 MR. SLATER: No.

8 SR. SPECIAL AGENT LUINA: With the  
9 knowledge that Mr. Walsh represents you and your  
10 employer concurrently in this matter and potentially  
11 other individuals involved in this matter, if you had  
12 knowledge or information which you believe to be  
13 adverse to your employer, would you still feel free to  
14 provide such information in your testimony here today?

15 MR. SLATER: I would.

16 SR. SPECIAL AGENT LUINA: All right.  
17 Excellent. Any questions --

18 MR. SLATER: None.

19 SR. SPECIAL AGENT LUINA: -- about  
20 anything? All right, good. Mr. Walsh, if you could,  
21 please explain for the record who you're employed by  
22 and your purpose for being at today's interview?

23 MR. WALSH: Sure. My name is Tim Walsh.  
24 I'm an attorney with the law firm of Pillsbury  
25 Winthrop Shaw Pittman out of Washington, D.C., and I



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1 represent Mr. Slater, as well as other individuals and  
2 TVA in this matter. And I am able to do so because I  
3 do not see any conflict of interest, nor do I  
4 anticipate one arising. Should a conflict of interest  
5 arise, I will certainly advise my clients accordingly.

6 SR. SPECIAL AGENT LUINA: Okay, good. Any  
7 questions about anything?

8 MR. SLATER: None.

9 SR. SPECIAL AGENT LUINA: Okay, good. I  
10 just want to make sure I cover it. I provided you my  
11 card, correct?

12 MR. SLATER: Yes.

13 SR. SPECIAL AGENT LUINA: You have my  
14 contact information.

15 MR. SLATER: Yes.

16 SR. SPECIAL AGENT LUINA: So you  
17 understand that if you do change your mind at a later  
18 date and you want to reach out to me directly about  
19 this or anything the NRC investigates or regulates,  
20 you know you're free to do that?

21 MR. SLATER: Yes.

22 SR. SPECIAL AGENT LUINA: Okay. Or  
23 through Mr. Walsh, however you're comfortable doing  
24 it.

25 MR. SLATER: Yes.

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1 SR. SPECIAL AGENT LUINA: Excellent. All  
2 right. Mr. Slater, if you could, please kind of give  
3 me some background information about yourself and kind  
4 of explain what your experience is and your time at  
5 TVA and in the nuclear industry, it would be great to  
6 hear.

7 MR. SLATER: Yes. I came to the Tennessee  
8 Valley Authority in May of 1990, came as, I believe it  
9 was a staff attorney in the litigation department. I  
10 did a full range of litigation. I did primarily  
11 employment law, but I also did some tort stuff,  
12 condemnation. I did administrative EEO stuff, lots of  
13 cases before the Merit Systems Protection Board.

14 I also worked on a number of Department of  
15 Labor whistleblower complaints early on and, at some  
16 point, perhaps anywhere close to 20 years or so, 20  
17 years plus later, I moved to the advisory side of the  
18 office where I currently am. I do provide lots of  
19 advisory work on a full range of employment matters.

20 I also still litigate and work on EEO  
21 administrative matters, a full range of  
22 discrimination, age, race, sex matters before the  
23 Merit Systems Protection Board, and I also am the  
24 coordinator for the Office of Special Counsel on  
25 whistleblower matters, as well.



1 Prior to coming to TVA, I worked at the  
2 Federal Trade Commission. I worked in their Division  
3 of Marketing Practices where I did litigation  
4 concerning fraudulent matters, and I worked there for  
5 about six years. And then I went to another small  
6 government agency, the Pension Benefit Guaranty  
7 Corporation, where I worked on a range of pension  
8 matters concerning defined benefit plans. So I did a  
9 fair amount of bankruptcy work and other stuff related  
10 to the agency taking over pension plans that had  
11 become insolvent.

12 SR. SPECIAL AGENT LUINA: Okay. All  
13 right, excellent. So it does sound like a majority of  
14 your time at TVA has been in employment law?

15 MR. SLATER: Employment law; that is  
16 correct.

17 SR. SPECIAL AGENT LUINA: That is correct?  
18 Okay.

19 MR. SLATER: Yes. And I forgot I also did  
20 a bunch of unemployment matters, as well.

21 SR. SPECIAL AGENT LUINA: Okay, excellent.  
22 Has your experience, have you conducted investigations  
23 similar to the one you conducted in March or April of  
24 2018 dealing with the complaint from Ms. Erin  
25 Henderson (phonetic), the HIR&D, the harassment,

1 intimidation, retaliation, discrimination complaint?

2 MR. SLATER: No, that was, I believe, my  
3 first. However, as to my work in, as to my other  
4 capacity, I did the same kind of stuff in that I had  
5 to, for every case that I defended, I had to go out  
6 and talk to witnesses, review documents, dig out the  
7 facts, form opinions, form conclusions, and that kind  
8 of thing.

9 SR. SPECIAL AGENT LUINA: Okay. More  
10 after the fact, I guess --

11 MR. SLATER: Yes.

12 SR. SPECIAL AGENT LUINA: -- is that kind  
13 of the difference there?

14 MR. SLATER: Well, both are really after  
15 the fact. With, say, the investigation that's at the  
16 center of this matter, it already happened, so I had  
17 to just go back and dig out the facts, just like if I  
18 got a new case fell on my case and I would have to go  
19 out and dig out the facts with respect to that, go  
20 talk to witnesses, review documents, and that kind of  
21 thing.

22 SR. SPECIAL AGENT LUINA: Okay. In the  
23 Office of General Counsel, do you all have a guideline  
24 you follow or a policy you follow to conduct those  
25 matters?

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1 MR. SLATER: No, we get, there are some  
2 discretion given to counsel to go out and dig out the  
3 facts. I do say, like in this particular case, I did  
4 talk to my boss about the process that I was going to  
5 go through to conduct the investigation, you know, who  
6 I was going to talk to, digging out the documents and  
7 whatnot.

8 SR. SPECIAL AGENT LUINA: Let's talk about  
9 that. Like, how did you become involved in this  
10 matter?

11 MR. SLATER: It was just like any other  
12 assignment in the office. Well, I don't know if it  
13 was like any other assignment. It just so happened I  
14 was, I guess, the next man up. Jennifer's office was  
15 right next to mine --

16 SR. SPECIAL AGENT LUINA: And that's  
17 Jennifer --

18 MR. SLATER: Jennifer Grace (phonetic).  
19 She's the assistant general counsel, and she called me  
20 in and said we got a matter in that needs some work  
21 and I'm going to assign you to it. And we talked  
22 about it a little bit, and she handed me the complaint  
23 and said go to it. I reviewed the complaint, and the  
24 complaint was from Erin Henderson. I reviewed the  
25 complaint and then formed at least a preliminary

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1 strategy as to how I was going to go about looking at  
2 the allegations, and that was to interview everyone in  
3 that department top to bottom: Ms. Henderson, as well  
4 as her boss, Joe Shea (phonetic), as well as all of  
5 Ms. Henderson's direct reports, and I can't remember  
6 how many there were, seven, eight, maybe more.

7 And then there was also, I also decided or  
8 we decided that each of the site licensing managers  
9 would also be interviewed, as well. And just to keep  
10 the record straight, Ms. Henderson was the, I think,  
11 at that point, senior manager of the corporate  
12 licensing, and then corporate licensing has oversight  
13 over the three locations or three sites: Watts Bar,  
14 Browns Ferry, and Sequoia. There's not a reporting  
15 relationship, but there is an oversight relationship  
16 there.

17 SR. SPECIAL AGENT LUINA: Okay. That's my  
18 understanding, as well. And I think you're referring  
19 to the March 9th, 2018 complaint that came in from Ms.  
20 Henderson. There's a copy I have there. Is that --  
21 and I've attached a bunch of other documents here,  
22 too, but let's just look at those first two pages.

23 MR. SLATER: Yes, yes.

24 SR. SPECIAL AGENT LUINA: So prior to  
25 receiving this complaint -- do you need to grab that

1 or you good?

2 MR. SLATER: I thought I had it completely  
3 on mute. I'm sorry.

4 SR. SPECIAL AGENT LUINA: That's fine.  
5 Prior to receiving this complaint, did you have any  
6 involvement with matters dealing with employment  
7 issues or something with Erin Henderson or with that  
8 corporate licensing office?

9 MR. SLATER: I didn't know Erin from a  
10 hole in the wall.

11 SR. SPECIAL AGENT LUINA: Okay.

12 MR. SLATER: I didn't know Joe Shea from  
13 a hole in the wall or any of Erin's direct reports or  
14 any of the site licensing managers. They were  
15 completely new to me.

16 SR. SPECIAL AGENT LUINA: All right. Why  
17 was this matter handed over to the Office of General  
18 Counsel, as opposed to human resources or employee  
19 concerns program or some other investigative body at  
20 TVA?

21 MR. WALSH: I want to clarify. Do you  
22 know why it was handed over to OGC?

23 MR. SLATER: No.

24 SR. SPECIAL AGENT LUINA: I'm just curious  
25 because you mentioned that, you know, you hadn't run



1 a lot of these investigations, and I'm trying to  
2 figure out why.

3 MR. SLATER: Well, I do. I recall that HR  
4 had conducted a small piece, an issue that Ms.  
5 Henderson had raised, and there was concern that that  
6 investigation was not fully and completely worked out.  
7 And then when Ms. Henderson formally complained  
8 because this complaint was not, I think she had raised  
9 an issue concerning two of her employees, which is  
10 kind of folded in here a little bit. And HR reached  
11 out to us, reached out to Jennifer, Ms. Grace, as she  
12 related to me that they wanted us to take the lead on  
13 this investigation.

14 SR. SPECIAL AGENT LUINA: Okay. Is that  
15 a common request from human resources?

16 MR. SLATER: I would say uncommon, at  
17 least as it relates to (unintelligible). I don't do  
18 many of these. My job usually is I come in after some  
19 investigation had been done by HR, so, no, I don't  
20 know how many of these then over the years have come  
21 in to Jennifer or to her predecessor and they were  
22 sort of farmed out to some of the lawyers on staff.  
23 But as to me, this is the first one that I got and I  
24 was asked to take it and run with it.

25 SR. SPECIAL AGENT LUINA: Okay. Do you

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1 feel like this was an independent or an impartial  
2 investigation into the matter?

3 MR. SLATER: By me? Yes.

4 SR. SPECIAL AGENT LUINA: Independent  
5 investigation?

6 MR. SLATER: Yes, yes.

7 SR. SPECIAL AGENT LUINA: All right. You  
8 were talking about, you know, how you kind of  
9 developed your plan and you going forward and how you  
10 were developing ideas through the interview and stuff.  
11 Let's talk about that. Who did you decide to  
12 interview?

13 MR. SLATER: I decided to interview --

14 SR. SPECIAL AGENT LUINA:  
15 (Unintelligible).

16 MR. SLATER: -- yes, each of the members  
17 of the license, corporate licensing team, and that  
18 included Ms. Henderson's boss, Joe Shea as well, as  
19 well as the three site licensing managers. I also  
20 interviewed, I believe, maybe a couple of times  
21 because she helped me with arranging interviews and  
22 documents to the extent that they were, that I was  
23 looking for something and her name was Carla  
24 Edmondson.

25 SR. SPECIAL AGENT LUINA: I think that's

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1 E-D-M --

2 MR. SLATER: M-O-N-D-S-O-N.

3 SR. SPECIAL AGENT LUINA: Thank you. All  
4 right. And what did you ask, I guess, witness  
5 Henderson, what did you ask her when you interviewed  
6 her? And I got copies of your notes, I guess. For  
7 the record, provided me prior to this interview is  
8 photocopies of what are, and I'll ask you are these  
9 your handwritten notes from interviews that you've  
10 conducted, copies of those?

11 MR. SLATER: They are.

12 SR. SPECIAL AGENT LUINA: And that might  
13 help refresh your memory maybe as we're going through  
14 them, but let's just talk about, I guess, Ms.  
15 Henderson. It appears from the OGC report you  
16 interviewed her on three different occasions?

17 MR. SLATER: Yes.

18 SR. SPECIAL AGENT LUINA: Okay. What kind  
19 of information did you obtain from her?

20 MR. SLATER: Well, I mean, just from my  
21 recall, I went through the complaint and asked her to  
22 tell me about the nature of her allegations, why she  
23 felt she was being harassed and intimidated by her  
24 subordinates. This is kind of an unusual matter.  
25 Typically, when there is an intimidation and



1 harassment case, it's usually top-down and not from  
2 the bottom-up. It's usually a manager is alleged to  
3 have harassed a subordinate, and this one was a little  
4 different in that there were subordinates and folks  
5 outside of the organization that was alleged at the  
6 time to have engaged in harassment, which I found to  
7 be a little different.

8 SR. SPECIAL AGENT LUINA: Yes. I mean,  
9 you've been doing this a long time. Have you seen  
10 anything like that before in your --

11 MR. SLATER: No, no, no.

12 SR. SPECIAL AGENT LUINA: No, you haven't.  
13 So then what information did you collect from her that  
14 made you feel that there may be some merit to this?

15 MR. SLATER: Well, again, I mean, I had  
16 the complaint. I mean, I could have just said I'm not  
17 going to interview Erin at all and just interview the  
18 folks. Well, we talked about the allegations and then  
19 I didn't form any opinion as to whether I believed her  
20 or not because it was just the start of the  
21 investigation. So I took what I got from her and I  
22 took what I had in the complaint, and then I went and  
23 talked to troops. And then based on talking to the  
24 troops, I started seeing that those allegations in the  
25 complaint started matching up with what the folks were

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1 telling me or weren't telling me, you know, and  
2 specifically, in speaking with Mr. McBerty (phonetic),  
3 Mr. Polikowski (phonetic), I think --

4 SR. SPECIAL AGENT LUINA: Polikowski?

5 MR. SLATER: Yes. He confirmed a lot of  
6 the stuff that Ms. Henderson alleged that he was  
7 engaging in, he being Mr. McBerty.

8 SR. SPECIAL AGENT LUINA: Okay.  
9 Polikowski confirmed a lot of that information.

10 MR. SLATER: Yes. Polikowski had a good  
11 working relationship with McBerty. They talked about  
12 some stuff. And Polikowski also counseled, I believe,  
13 I mean, I need to take a look at my notes, but  
14 counseled McBerty about some of the stuff that he was  
15 engaging in, like (unintelligible) emails, talking bad  
16 about her.

17 SR. SPECIAL AGENT LUINA: Okay. Speaking  
18 of Mr. McBerty, let's talk about his interview. What  
19 information did you obtain and what questions did you  
20 ask Mr. McBerty?

21 MR. WALSH: Feel free to review in your  
22 notes, if you want, to refresh your recollection.

23 MR. SLATER: Yes, sir. Okay. Well --

24 SR. SPECIAL AGENT LUINA: Does this have  
25 a date of the interview on there, like when --

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1 MR. SLATER: No. You know, that's one  
2 thing I don't. I don't know why. I usually would  
3 have a date, and I didn't go back and check when these  
4 interviews took place.

5 SR. SPECIAL AGENT LUINA: Okay.

6 MR. SLATER: But they took place shortly  
7 after I was given the assignment, so shortly after the  
8 March 9, 2018 complaint came to Office of General  
9 Counsel.

10 Well, first off, as in all of the  
11 interviews with the folks in Ms. Henderson's  
12 organization, I told them why I was there. I informed  
13 them that I had received or Office of General Counsel  
14 in this case, HR, that was passed on to us, received  
15 a complaint, an allegation of harassment and  
16 intimidation by someone on staff. I told them that I  
17 was not a liberty, and that was a judgment call on my  
18 part, at liberty to tell them who the complaint was,  
19 who generated the complaint, and that I was going to  
20 ask them some questions about their relationship with  
21 folks on staff. And I went through and inquired about  
22 the relationship between McBerty and Ms. Henderson,  
23 and we also talked about other people on staff, like  
24 Ms. Wetzell, Mr. Shroll (phonetic), as well as talked  
25 about some of the other employees or colleagues, to so

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1 speak, of Ms. Henderson, or her subordinates rather.  
2 And in particular, he had a lot to say about Ms.  
3 Henderson.

4 SR. SPECIAL AGENT LUINA: McBerty did?

5 MR. SLATER: Mr. McBerty; that's correct.

6 SR. SPECIAL AGENT LUINA: Okay.

7 MR. SLATER: A lot of the questions were  
8 open-ended. What is your relationship with Ms.  
9 Henderson, and that's when he opened up and told me  
10 that it was not a good relationship because, in his  
11 view, she had him wrongly investigated, had his gate  
12 records pulled, and some other stuff, which I did not,  
13 could not confirm because Ms. Henderson did not have  
14 his gate records pulled. Certainly, she inquired of  
15 this relationship with Ms. Connor because Ms. Connor  
16 had an oversight relationship with Sequoia and that,  
17 if Ms. Connor had a relationship with Mr. McBerty,  
18 then that oversight responsibility was compromised.

19 And so she then goes to HR and could you  
20 look into this, and they did. The --

21 SR. SPECIAL AGENT LUINA: Did this come up  
22 in your interview with McBerty?

23 MR. SLATER: No, no. This is --

24 SR. SPECIAL AGENT LUINA: It's background.

25 MR. SLATER: This is just background.

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1 SR. SPECIAL AGENT LUINA: Let's go back.  
2 You were mentioning that, prior to the McBerty  
3 interview and to all the interviews, you mentioned  
4 something to them. What specifically did you tell  
5 them the purpose of the interview was?

6 MR. SLATER: Well, I told them that the  
7 purpose of the interview was that we had received a  
8 complaint of intimidation and harassment by a member  
9 of the corporate licensing team and that I was there  
10 to investigate to determine whether or not something  
11 was there. That was the long and the short. I told  
12 them I was going to talk to everybody on staff and I  
13 was going to see whether or not that those, whether  
14 those allegations were confirmed or not. I didn't tel  
15 them who submitted the complaint out of caution that  
16 if I had said if it was Joe or Jack or Fred that there  
17 might be some reticence in talking. So I said, you  
18 know, I'm here to find out who filed the complaint,  
19 not who filed the complaint but whether or not the  
20 allegations of the complaint had some merit.

21 SR. SPECIAL AGENT LUINA: Okay. And then  
22 you talked about relationships in the office and you  
23 mentioned different people. Did you go over, and I  
24 see in some of your notes and also I see in the report  
25 sometimes you mention it, if they have, if there was

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1 a chilling effect in the office, if they feel chilled  
2 or not.

3 MR. SLATER: Yes. I inquired about that,  
4 not that I have done chilled work environment  
5 investigations because I haven't, but both on the nuke  
6 side and the non-nuke side. I mean, we have a policy  
7 at TVA. There's one in particular of being able to  
8 express differing views, and the term that's used a  
9 lot is that we don't want to chill employees' ability  
10 to raise concerns either through the chain of command  
11 or up the chain of command or with various offices,  
12 like OIG, EEOC, DOL, that kind of thing.

13 SR. SPECIAL AGENT LUINA: OSC?

14 MR. SLATER: OSC. So I asked whether or  
15 not, in the case of Mr. McBerty, as well as the  
16 others, whether or not they thought that they were in  
17 a chilled environment and, as to everyone, the answer  
18 was no. And a bigger purpose of that was for me  
19 because if someone said, yes, I am, then I might, as  
20 a person who is trying to find the facts, might be,  
21 then someone might be hesitant to actually fully and  
22 completely open with me during the investigation. So  
23 as a factfinder, I just wanted to get that out of the  
24 way, and they told me, hey, I don't have any  
25 reservations. In fact, most of them told me we work

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1 in licensing, we know, if we need to complain about  
2 something, where to go.

3 SR. SPECIAL AGENT LUINA: Yes, a lot of  
4 them said that. Yes.

5 MR. SLATER: Yes.

6 SR. SPECIAL AGENT LUINA: They've been in  
7 the nuclear industry for a while.

8 MR. SLATER: Yes, yes.

9 SR. SPECIAL AGENT LUINA: Okay.

10 MR. WALSH: While we're on that topic, and  
11 I'm sorry to interrupt your interview, I just want to  
12 be clear, you know, the intent of your interviews with  
13 these individuals was never to conduct a chilled  
14 working environment investigation?

15 MR. SLATER: No. I mean, that was not my,  
16 that was not my charge. I've never done one, and, in  
17 fact, if there was going to be a chilled work  
18 environment investigation, it would not be done by  
19 that side of the office. It would have been done by  
20 our, if it's going to be done by an attorney in the  
21 office, it would have been on one of our nuclear  
22 attorneys, not by me. I mean, this was, to me, a  
23 plain Jane employment harassment and intimidation  
24 claim, not a formal stylized chilled work environment  
25 matter. I don't think I would, I don't think I --

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1 they would not have chosen me to do a chilled work  
2 environment investigation.

3 SR. SPECIAL AGENT LUINA: Okay. So this  
4 was not a chilled work environment investigation?

5 MR. SLATER: No.

6 SR. SPECIAL AGENT LUINA: All right. In  
7 your investigation, you have a chilled work  
8 environment section.

9 MR. SLATER: Yes.

10 SR. SPECIAL AGENT LUINA: So is it a  
11 component of this investigation?

12 MR. WALSH: Why don't we look at the top  
13 section of the report first?

14 SR. SPECIAL AGENT LUINA: If you know  
15 where it's at, you can --

16 MR. SLATER: Yes.

17 SR. SPECIAL AGENT LUINA: Yes. You can  
18 probably turn pages -- there we go. It's on page --

19 MR. SLATER: Page 15.

20 SR. SPECIAL AGENT LUINA: Of the actual  
21 OGC report.

22 MR. WALSH: If you want to go off the  
23 record and let him review the few pages first.

24 SR. SPECIAL AGENT LUINA: It's up to him.

25 MR. SLATER: If I could just take a quick



1 look at it.

2 MR. WALSH: You can stay on the record,  
3 but you'll have some blank space.

4 SR. SPECIAL AGENT LUINA: That's fine.

5 MR. SLATER: Okay. In the report,  
6 specifically at pages 16 through 17 and on to 18,  
7 there's an indication that, as to a chilled work  
8 environment, that's taken care of by the Employee  
9 Concerns Program and that we do have a SCWE policy, a  
10 safety-conscious work environment policy. One of the  
11 things that I did once I got into the investigation,  
12 I looked at to whether or not the various policies  
13 applied, and this was one of them that came about.  
14 But I didn't have to, I just did not do a chilled work  
15 environment. I inquired about it, but I didn't do it.  
16 But there were folks in my office who would do that  
17 kind of thing or the Employee Concerns Program, which  
18 I think that there's mention in here that there were  
19 several --

20 SR. SPECIAL AGENT LUINA: Several past  
21 ones.

22 MR. SLATER: Yes, exactly.

23 SR. SPECIAL AGENT LUINA: I saw you  
24 mention that, and you had mentioned specifically that,  
25 you know, that the issue of a chilled work environment

1 was looked at on five different occasions in the last  
 2 two years. And you talked about how there was the  
 3 three ECP investigations that did not determine it,  
 4 the NRC inspection, and then how you had interviewed  
 5 Henderson, Shea, and her entire staff and found no  
 6 evidence of a chilled work environment in corporate  
 7 licensing. So the five instances, in your report at  
 8 least, you included this investigation as an example  
 9 of a chilled work environment not being substantiated;  
 10 is that correct?

11 MR. SLATER: I think that's not correct.  
 12 I think what I'm saying is that there were --

13 SR. SPECIAL AGENT LUINA: When I read it,  
 14 that's how I took it as.

15 MR. SLATER: You're asking me as to what  
 16 my conclusions were?

17 SR. SPECIAL AGENT LUINA: Yes.

18 MR. SLATER: I concluded that there were  
 19 past investigations that did not find chilled work  
 20 environment. I didn't conduct those investigations so  
 21 I can't opine as to how and why those things occurred.  
 22 They had occurred, and they were specific findings as  
 23 to them. That's what I'm reporting as to them. I  
 24 asked each of the folks were you, do you think that  
 25 you're in a chilled environment, and they said no. As

1 to me interfacing with the folks about that, that was  
2 the end of it. I may have reviewed documents from ECP  
3 showing that there wasn't.

4 The bottom line is that it showed, I think  
5 the bottom line is that it showed that there were  
6 other investigations out there that I didn't have a  
7 hand in but I did report them in my report.

8 SR. SPECIAL AGENT LUINA: Yes. And I  
9 agree with that. I'm just saying that and then you  
10 report your own investigation as concluding there's  
11 not a chilled work environment.

12 MR. WALSH: Don't let him -- look at your  
13 report. Does your report state anywhere that there's  
14 not a chilled work environment?

15 MR. SLATER: No, no. What I'm saying is  
16 that I inquired of Mr. McBerty, Ms. Wetzel, and  
17 everyone else do you think you're in a chilled  
18 environment, and they said no. And so, based on that,  
19 I didn't see that there was any reason to believe that  
20 there was a chilled work environment, and that's what  
21 I reported.

22 SR. SPECIAL AGENT LUINA: Okay, all right.  
23 Let's go back -- do you have a question about that?

24 SR. SPECIAL AGENT ECHAVARRIA: This is  
25 Alex Echavarria. I have a question for you, sir. Are

1 you obligated to notify the employees during your  
2 interviews that they're the subject of a complaint?

3 MR. SLATER: No. I mean, I'm not, I'm not  
4 quite following. Like, if I get a complaint, I can go  
5 out and investigate to find the facts. I don't think  
6 I have an obligation to say, well, Tim, you're the  
7 subject of a complaint and I'm trying to figure out  
8 whether or not you did X, Y, and Z. I don't think I'd  
9 get anywhere that way. I went out and told them I got  
10 a complaint, I want to talk to you about it. I'm  
11 talking to everybody about it. But --

12 SR. SPECIAL AGENT ECHAVARRIA: So you did  
13 tell them there was a complaint?

14 MR. SLATER: Yes, I told them, I told  
15 them, I didn't show them the complaint. I said I have  
16 gotten, we have, HR has received a complaint of  
17 harassment and intimidation by one person on staff,  
18 and I'm here to look into that to determine whether  
19 there's any merit to it or not.

20 SR. SPECIAL AGENT ECHAVARRIA: Did you  
21 tell them that they were the subject of an actual  
22 complaint?

23 MR. SLATER: No, no.

24 SR. SPECIAL AGENT ECHAVARRIA: And are you  
25 obligated to tell them that?

1 MR. SLATER: No, no.

2 SR. SPECIAL AGENT ECHAVARRIA: So if it  
3 wasn't a chilled work environment investigation, then  
4 what was it?

5 MR. SLATER: Excuse me?

6 SR. SPECIAL AGENT ECHAVARRIA: If it  
7 wasn't a chilled work environment investigation, as  
8 you just stated, what was the purpose of the --

9 MR. SLATER: The purpose of the  
10 investigation was to determine whether or not any of  
11 TVA's policies and procedures were violated if these  
12 allegations were borne out, our policy concerning the  
13 TVA code of conduct, the whistleblower protection  
14 statute. There also could be Title VII implications.  
15 And there are some other policies and procedures that  
16 are listed in here, as well. But, no, it was me  
17 looking at those things and I was not there doing a  
18 formal, not even informal, I mean, I was not there to  
19 do a chilled work environment investigation.

20 SR. SPECIAL AGENT ECHAVARRIA: And at the  
21 beginning of the interview, you said you coordinated  
22 with someone at the onset of the investigation. Who  
23 was that person?

24 MR. SLATER: That's Jennifer Grace. And  
25 I think what I said was that Jennifer is, Ms. Grace is



1 my superior.

2 SR. SPECIAL AGENT ECHAVARRIA: Yes, sir.

3 MR. SLATER: She is the person who  
4 assigned this matter to me. I got the complaint, and  
5 then I discussed with her this is how I'm going to go  
6 about doing it. And she said, John, that's fine, go  
7 do it.

8 SR. SPECIAL AGENT ECHAVARRIA: Did anyone  
9 else assist you with the investigation?

10 MR. SLATER: No, no.

11 SR. SPECIAL AGENT ECHAVARRIA: Anyone  
12 research any personnel files or records or any legal  
13 policies at TVA as you conducted your investigation or  
14 as you prepared your report?

15 MR. SLATER: No, it was John. Nobody  
16 else.

17 SR. SPECIAL AGENT ECHAVARRIA: How many  
18 drafts of that report were actually written?

19 MR. SLATER: I couldn't tell you. I don't  
20 know. I mean --

21 SR. SPECIAL AGENT ECHAVARRIA: Was there  
22 more than one?

23 MR. SLATER: Oh, there was more than one,  
24 yes. I mean, just before I handed it up, yes, there  
25 would have been, just me and my preparing it, you

1 know, I would draft something, I'd review it, I would  
2 review it, you know, typos, whether or not there's  
3 some holes or whatnot, whether I need to go back and  
4 talk to somebody, that kind of thing. But I could not  
5 tell you that it was, you know, two, four, five, or  
6 ten. I just don't know.

7 SR. SPECIAL AGENT ECHAVARRIA: You would  
8 agree that, at times, folks don't get along; is that  
9 right? That's the nature of human beings.

10 MR. SLATER: You mean in the workplace?

11 SR. SPECIAL AGENT ECHAVARRIA: Yes, sir.

12 MR. SLATER: That's true, yes.

13 SR. SPECIAL AGENT ECHAVARRIA: Is there a  
14 TVA policy that states that you have to be, it's  
15 against TVA policy to dislike a manager or dislike a  
16 colleague?

17 MR. SLATER: No, and I think the law is  
18 clear on that, as well, that you don't to like your  
19 boss, you don't have to like your subordinate --

20 SR. SPECIAL AGENT ECHAVARRIA: No comment,  
21 by the way.

22 MR. SLATER: Yes.

23 (Laughter.)

24 MR. SLATER: No, but I agree with you.

25 SR. SPECIAL AGENT ECHAVARRIA: I've got

1 one other question and then I'll sit. At the onset of  
2 the investigation, if the complaint was true  
3 regarding these employees, okay, was there, is there  
4 a mechanism into forecasting what the anticipated or  
5 potential discipline action would have been?

6 MR. SLATER: Okay. Now, your question is  
7 assuming we got this in and we didn't have to do any  
8 investigation, that this had come from on high?

9 SR. SPECIAL AGENT ECHAVARRIA: Correct.  
10 Assuming that everything in the complaint was true,  
11 what's the potential, what are the potential  
12 disciplinary options, if you will, for the employees?  
13 Did you have that prior to -- in other words, is that  
14 something that is factored into the beginning of the  
15 investigation as far as the potential disciplinary  
16 actions?

17 MR. SLATER: Okay. Before I answer that,  
18 let me tell you that my job was not to determine or to  
19 mete out any discipline regardless of what was found  
20 or not found. That was somebody else's ball game.  
21 Now, assuming that everything in this complaint is  
22 true, I wouldn't be sit here with you because I  
23 wouldn't have done any, I wouldn't have done the  
24 investigation. But assuming that it is true, yes, we  
25 have a disciplinary policy that this kind of



1 harassment would be, would subject the perpetrator to  
2 penalties up to and including termination.

3 SR. SPECIAL AGENT LUINA: If you want, we  
4 can go back to the McBerty interview.

5 MR. SLATER: Yes, sir.

6 SR. SPECIAL AGENT LUINA: I don't know if  
7 you need to refer to your notes or not.

8 MR. SLATER: No.

9 SR. SPECIAL AGENT LUINA: And then you  
10 kind of mentioned things that you had discussed with  
11 him. And from my reading of the OGC report and  
12 reading of your notes, from what I can decipher, did  
13 you ask him specifically about, you know, these  
14 allegations that are mentioned in the complaint and  
15 that you obtained from Ms. Henderson? Specifically,  
16 you know, let's talk about this text to Jim  
17 Polikowski, what did you mean by that? Why did you  
18 leave her off this email, why did you leave her off  
19 that email?

20 MR. SLATER: No, no.

21 SR. SPECIAL AGENT LUINA: Is there any  
22 reason you did not ask those questions of him to get  
23 his side of the story?

24 MR. SLATER: Well, I didn't ask him, and  
25 I can't tell you why I didn't ask him. But I did

1 confirm up that such emails were sent without, that  
2 left her off or, in some cases, (unintelligible)  
3 because those emails were typically sent to  
4 Polikowski, Mr. Polikowski, as a CC and maybe other  
5 people, as well. Mr. Polikowski confirmed up that  
6 that was the case.

7 SR. SPECIAL AGENT LUINA: Okay. Anyone  
8 else firm that up for you?

9 MR. SLATER: I don't believe so. I would  
10 have to go back through all my notes to be sure. I  
11 don't know who else were, what other folks were on  
12 those emails. It could have been other folks within  
13 the group that I interviewed, but I couldn't tell you  
14 without looking through my notes.

15 SR. SPECIAL AGENT LUINA: Okay. You  
16 mentioned in your report, as well, you know, and we  
17 kind of talked about it a little bit about the Connor  
18 allegation that Ms. Henderson raised in 2016, I think  
19 it was, about Connor McBerty. Did you discuss that  
20 with him during the interview?

21 MR. SLATER: Yes, I did.

22 SR. SPECIAL AGENT LUINA: What came up  
23 about that?

24 MR. WALSH: Let's look at the notes and  
25 just to make sure. Oh, you have them right there.

1 Okay.

2 MR. SLATER: Yes, I'm looking at them. He  
3 brought them up. I mean, and in the context of tell  
4 me about your relationship with Ms. Henderson. He  
5 said it's not a good relationship. She had my gate  
6 records pulled, she had me investigated for no reason.  
7 And, frankly, I mean, as an investigator, as you guys  
8 may know, one thing that you do is you try to judge  
9 the credibility of the person in front of you, and Mr.  
10 McBerty came off as somewhat of a bully. And when he  
11 was telling me about her having me investigated, he  
12 basically said the bitch had me investigated. Didn't  
13 say that but that's what he said. I mean, if I'm  
14 expressing that in a way. He was not a happy camper  
15 that that had happened, and, from that point on,  
16 that's when a lot of this stuff occurred when he was  
17 deliberately, at least according to Ms. Henderson,  
18 being left out of emails, maybe being disparaged in  
19 meetings, and that kind of thing.

20 SR. SPECIAL AGENT LUINA: Okay. Did Mr.  
21 McBerty specifically know that Ms. Henderson had  
22 failed that complaint with HR in 2016?

23 MR. SLATER: No.

24 SR. SPECIAL AGENT LUINA: Hold on. How --

25 MR. SLATER: No, no, wait. Which --

1 SR. SPECIAL AGENT LUINA: This 2016  
2 complaint to HR about McBerty and Connor having an  
3 affair.

4 MR. SLATER: Yes.

5 SR. SPECIAL AGENT LUINA: Okay. So  
6 McBerty did know that?

7 MR. SLATER: Yes.

8 SR. SPECIAL AGENT LUINA: You determined  
9 that in your investigation?

10 MR. SLATER: Yes.

11 SR. SPECIAL AGENT LUINA: Okay. And  
12 that's based upon his comments in the interview or  
13 because of what Ms. Henderson told you, or how did you  
14 determine that?

15 MR. SLATER: No, I read the brief write-up  
16 of HR's summary of the investigation.

17 SR. SPECIAL AGENT LUINA: Okay.

18 MR. SLATER: They went to -- the  
19 investigator talked to, I believe, two people, talked  
20 to Ms. Connor and talked to Mr. McBerty. So from  
21 that, I gathered he was aware of it and --

22 SR. SPECIAL AGENT LUINA: He's aware that  
23 Henderson filed a complaint, though?

24 MR. SLATER: No. Oh, not that Henderson  
25 filed, that there was a complaint. I mean, I would

1 have, I'm not going to assume things, but I can say  
2 that he did know of an investigation of that. So  
3 maybe he put two and two together, and it was Erin who  
4 contacted HR. And I can't remember without looking at  
5 the blurb from HR as to whether or not the HRG, the  
6 human resource generalist, informed Ms. Connor and Mr.  
7 McBerty that the genesis of the concern was from Ms.  
8 Henderson.

9 SR. SPECIAL AGENT LUINA: Okay. And how  
10 many times did you interview Mr. McBerty?

11 MR. SLATER: I believe it was only one.

12 SR. SPECIAL AGENT LUINA: Okay. And you  
13 gave him the same preamble about what the purpose of  
14 the interview was?

15 MR. SLATER: I did.

16 SR. SPECIAL AGENT LUINA: All right.  
17 Let's talk about the interview of Ms. Wetzel. You  
18 want to go to that page? I think it's the last one.  
19 I think it's the last page. I don't know if it's your  
20 last interview or not. Is that hers?

21 MR. SLATER: Yes.

22 SR. SPECIAL AGENT LUINA: Okay. And,  
23 again, if you could just walk me through, based upon  
24 your notes and your recollection here today, what  
25 specifically did you ask Ms. Wetzel during that



1 interview?

2 MR. SLATER: Well, I told her, as I told  
3 the other folks, why I was there, and I was told I was  
4 looking into allegations. And then I asked her about  
5 her relationship with Ms. Henderson, and she also told  
6 me that she did not have a good working relationship  
7 with her. And I think if we sort of back away from  
8 this a little bit and you'll see this reflected in the  
9 notes as to a number of the folks I talked to that  
10 there was some, an animosity might be too strong of a  
11 word but I think it fits. They thought that Ms.  
12 Henderson should not have gotten the senior manager  
13 job, used terms like she was too young, too  
14 inexperienced, not enough NRC or nuclear experience,  
15 and that kind of thing.

16 SR. SPECIAL AGENT LUINA: Okay.

17 MR. SLATER: And that came through in Ms.  
18 Wetzel's interview. And then --

19 MR. WALSH: Why don't you wait for another  
20 question?

21 MR. SLATER: Okay.

22 SR. SPECIAL AGENT LUINA: Well, it's still  
23 that answer. What questions you asked her and what  
24 her answers were.

25 MR. SLATER: Then I asked the general

1 question about the relationship, and then Ms. Wetzel  
2 then volunteered a lot of stuff about not being in a  
3 good relationship. And then she started telling me  
4 about how can you trust someone like Ms. Henderson,  
5 someone who investigates folks without a basis, pulls  
6 people's gate records, and so forth. And from that,  
7 I gathered that there had to be a link between McBerty  
8 and Ms. Wetzel or Ms. Wetzel and Ms. Connor because  
9 how else would she know that information that the  
10 speculation that Ms. Henderson had those things done  
11 when really that was a false conclusion on her part  
12 because HR did those things.

13 SR. SPECIAL AGENT LUINA: Okay.

14 MR. SLATER: HR investigated, HR pulled  
15 the gate records, HR or at some point in time got the  
16 piece of information showing that the two were  
17 together when they said that they weren't.

18 SR. SPECIAL AGENT LUINA: Okay.

19 MR. SLATER: And so it sort of, that sort  
20 of confirmed up Ms. Henderson's rationale for asking  
21 HR to look into it because it looked as though those  
22 two were, there was something there, and so she said,  
23 well, how can I have someone performing that oversight  
24 function if there was a personal relationship there?

25 SR. SPECIAL AGENT LUINA: Okay. What

1 other information did she tell me about Ms. Henderson?

2 MR. SLATER: Well, despite having initial  
3 reservations about her not being fit for the job, she  
4 said that she was, in essence, a good manager, she was  
5 organized. She also indicated that she thought that  
6 Ms. Henderson was telling folks that she was, she, Ms.  
7 Wetzel, was incompetent and Ms. Henderson denied that.  
8 She also said that she thought that Ms. Henderson was  
9 vindictive. That's when she launched into here's a  
10 person who would have somebody, what would be the  
11 motivation to have somebody's gate records pulled and  
12 investigated without a good cause?

13 She also talked about why the relationship  
14 was not a good thing because she was under a PIP,  
15 personal improvement plan, that Ms. Henderson, well,  
16 put her on, and she didn't think that that was  
17 justified. And she also said that she thought that  
18 Ms. Wetzel had her favorites, and she identified in  
19 particular Jim Polikowski.

20 SR. SPECIAL AGENT LUINA: Okay.

21 MR. SLATER: She was also upset with Ms.  
22 Henderson because, apparently, there was a small  
23 reorganization in that group that reduced the number  
24 of people reporting to Ms. Wetzel from seven to four  
25 and that she said that she had had, the strongest

1 person on her sub-team had retired and Ms. Henderson,  
2 in her view, wouldn't allow her to fill that position  
3 and that it was the second retirement. She was  
4 providing information as to maybe the PIP was not  
5 completely justified.

6 She also complained about Ms. Henderson  
7 rewriting a lot of the stuff that she would produce.

8 SR. SPECIAL AGENT LUINA: Okay. Work  
9 products and stuff?

10 MR. SLATER: Yes. I mean, I've had that,  
11 too. But, I mean, I don't know whether that's a  
12 reason to be upset with anybody or that that's an  
13 indication that she thinks that's why her PIP was  
14 unjustified. I didn't look at what was being  
15 rewritten or not rewritten or things like that.

16 SR. SPECIAL AGENT LUINA: Okay.

17 MR. SLATER: She also indicated, according  
18 to my notes, that she thought that Ms. Henderson  
19 didn't speak highly of her and that she  
20 inappropriately asked for information on her  
21 performance from other managers.

22 SR. SPECIAL AGENT LUINA: Okay.

23 MR. SLATER: And if I can just respond to  
24 that, it's just the way that the organization was set  
25 up and who corporate licensing had oversight over, you

1 had to ask other people about how was Polikowski  
2 doing, how is Shroll handling this at whatever site he  
3 was or how is Mr. Riddle (phonetic) doing, this, that,  
4 and the other thing. So that's the only way you would  
5 get feedback because those are the clients and those  
6 are the folks who would know how things are being  
7 done.

8 And what was sort of interesting is Beth,  
9 or Ms. Wetzel, indicated that she didn't think that  
10 Ms. Henderson had enough experience to report to her.  
11 I mean, as to whether or not she applied for the job,  
12 I don't know. But that goes back to she thought that  
13 she was not --

14 SR. SPECIAL AGENT LUINA: Not qualified?

15 MR. SLATER: -- was not the person who  
16 should have been selected and that she wanted Ms.  
17 Henderson moved out.

18 SR. SPECIAL AGENT LUINA: Did she say why?

19 MR. SLATER: She said that licensing is  
20 toxic and that corporate licensing only worked,  
21 corporate licensing worked better if Henderson is  
22 moved out. That's not a complete quote but --

23 SR. SPECIAL AGENT LUINA: What else did  
24 she say about Henderson?

25 MR. SLATER: That she thought that she was



1 the, Joe had her back, Joe Shea.

2 SR. SPECIAL AGENT LUINA: Joe Shea? Okay.

3 MR. SLATER: Yes. And that --

4 SR. SPECIAL AGENT LUINA: What else did  
5 she say about Erin?

6 MR. SLATER: She and, according to my  
7 notes, she and McBerty said that Henderson was harmful  
8 to TVA's regulatory relationship and that what I found  
9 that they actually talked to other folks in the  
10 industry about that kind of thing. In essence,  
11 speaking out of school so to speak, talking to other  
12 folks about why they thought Ms. Henderson was not a  
13 good fit. I mean, that was the part of some of the  
14 environment that Ms. Henderson was working in and  
15 trying to work through, that she was, she felt she was  
16 being hurt in the industry by these folks talking to  
17 others, badmouthing her, and sowing discord.

18 SR. SPECIAL AGENT LUINA: Okay. Anything  
19 else --

20 MR. SLATER: No.

21 SR. SPECIAL AGENT LUINA: -- that she --

22 MR. SLATER: Let me go through.

23 SR. SPECIAL AGENT LUINA: Yes, make sure  
24 you got --

25 MR. SLATER: I mean, there's one other

1 area that where Ms. Wetzel just volunteered that she  
2 thought that some others on the staff had some concern  
3 with Ms. Henderson. She talked about Tom Hess  
4 (phonetic), that she thought that she was trying to  
5 push him out the door, that Chris Readell (phonetic) or  
6 Riddle (phonetic) had some apprehension about  
7 reporting to Erin, or Ms. Henderson, and that Mr.  
8 Bradshaw, and I can't remember his first name, just  
9 did what he was told.

10 Now, and these things, when I just  
11 inquired about the working relationship, those things  
12 came out. She just talked and talked and talked and  
13 talked about what her problems were with Ms. Henderson  
14 and what she perceived other people having some  
15 problems.

16 SR. SPECIAL AGENT LUINA: Okay. And it's  
17 up here, your first note up here you wrote chilled,  
18 no. Did you ask her that same chilling effect type  
19 question?

20 MR. SLATER: Yes. And when you go through  
21 my notes, you'll see that sometimes I asked, at least  
22 it may reflect that I asked up-front or may asked in  
23 the middle. I couldn't tell you when I asked that.  
24 It could have been as my first topic of working  
25 relationship, I could have talked to Ms. Wetzel until

1 the end of this and then I said, oh, I didn't ask this  
2 one question I asked everybody and just put it up at  
3 the top.

4 SR. SPECIAL AGENT LUINA: Okay. And you  
5 wrote no there. Did she --

6 MR. SLATER: She said, no, she was not,  
7 she was not in a chilled environment and that she knew  
8 she was free to speak her mind and that she knew that,  
9 she was aware of the various avenues to do so.

10 SR. SPECIAL AGENT LUINA: Okay. Was she,  
11 did she mention that she felt comfortable to speak her  
12 mind to Erin Henderson, to her direct supervisor?

13 MR. SLATER: I don't know whether I asked  
14 that direct question. I think, if I had, it would  
15 have been in my notes. When she said she wasn't, I  
16 didn't think there was any need for a follow up. I  
17 think, I would think that if she had a problem she  
18 would have said, yes, and my question was, well,  
19 please explain, and then she would say I can't go up  
20 the chain of command.

21 SR. SPECIAL AGENT LUINA: Yes.

22 MR. WALSH: That's hypothetical. That did  
23 not happen.

24 MR. SLATER: That didn't happen.

25 MR. WALSH: Just so the record is clear.

1 SR. SPECIAL AGENT LUINA: I got that, yes.  
2 Okay. And you wrote NEI over there. Did she talk  
3 about her assignment to NEI? Because my understanding  
4 is she's --

5 MR. SLATER: Yes, yes, yes.

6 SR. SPECIAL AGENT LUINA: --  
7 (unintelligible).

8 MR. SLATER: She was, she was, she was  
9 happy that she was leaving the organization to go to  
10 NEI for 18 months. And then I don't know anything  
11 about NEI. All I know is that you go and you come  
12 back.

13 SR. SPECIAL AGENT LUINA: Right.

14 MR. SLATER: But she was happy to be going  
15 to NEI. She may have said that she worked in the  
16 Washington area before and that it would be a good  
17 change of scenery.

18 SR. SPECIAL AGENT LUINA: Did she say why,  
19 one of the reasons why she wanted to go to NEI?

20 MR. SLATER: She asked for it. She asked  
21 for the assignment.

22 SR. SPECIAL AGENT LUINA: Did she ask you,  
23 did she tell you why, though, she asked for the  
24 assignment?

25 MR. SLATER: No, no.

1 SR. SPECIAL AGENT LUINA: All right. She  
2 didn't volunteer that information at all?

3 MR. SLATER: No, no.

4 SR. SPECIAL AGENT LUINA: Okay, all right.  
5 Okay. That's all that you talked to Ms. Wetzel about?

6 MR. SLATER: Yes.

7 SR. SPECIAL AGENT ECHAVARRIA: I have a  
8 question. This is Echavarria. One question for you,  
9 sir. In looking at the notes and reading the  
10 interview report or the internal report and listening  
11 to your testimony, correct me if I'm wrong, from my  
12 perspective, it seems that she had ample opportunity  
13 to answer all the questions that you posted to her; is  
14 that correct?

15 MR. SLATER: That's correct.

16 SR. SPECIAL AGENT ECHAVARRIA: And that  
17 she answered all the questions that you did pose to  
18 her.

19 MR. SLATER: That's correct.

20 SR. SPECIAL AGENT ECHAVARRIA: Did she  
21 refuse to, she didn't refuse to answer any question  
22 that you gave her?

23 MR. SLATER: No.

24 SR. SPECIAL AGENT ECHAVARRIA: From your  
25 perspective, and you doing this now for thirty-



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1 something odd years, did you find her sincere in her  
2 answers, that what she was telling you was, she wasn't  
3 holding back, she was actually, like you said, she was  
4 offering information to you?

5 MR. SLATER: Yes. Now, whether the --

6 SR. SPECIAL AGENT ECHAVARRIA: Regardless  
7 of the answer.

8 MR. SLATER: Okay. Regardless of the  
9 answer, regardless whether or not to believe or not  
10 believe, yes.

11 SR. SPECIAL AGENT ECHAVARRIA: How many,  
12 and you've done this for a long time --

13 MR. SLATER: I haven't done this  
14 particular type of investigation. I actually talked  
15 to scores and scores and scores of --

16 SR. SPECIAL AGENT ECHAVARRIA: Thousands  
17 of people, yes.

18 MR. SLATER: Well, a lot. I mean, over  
19 the years.

20 SR. SPECIAL AGENT ECHAVARRIA: We'll round  
21 it up. Why not? Let me ask you this: is there  
22 potential disciplinary action if an employee of TVA  
23 exhibits a lack of candor towards you during an  
24 official inquiry? If they lied to you, is there a  
25 resource for that?

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1 MR. SLATER: Yes, yes.

2 SR. SPECIAL AGENT ECHAVARRIA: What would  
3 they be subject to?

4 MR. SLATER: Well, in our disciplinary  
5 policy, if you fail to be candid or fail to lie or lie  
6 and not tell the truth or shade the truth or be  
7 dishonest during an investigation, there could be some  
8 disciplinary action taken, and that could be up to and  
9 including termination, I believe.

10 SR. SPECIAL AGENT ECHAVARRIA: And  
11 regardless of the findings in the report, it's not  
12 necessarily based on Beth Wetzel's lying to you or a  
13 lack of candor. In other words, the end result of the  
14 inquiry is not necessarily based on her exhibiting  
15 false statements or a lack of candor or pumping the  
16 brakes or misleading you in any way?

17 MR. SLATER: No, no.

18 SR. SPECIAL AGENT ECHAVARRIA: And one  
19 other question for you: during your inquiry, did you  
20 look at whether or not Ms. Henderson exhausted all of  
21 her HR remedies prior to filing the complaint?

22 MR. SLATER: She doesn't have to.

23 SR. SPECIAL AGENT ECHAVARRIA: Why not?

24 MR. SLATER: I mean, she's just like any  
25 other employee. She can go up the chain of command,

1 she can go outside the chain of command, she can go to  
2 HR, she can go to NRC. Now, as to if I choose to go  
3 on and take the HR route, I mean --

4 SR. SPECIAL AGENT ECHAVARRIA: I guess I  
5 may have misspoke, so let me just be clear.

6 MR. SLATER: Okay.

7 SR. SPECIAL AGENT ECHAVARRIA: She's a  
8 manager.

9 MR. SLATER: That's correct.

10 SR. SPECIAL AGENT ECHAVARRIA: She's a  
11 manager, so she's subject to the HR policies and  
12 procedures of TVA like any other company would have,  
13 right?

14 MR. SLATER: That's correct.

15 SR. SPECIAL AGENT ECHAVARRIA: Did she  
16 exhaust or does she actually, I guess, one, did she  
17 participate in that process, did she choose to elect  
18 to participate in that process? And if she did, did  
19 she exhaust that process to address employee behavior?

20 MR. WALSH: Hold on one second. We're  
21 talking about, you're asking John whether or not he  
22 looked into what other avenues Erin Henderson pursued  
23 her claims in?

24 SR. SPECIAL AGENT ECHAVARRIA: Correct.

25 MR. WALSH: Are you aware of Erin

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1 Henderson taking those complaints on the March 2019 or  
2 2018 document to anywhere other than HR?

3 MR. SLATER: No.

4 MR. WALSH: Okay. So we know she took the  
5 complaint to HR, right?

6 SR. SPECIAL AGENT ECHAVARRIA: Correct.

7 MR. WALSH: How many times does she have  
8 to bring it to HR? I'm asking that question to you.  
9 I'm trying to understand your question.

10 SR. SPECIAL AGENT ECHAVARRIA: I'm  
11 wondering if she sat the employees down, did she give  
12 them counseling, did she issue written reprimands, did  
13 she consult with an HR generalist about what Douglas  
14 factors are next in line?

15 MR. WALSH: Speak to what you have  
16 firsthand knowledge and information of. I'm not sure  
17 where he's going with this question, but, you know --

18 SR. SPECIAL AGENT ECHAVARRIA: Simply put,  
19 why go straight to a complaint where a TVA manager and  
20 executive has an HR department and a very thorough  
21 process to address employees' misconduct or  
22 misbehaviors or whatever you might --

23 MR. SLATER: Well, I can only tell you  
24 what I was asked to do.

25 SR. SPECIAL AGENT ECHAVARRIA: I

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1 understand.

2 MR. SLATER: Okay. This complaint came to  
3 me. As to whether or not Ms. Henderson exhausted or  
4 followed other processes, I'm not aware. A fair  
5 reading of the complaint and a reading of my report,  
6 there is a conclusion by me that she did complain for  
7 a long period of time, 18 months, to Joe Shea and that  
8 those things weren't resolved. I can't tell you why  
9 they weren't resolved or whether they had some input  
10 from HR or from wherever, but all this stuff was going  
11 on for an extra long period of time, and Ms. Henderson  
12 lays that out. And I concluded in the report that, I  
13 mean, and maybe, I don't know where you're going with  
14 this but --

15 SR. SPECIAL AGENT LUINA: Well, I'll tell  
16 you exactly where we're going. In part, you just  
17 answered that her initial steps were to raise it up  
18 her organizational chain of command.

19 MR. SLATER: Yes.

20 SR. SPECIAL AGENT LUINA: Right?

21 MR. SLATER: Yes.

22 SR. SPECIAL AGENT LUINA: To seek  
23 remedies, to seek correction, if you will, with the  
24 discipline that she was alleging was occurring.

25 MR. SLATER: Harassment.



1 SR. SPECIAL AGENT LUINA: Okay. So she  
2 then raised it up her organizational chart, which  
3 would have been to Joe Shea. And then, subsequent to  
4 that, you said 18 months later then the formal  
5 complaint was then issued.

6 MR. SLATER: Yes, yes.

7 SR. SPECIAL AGENT LUINA: Okay. You good,  
8 man?

9 SR. SPECIAL AGENT ECHAVARRIA: Yes,  
10 perfect.

11 SR. SPECIAL AGENT LUINA: All right. Ms.  
12 Wetzel, you said, had mentioned about the pulling of  
13 the gate records.

14 MR. SLATER: Yes, sir.

15 SR. SPECIAL AGENT LUINA: Can you kind of  
16 explain on that? Did you have a follow-up with her  
17 and was like what do you mean by that, explain that to  
18 me?

19 MR. SLATER: No.

20 SR. SPECIAL AGENT LUINA: Okay. But  
21 that's how you concluded that she knew Henderson had  
22 filed a complaint against Connor and McBerty back in  
23 2016?

24 MR. WALSH: Hold on one second. I don't  
25 want him to speak to what Henderson knew.

1 SR. SPECIAL AGENT LUINA: No, no, no.  
2 What Wetzel knew.

3 MR. SLATER: Okay. I can tell you what I  
4 concluded from that.

5 SR. SPECIAL AGENT LUINA: Okay.

6 MR. SLATER: What I concluded was that  
7 there had to be some dialogue between --

8 SR. SPECIAL AGENT LUINA: McBerty.

9 MR. SLATER: -- McBerty and Wetzel or  
10 Wetzel and Connor.

11 SR. SPECIAL AGENT LUINA: Okay.

12 MR. SLATER: Because the only two people  
13 who knew that gate records were pulled or whether or  
14 not somebody was inappropriately investigate or this  
15 was investigated by HR should have been McBerty and  
16 Connor. So if Wetzel is talking about these very same  
17 things, then she must be, I concluded that --

18 SR. SPECIAL AGENT LUINA: You concluded  
19 that --

20 MR. SLATER: -- I inferred that there was  
21 a link between those two camps.

22 SR. SPECIAL AGENT LUINA: Any other  
23 evidence you had to support that, I guess, besides  
24 that that you're --

25 MR. SLATER: No.

1 SR. SPECIAL AGENT LUINA: Nothing else?

2 MR. SLATER: No.

3 SR. SPECIAL AGENT LUINA: Okay. As you're  
4 probably aware, you know, I've interviewed a lot of  
5 people in this investigation, as well. When I asked  
6 Ms. Wetzel that question, she said, I said what did  
7 you refer to, what did you mean by these gate records  
8 pulled? She said I was talking about a completely  
9 different incident that she was aware of, that maybe  
10 Ms. Henderson was checking up on another employee's  
11 time and attendance at a site. And she's like it's my  
12 understanding that she had pulled that person's gate  
13 records and was looking through, or had asked HR to  
14 pull them or asked somebody to pull them. That's what  
15 she meant. She explained that to me. Okay?

16 MR. SLATER: Did she also mention that  
17 there was, someone was being investigated by HR? I  
18 mean, to me, it makes --

19 SR. SPECIAL AGENT LUINA: No, she told me  
20 she had no idea that Ms. Henderson had filed that  
21 complaint against McBerty and Connor in 2016. She had  
22 no knowledge of that until her termination when she  
23 was sat down with Joe Shea and she said part of the  
24 reason we're terminating you is because you violated  
25 the Whistleblower Protection Act according to this

1 report because you knew that Henderson had filed a  
2 complaint against McBerty and Connor in 2016. And  
3 they didn't name the names. They said against a CFAM  
4 (phonetic) and a senior manager, and Wetzel told me  
5 she was blown away. She's like who are you talking  
6 about? What does this have to do with? I have no  
7 idea what you're talking about. And that's what she  
8 testified to me.

9 MR. SLATER: Okay. I mean, I can't speak  
10 to that because my role was not meting out discipline.  
11 I just did the report.

12 SR. SPECIAL AGENT LUINA: Okay. That  
13 termination letter and that kind of stuff --

14 MR. SLATER: No, that wasn't, I had no --

15 SR. SPECIAL AGENT LUINA: But they  
16 captured that directly from your report is what they  
17 said because you concluded in your report that she  
18 violated the Whistleblower Protection Act when she  
19 retaliated against Henderson, in your addendum to the  
20 report, too, because I guess in your final report you  
21 substantiated that against Mr. McBerty but then you  
22 provided an agenda --

23 MR. WALSH: Slow down. If you're going to  
24 talk to him about a specific conclusion in the report  
25 --

1 SR. SPECIAL AGENT LUINA: Yes, go to the  
2 conclusion page.

3 MR. WALSH: -- let's find out what we're  
4 looking at here.

5 SR. SPECIAL AGENT LUINA: Yes, and  
6 addendums in there, too, that you created, I'm  
7 assuming you created those, too. That's my other  
8 question for you.

9 MR. WALSH: What addendum are we talking  
10 about?

11 SR. SPECIAL AGENT ECHAVARRIA: There's  
12 only one. I mean, he wrote the report.

13 SR. SPECIAL AGENT LUINA: Yes, he wrote  
14 the report. We know that. And I think we stopped at  
15 Mr. McBerty.

16 MR. SLATER: Where's the, you need to tell  
17 me which page.

18 SR. SPECIAL AGENT LUINA: WPA. When  
19 you're talking about that.

20 MR. WALSH: Can you slide this over here?  
21 I'm trying to figure out --

22 SR. SPECIAL AGENT LUINA: That's the  
23 addendum right there. I guess, before we get to that,  
24 did you create this addendum to this report?

25 MR. WALSH: No, he did not.



1 MR. SLATER: No.

2 SR. SPECIAL AGENT LUINA: He did not. To  
3 the next page, though. I mean, this is a cover letter  
4 to this page, I guess. This next page?

5 MR. WALSH: I was not aware that you had  
6 this information.

7 MR. SLATER: No, that's not, that's not  
8 me.

9 SR. SPECIAL AGENT LUINA: You did not  
10 create that at all?

11 MR. WALSH: Can we go off the record for  
12 a second? Do you mind? I'm sorry. I don't want to  
13 interrupt but --

14 SR. SPECIAL AGENT LUINA: No, that's fine.  
15 We can go off if there's something you want to bring  
16 up. It's 10:18 a.m., and we're going to go off the  
17 record. Did you want to say anything else before we  
18 go off? Let's go off the record.

19 (Whereupon, the above-entitled matter went  
20 off the record at 10:18 a.m. and resumed at 10:28  
21 a.m.)

22 SR. SPECIAL AGENT LUINA: All right,  
23 today's date is November the 20th, 2019 still. The  
24 time is now 10:28 a.m. We just went off the record  
25 for a bathroom break and for a quick sidebar with the