

ANALYTICALLY SPEAKING

The column of our corresponding editor

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DRAGNET-ORNL STYLE

"The story you are about to hear is true. Only the names have been changed to protect the innocent." These were the opening words in Jack Webb's DRAGNET program. Here no names have been changed for no one is completely innocent in this controversy. "Just the facts," Webb would request from the witness. All the facts and stated conclusions given here are taken from the Decision and Order from the Secretary of Labor IN THE MATTER OF C.D. VARNADORE, COMPLAINANT v. OAK RIDGE NATIONAL LABORATORY AND LOCKHEED MARTIN ENERGY SYSTEMS, INC. RESPONDENTS. Date January 26, 1996. Opinions and comments of this writer (WSL) are clearly stated as such.

In his introduction and summary Mr. Reich, the Secretary of Labor (SOL) states that beginning on November 20, 1991, Complainant C.D. Varnadore (CDV) filed several complaints alleging that ORNL had retaliated against him for engaging in activity protected by a series of Acts that grouped together are referred to as the environ-

mental whistleblower provisions. Following a trial lasting almost 3 weeks the Administrative Law Judge (ALJ) issued an 84 page Decision finding for CDV and recommending an award of attorneys fees and costs. This Decision was sent to the SOL for review and possible correction. The facts of the case cover the period 1985-1992, the transcript is over 3000 pages and over 200 exhibits were introduced.

During this period of time I was not employed by ORNL, other than as a part time consultant 1987-present. I was not aware of any of the events described in the trial prior to the trial. I did attend all the hearings and took copious notes. The main defendants for ORNL were W.D. Shults, Director of the Analytical Chemistry Division (ACD) and Darryl Wright his administrative assistant. Dub Shults is a longtime friend of mine, but I have known Darryl only since 1987. I have never met Mr. Varnadore, who was hired after I left full time employment.

The SOL's report stated that CDV was about to be laid off at the K-25 plant in Oak Ridge in September 1985. He was a mechanical technician with no chemistry background. He interviewed with ACD, and Shults offered him a job in the Transuranic Lab (TRU). (During the hearing several supervisors in ACD testified that they did not recommend hiring CDV.) The SOL noted that CDV was assigned to TRU where his job required him to use manipulators in handling hot samples in a hot cell. CDV attempted this assignment only a time or two, had spills and reported that he could not do the job because he was blind in one eye. (This was the first time ACD was made aware of this limitation. At the hearing CDV's Section Head testified that he had lost an eye in adolescence but had worked satisfactorily with manipulators.) Because CDV had no chem-