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DEPARTMENT OF ENERGY  
OFFICE OF INSPECTOR GENERAL

ALETA BUSSELMAN

Complainant,

vs.

BATTELLE MEMORIAL INSTITUTE,  
an Ohio nonprofit corporation,  
Respondent.

Case No.:

COMPLAINT FOR DAMAGES,  
INJUNCTIVE AND DECLARATORY  
RELIEF

I. JURISDICTION

1.1 Complainant Aleta Busselman ("Busselman" or "complainant") is a citizen of Washington State residing in Richland, WA.

1.2 Respondent Battelle Memorial Institute is an Ohio nonprofit corporation operating as a 501(c)(3) entity. In Richland, Washington, Battelle's primary purpose is to manage the Pacific Northwest National Laboratory ("PNNL"). Respondent will be referred to as "Battelle/PNNL" or "respondent".

1.3 Battelle/PNNL is a contractor with the Department of Energy ("DOE"), and Ms. Busselman is an employee of Battelle/PNNL, both within the meaning of 41 U.S.C. §4712, which is known as the Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information Act (the "Act").

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## II. FACTS

### A. Background

2.1 Battelle/PNNL is one of approximately seventeen national laboratories operated by the U.S. Department of Energy (“DOE”). Of those, Battelle Memorial Institute manages six DOE national labs. Battelle/PNNL employs about 4500 staff, has an annual budget of nearly \$1 billion, and has been managed for the U.S. Department of Energy by the Ohio-based Battelle since the laboratories’ inception in 1965.

2.2 Complainant Aleta Busselman has been a Battelle/PNNL employee for over 30 years at the Richland, Washington campus. For the last five years, Ms. Busselman has been a group manager.

2.3 In 2014, Manager Cindy Doyle hired Ms. Busselman as a Quality and Assurance Consultant, Principal Level (salary grade PL), which was to manage the assessment and issues management role in the Quality and Assurance Directorate headed by the Quality and Assurance Associate Lab Director Bryan Mohler. Her job duties included: Strategic Laboratory Assessment activities (including Independent Oversight Functions) and she was responsible for all occurrence reporting requirements as outlined in DOE Order 232.2. She was also responsible for overseeing all significant Laboratory level issues (categorized as low, medium, and high significance) and tracked in the Battelle/PNNL Issues Tracking System where the issues are reported and tracked to completion. Examples of significant issues at Battelle/PNNL include weaknesses in mishandling of radiological materials, chemical exposures, electrical safety events,

1 compensation/OFCCP breakdowns, network intrusion, theft, and cyber security breaches.

2           2.4     As the Enforcement Coordinator for Battelle/PNNL, Ms. Busselman was  
3 the single point of contact for enforcement coordination and reporting into the DOE  
4 Noncompliance Tracking System (NTS), which is the system used by all Laboratories for  
5 notifying DOE Office of Enterprise Assessment (EA), Office of Enforcement (OE) of  
6 events that exceed noncompliance risk limits and serves the purpose of communicating the  
7 contractor's compliance assurance processes such that DOE/OE may elect to exercise  
8 regulatory discretion and/or mitigate the possible sanctions associated with an enforcement  
9 proceeding.  
10

11           2.5     In addition, Ms. Busselman interfaced and integrated the Laboratory Issues  
12 Management processes with key staff in the Incidents of Security Concerns (IOSC)  
13 Program for concerns that need to be reported in to the Safeguards and Security  
14 Information Management System (SSIMS).  
15

16           2.6     Ms. Busselman had eight direct reports who were responsible for various  
17 aspects of independent oversight, assessment and issues management. They were referred  
18 to as the AIM Team, and consisted of trained and qualified subject matter experts in the  
19 conduct of assessments, critiques and root cause analysis. To become qualified cause  
20 analysts, team members are required to go through formal training, get vetted and  
21 approved by a Board of Management, and may spend one or more years doing on-the-job  
22 training before they can be considered a qualified cause analyst. Ms. Busselman has been  
23 approved by the Board of Management as a qualified cause analyst for the Laboratory.  
24

25           2.7     The AIM team's focus is to investigate issues identified by management

1 that were categorized as “medium or high” level significance. In 2014, there were ten such  
2 issues. In 2015, there were ten such issues. In 2016, there were seventeen such issues.

3 2.8 The AIM team works with the issue owner (the manager who is responsible  
4 for reporting and fixing the issue) to critique the issue (document the facts surrounding the  
5 issue), to conduct a root cause analysis, to create a formal corrective action plan, and to  
6 conduct a formal effectiveness evaluation to determine whether the corrective actions have  
7 fixed the underlying root and contributing causes.  
8

9 2.9 When Ms. Busselman began her job, she interviewed her direct reports and  
10 observed their work. She learned that there was reluctance to participate in controversial  
11 root cause analysis activities because there was pressure from management to change the  
12 results of the cause analysis team’s final conclusions. Issue owners and/or their  
13 management (unless they are part of the cause analysis team) are not qualified or trained to  
14 make substantive changes to the root or contributing causes of issues, but Ms. Busselman  
15 learned that such changes were being ordered and supported by her management in varying  
16 circumstances prior to Mr. LaFemina’s management change as the LPPM Associate  
17 Laboratory Director. Prior to Mr. LaFemina’s arrival to the organization, there were draft  
18 procedures and verbal communications from management on how to handle root cause  
19 analysis disputes and it was known by those conducting these analysis activities that such  
20 changes were prohibited to preserve the independent analysis of the qualified teams  
21 chartered to discover the root causes of the issue. However, there were no formal written  
22 policies to prevent management from making such changes if they did not agree with the  
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1 conclusions.

2  
3 2.10 Once the cause analysis team identifies a root cause, the issue owner is  
4 responsible for creating corrective actions to ensure that the issue is not repeated. In her  
5 position, Ms. Busselman became aware that issue owners would not necessarily propose or  
6 be amenable to meaningful corrective actions based upon the cause analysis results, so in  
7 2015, Ms. Busselman organized a formal "Issue Team" chartered by John LaFemina and  
8 Mike Schlender, which provided overview of proposed corrective actions and ensured that  
9 the final corrective actions were meaningful and fixed the identified root cause.  
10

11 2.11 In 2015, the Quality and Assurance Directorate was renamed "Laboratory  
12 Planning and Performance Management" (LPPM). During that year, Mr. LaFemina  
13 replaced Mr. Mohler as Associate Lab Director for this new organization. On information  
14 and belief, Quality and Assurance Associate Lab Director Bryan Mohler retired because  
15 upper management investigated and learned that he had been changing the language of root  
16 cause analysis results and other subsequent deliverable results (i.e., corrective action plans)  
17 associated with fixing Laboratory Level issues.  
18

19 2.12 On October 1, 2015, Ms. Busselman was promoted to Division Director,  
20 Level 2 manager (Manager Quality Assurance C Level, salary grade PM). In that role, she  
21 received an annual salary of approximately \$151,089. As a division director Level 2, she  
22 was responsible for the same duties as before with the additional responsibility of being the  
23 Core Business Process Steward (Assess Performance CBP). She reported to Mr.  
24  
25

1 LaFemina in that position.

2 2.13 On October 1, 2016, Ms. Busselman (having successfully acted in the  
3 capacity as the Enforcement Coordinator for the first year of her new role) was also  
4 formally assigned the official role of the Battelle/PNNL Enforcement Coordinator as  
5 outlined in the Office of Enterprise Assessments document dated April 2015, titled,  
6 “Safety and Security Enforcement Coordinator Handbook.” She reported to Mr. LaFemina  
7 in that position.

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9 2.14 Upon assuming her new duties in October 2015, Ms. Busselman  
10 immediately began to formalize and implement policies and procedures to ensure that  
11 managers were held accountable for correcting issues.

12 2.15 In October 2015, Ms. Busselman formalized the “Issue Team Charter,”  
13 which was a written procedure that brought in high-level managers and subject matter  
14 experts to oversee the quality and completeness of proposed corrective actions. The Issue  
15 Team’s purpose was as follows:

16  
17 Issue Teams are the approving body for corrective action plans of medium  
18 significance or higher. Issue Teams provide balanced and broad-based  
19 knowledge to the review and approval of proposed corrective actions and  
20 then later they review and confirm the results of effectiveness evaluations  
21 prior to recommending issue closure. These reviews verify that PNNL has  
22 effectively demonstrated appropriate action in response to significant issues  
23 and that acceptable and sustainable performance improvement has been  
24 achieved, resulting in reasonable assurance that recurrence of the unwanted  
25 condition is unlikely.

26 2.16 Ms. Busselman received positive feedback from management and DOE on  
27 the effective work of the Issue Team and the improved clarity around the Laboratories  
28 Issues Management Process.

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2.17 In October 2016, Ms. Busselman created a formal written procedure that prohibited managers from making substantive changes to the root cause of the issue or the contributing causes of the issues in reports generated by the chartered Lead Cause Analyst.

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The process in the event of a dispute was as follows:

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In cases where the Issue Owner does not agree with the results of the [root cause] analysis, the Laboratory Senior Cause Analyst will work with the Lead Cause Analyst, line management, the Lab-level Issue Team, and other independent technical experts as necessary, to resolve the issue(s). If the issue(s) cannot be resolved, the cause analysis team's results will remain the final documented root cause analysis, and the lack of consensus will be documented in the Issue Tracking System (ITS).

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**B. Battelle/PNNL Makes A \$530,000 Payment To A Fraudulent Payee Posing As A Battelle/PNNL Subcontractor**

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2.18 Fowler General Construction, Inc. (Fowler) has been a subcontractor at Battelle/PNNL since 2007, and has worked on numerous construction projects on the Battelle/PNNL campus.

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2.19 In May 2016, a contract was awarded to Fowler for the construction of the Battelle/PNNL Collaboration Center. The first invoice from Fowler for the Collaboration Center work was received on June 21, 2016, with payment occurring on July 20, 2016 via electronic payment from the U.S. Treasury Department to their designated bank account.

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2.20 On November 9, 2016, a request was made via email to the Procurement Director to change the bank account for Fowler's electronic payments. The email included

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1 the company logo and an email address of accounts@fowlerggroup.com.

2 2.21 On December 16, 2016, a Fowler invoice for approximately \$530,000.00  
3 was authorized for payment by Battelle/PNNL personnel, and was electronically paid to  
4 the new bank account by the U.S. Treasury Department. Both points of contact listed in  
5 Fowler's vendor record (the legitimate point of contact and the new fraudulent entity) were  
6 sent an automatic notification of the payment. The fraudulent requestor withdrew the funds  
7 from the new bank account within a few days and closed the account.  
8

9 2.22 On January 12, 2017, Fowler's Controller contacted Battelle/PNNL  
10 Accounts Payable by phone to inform Battelle/PNNL that they had not received their  
11 invoiced payments.

12 2.23 The Battelle/PNNL Accounts Payable Administrator reviewed the vendor  
13 record in Purchase and Expense System and informed Fowler that the payment had been  
14 submitted to the new bank account. Fowler responded that the requestor was not an  
15 employee of Fowler and the bank change was not valid.  
16

17 2.24 The Battelle/PNNL Accounts Payable Manager assessed the situation,  
18 reviewed the vendor history, and examined pertinent emails, then met with Finance and  
19 Contracts management to discuss immediate actions to be taken. The U.S. Treasury  
20 Department also immediately notified the bank of the fraudulent transactions.  
21

22 2.25 Notification of the fraudulent payment was made to Battelle/PNNL senior  
23 management, the Battelle/PNNL Office of Audit Services, and the Battelle/PNNL Office  
24 of General Counsel.

25 **C. Under The Terms Of Its Contract With DOE, Battelle/PNNL Management Is Responsible For Preventing Fraud And Has Experienced External Fraud**



1                   **Attempts Since Early 2016**

2           2.26    The Battelle/PNNL operating contract with DOE requires that it comply  
3 with various federal policies and guidelines for combatting fraud—both internal and  
4 external. The Office of Management and Budget (“OMB”) provides guidance on  
5 improving accountability and effectiveness of program operations to combat fraud (see  
6 OMB Circular A-123), as does the Government Accountability Office's (GAO) Standards  
7 for Internal Control in the Federal Government (the “Green Book”).  
8

9           2.27    At Battelle/PNNL, management is responsible for developing policies and  
10 procedures to combat fraud, both internal and external, and for ensuring that those policies  
11 and procedures are developed, implemented, and effective.

12           2.28    Efforts by other fraudulent external entities to defraud the government  
13 through false invoices have been an ongoing issue at Battelle/PNNL since at least 2015.  
14 Since then, on a monthly basis, those other fraudulent external entities have been soliciting  
15 consumer electronics using the Battelle/PNNL Procurement Director’s name. About ten  
16 vendors shipped consumer goods to the fraudulent entities. On information and belief,  
17 Battelle/PNNL management has had notice of this external fraud effort since at least early  
18 2016.  
19

20           **D.     The AIM Team Investigation and the March Findings**

21           2.29    In January 2017, Financial Operations Manager Iris Anderson requested  
22 assistance in conducting a root cause analysis to better understand the issues surrounding  
23 the \$530,000 improper payment to a fraudulent entity.  
24

25           2.30    Under Ms. Busselman’s supervision, a cause analysis team (made up of

1 members of the AIM Team) was assigned to determine the causes for the event that led to  
2 \$530,000 improper payment to a fraudulent entity that was posing as a subcontractor to  
3 PNNL. The scope of the AIM Team's work was defined in a Cause Analysis Charter,  
4 which was approved by Ms. Anderson.

5       2.31 This issue was determined to be MEDIUM significance, requiring a Level 2  
6 root cause analysis.

7       2.32 The scope of the cause analysis was limited to Battelle/PNNL's response to  
8 the ACH change request by the fraudulent entity.

9       2.33 A separate investigation was conducted by the Office of the Inspector  
10 General and the Department of Justice to determine how the fraudulent entity obtained the  
11 relevant information to make the ACH change request in the first place.

12       2.34 As part of the investigative process, the cause analysis team reviewed more  
13 than 25 documents and interviewed nineteen witnesses.

14       2.35 In March 2017, the AIM Team finalized a Cause Analysis Report ("March  
15 Cause Analysis Report"), which made findings regarding the direct cause, the root cause,  
16 and identified certain relevant facts, which led to the outcome.

17       2.36 In the March Cause Analysis Report, the AIM Team determined that the  
18 **direct cause** was:

19       The Accounts Payable Vendor Coordinator verified the information on the  
20 ACH request that was specifically required by the Vendor Management  
21 Process Desk Guide against the information in the Vendor Master File; the  
22 Accounts Payable Vendor Coordinator unknowingly changed the bank  
23 account to the one that belonged to the fraudulent entity and the invoice was  
24 paid by ACH into that bank account.

25       2.37 In the March Cause Analysis Report, the AIM Team determined that the

1 **root cause** was:

2 Business Systems Directorate (BSD) management did not clearly define  
3 adequate controls regarding the identification, detection and response to  
4 potential fraudulent activities by external criminal entities in the Vendor  
Management Process; primarily relying on individual staff members to  
identify and respond to potential external threats.

5 2.38 In the March Cause Analysis Report, the AIM Team listed **relevant facts**,  
6 some of which included the following facts:

7 2.38.1 There is no segregation of duties between the Contracts Vendor  
8 Coordinator and the Accounts Payable Vendor Coordinator; the  
9 same person currently fills both roles.

10 2.38.2 Transition of key staff out of both the AP and Contracts  
11 organizations resulted in some staff assuming additional  
responsibilities while maintaining their normal work load.

12 2.38.3 In the Accounts Payable and Contracts organizations, some staff  
13 indicated they felt that the work load was impacting the  
completeness and accuracy of their work.

14 2.38.4 The current Accounts Payable Manager has been in the role for  
15 approximately 1.5 years; this manager is less familiar with the  
16 identities of the vendors/POCs.

17 2.38.5 Battelle/PNNL relies on individual staff members to identify and  
18 respond to potential fraudulent activity by external sources;  
however, this is not a written expectation.

19 2.38.6 The training was informal and included 'tribal knowledge' of  
20 processes and expectations; it did not include the personal best  
practice of confirming changes with the listed vendor POCs.

21 2.39 Ms. Busselman learned that Battelle/PNNL management was dissatisfied  
22 with the root cause finding, and sought to make changes. Ms. Busselman opposed changes  
23 to the root cause.

24 2.40 Ms. Busselman left for a scheduled vacation. Upon her return, she was  
25

1 removed from her position, placed in an office with no windows and given no daily job  
2 duties.

3 2.41 Battelle/PNNL management pressured the cause analysis team to change  
4 the language of the root cause analysis, which then appeared in the April 2017 Cause  
5 Analysis Report as follows:

6 Business Systems Directorate management had a primary focus on controls  
7 over internal fraud risks in response to DOE's annual risk statements in the  
8 Accounts Payable area (which did not specifically address external fraud  
9 risks) and based on the majority of previous experience involving internal  
10 fraud. Consequently, the controls for the identification, detection and  
11 response to evolving fraudulent activities by external criminal entities in the  
12 Vendor Management Process were less than adequate.

11 2.42 Battelle/PNNL management lacked training and expertise to change the  
12 language of the root cause.

13 2.43 It was a conflict of interest for Battelle/PNNL management to change the  
14 root cause, because the Cause Analysis Team's root cause found that Battelle/PNNL  
15 management "did not clearly define adequate controls."

16 2.44 Management's actions to change the root cause language was in violation of  
17 Battelle/PNNL policy.

18 2.45 On information and belief, without approval or consultation with either Ms.  
19 Busselman or with the full awareness of Cause Analysis Team members, Battelle/PNNL  
20 management deleted the following relevant fact statements from the April 2017 Cause  
21 Analysis Report as follows:  
22

23 2.45.1 DELETED: There are no segregation of duties between the  
24 Contracts Vendor Coordinator and the Accounts Payable Vendor  
25 Coordinator; the same person currently fills both roles.

1 2.45.2 [In the Accounts Payable and Contracts organizations,] DELETED:  
2 some staff indicated they felt that the work load was impacting the  
3 completeness and accuracy of their work.

4 2.45.3 DELETED: The current Accounts Payable Manager has been in the  
5 role for approximately 1.5 years; this manager is less familiar with  
6 the identities of the vendors/POCs.

7 2.45.4 [The training was informal and included ‘tribal knowledge’ of  
8 processes and expectations;] DELETED: it did not include the  
9 personal best practice of confirming changes with the listed vendor  
10 POCs.

### 11 III. PROTECTED ACTIVITY

12 3.1 On or about March 29, 2017, Battelle/PNNL Associate Laboratory Director  
13 for Business Systems and Chief Financial Officer Marty Conger became concerned over  
14 the language of the root cause results, and began to exert pressure to change the language,  
15 because he felt that the language made management look bad. He specifically told Ms.  
16 Busselman that the way the root cause was written would not put the Lab in a good light,  
17 and that the way it was written right now made them look like they were asleep at the  
18 wheel, and that he wanted to propose changes to the description.

19 3.2 Over the days that followed, Ms. Busselman attended several meetings and  
20 exchanged numerous emails with Battelle/PNNL management seeking to protect her staff  
21 from being pressured to change the language of the root cause finding.

22 3.3 On March 31, 2017, Ms. Busselman wrote to Director LaFemina and  
23 opposed management’s efforts to pressure her staff into changing the root cause language.  
24 She wrote:

25 Per our HDI requirements and cause analyst qualification process, this is  
not how we do cause analysis at our Lab. We do not just let concerned  
stakeholders manipulate root causes at the end of the process to make us  
sound better. Steve Cooke looked at this report twice before it came to  
Marty/Iris. Marty has yet to bring the team together to discuss how they got  
to the end results. That (changing root causes and results at the 11<sup>th</sup> hour)  
was the [Quality and Assurance Associate Lab Director Bryan] Mohler-

1 way. Not doing it and I am not going to have this cause analysis team think  
2 that we have returned to the 'old' way of doing business. Otherwise, why  
3 bother.

4  
5 I am not going to make this team sign a product they can't stand behind.

6 3.4 Later in the day on March 31, 2017, Mr. LaFemina wrote back to Ms.  
7 Busselman as follows:

8 I understand your concerns and agree that we are not going backwards. I  
9 just spoke to Marty and let him know that I am reviewing the report and that  
10 after spring break I will bring us together to discuss our path forward. I also  
11 asked him to stop negotiating with Steve. Steve does not negotiate for us.  
12 Steve is in a meeting but I am talking to him after his meeting and I will tell  
13 him the same.

14 3.5 On March 31, 2017, Ms. Busselman also reported to Mr. LaFemina that she  
15 had learned of two LGBT women employees at Battelle/PNNL who believed they were  
16 victims of discrimination. She asked him for advice as to handling those complaints.

17 3.6 From April 1 to April 9, 2017, Ms. Busselman was on a scheduled vacation.

#### 18 **IV. RETALIATION**

19 4.1 On April 10, 2017, upon Ms. Busselman returning from her vacation, Mr.  
20 LaFemina sent her a calendar appointment entry for April 12, which did not have a subject  
21 line. Ms. Busselman asked for an agenda so she could prepare, and she received an e-mail  
22 from Mr. LaFemina that he had made a decision to reorganize and that he had an  
23 opportunity for her. Later that day, Mr. LaFemina notified Ms. Busselman that he wanted  
24 to revisit the description on the Fraud causal results and work with Marty [Conger] to  
25 rewrite it.

4.2 On April 11, 2017, at a meeting held in Mr. LaFemina's office, Ms.  
Busselman was notified that she was relieved of management responsibilities, and that she  
and her AIM Team would be under the supervision of Cindy Doyle. Her other

1 responsibilities would also be assigned to Ms. Doyle. No reasonable explanation was given  
2 for the decision.

3           4.3     On April 13, 2017, following e-mail exchanges with Mr. LaFemina, Ms.  
4 Busselman was pressured to lie to her team: he and she rehearsed a statement that was to  
5 be given to the team to the effect that she had input into the decision to leave AIM and to  
6 pursue a “great opportunity” that Mr. LaFemina had found for her. Ms. Busselman recited  
7 the rehearsed speech to her Team on the promise that she would not be demoted and would  
8 not be placed under Ms. Doyle’s supervision. Mr. LaFemina then used the announcement  
9 to justify moving the AIM team under Ms. Doyle, claiming budget reasons as the  
10 motivation for the reorganization. Mr. LaFemina stated to Ms. Busselman and her team  
11 that “Aleta” would not be coming back and that she would need to find work somewhere  
12 else by October, which is the beginning of the new fiscal year.

13           4.4     On Friday April 14, 2017, Ms. Busselman met the Manager of the “special  
14 assignment” for the first time and was poised to fully engage on the activity on Monday  
15 April 17, 2017. Ms. Busselman quickly realized that the Manager of the special assignment  
16 was not amenable to engaging her on the activity (following several failed attempts to get  
17 engaged on the assignment). Also during this time, Ms. Busselman was encouraged to  
18 work in an internally facing non-suitable white-walled working space with no windows.

19           4.5     On May 1, 2017, Ms. Busselman was notified that the “special assignment”  
20 was not a legitimate opportunity. Also on May 1, 2017, Ms. Busselman was formally  
21 reorganized under Ms. Doyle.

22           4.6     In the following weeks, Mr. LaFemina repeatedly stated to Ms. Busselman  
23 that she will need to find work by October 1, 2017. On information and belief, Mr.  
24 LaFemina was communicating to Ms. Busselman that failure to find work by October 1  
25 will lead to her termination. The Complainant has been looking for meaningful work at the

1 Laboratory, but has been met with constant barriers and rejections due to her high charge  
2 out rate and the tense environment at the Laboratory. Ms. Busselman has been humiliated  
3 over and over again on a daily basis as her 30-year network of professional relationships at  
4 the Laboratory ask her “What happened with your Division Director role?” and “Why are  
5 you looking for work?” Ms. Busselman has been encouraged to downgrade her Manager  
6 role to a specialist role in order to lower her cost and thus aid in finding a new job.

7 4.7 On or about May 10, 2017, Ms. Busselman filed an employee concern on  
8 this subject matter with the DOE.

9 4.8 On or about May 12, 2017, Ms. Busselman notified Mr. LaFemina that she  
10 filed an employee concern, but did not give details of the subject matter.

11 4.9 On June 12, 2017, Ms. Busselman contacted Battelle/PNNL management to  
12 notify them that she has been retaliated against for opposing the improper efforts to change  
13 the root cause on the fraud case, and gave management until June 16, 2017, to reinstate her  
14 to her position, to ensure that in the future, she and her team would not be pressured to  
15 make changes to the root cause of any investigation, and that the root cause given on the  
16 April 2017 Cause Analysis Report (approved on 5/1/17), would be changed to reflect the  
17 root cause as written in the Team’s March 2017 Cause Analysis Report (prior to the  
18 4/13/17 draft report). When Battelle/PNNL management did not respond to the request,  
19 this action was filed.

## 20 V. CAUSE OF ACTION

21 5.1 Complainant re-alleges paragraphs one through four of the complaint, and  
22 hereby incorporates the same by reference.

23 5.2 The facts set forth above state a claim for whistleblower retaliation under 41  
24 U.S.C. § 4712.



1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, Complainant prays for relief as follows:

3 6.1 Damages for back pay (if Complainant is terminated or constructively  
4 discharged after this filing), front pay (if Complainant is terminated or constructively  
5 discharged after this filing), lost benefits, and medical expenses in an amount to be  
6 determined;

7 6.2 Prejudgment interest in an amount to be determined;

8 6.3 Damages for emotional harm, including, but not limited to, loss of  
9 enjoyment of life, pain and suffering, mental anguish, emotional distress, injury to  
10 reputation, fear, and humiliation;

11 6.4 Reasonable attorney's fees and costs;

12 6.5 Reinstatement to her former position and job duties;

13 6.6 Expungement of any negative evaluations or comments from her file and  
14 from the records of the respondent;

15 6.7 Injunctive relief requiring management training regarding the need to allow  
16 the AIM Team to work without pressure to change core findings;

17 6.8 Injunctive relief prohibiting the Respondent from directing or pressuring the  
18 AIM Team to change findings;

19 6.9 Injunctive relief prohibiting the Respondent from further retaliating against  
20 either Ms. Busselman or the AIM Team;

21 6.10 Publication to the Battelle/PNNL work force of any orders issued by the  
22 IG/court regarding this case;

23 6.11 Declaratory relief;

24 6.12 Compensation for the tax penalty associated with any recovery; and  
25

