

From: James Dockery, OI
To: CFE C EVANS, RII
Date: 4/2/96 1:06pm
Subject: 2-95-008 - Allegor Interview

Attached for your review and opinion is a copy of the transcript of an OI interview of the allegor, Mr. Gary PHIPPS, in this investigation. Mr. PHIPPS has complained (and prevailed with the W&H Division!!!) to DOL that he was discriminated against by his employer for engaging in protected activity. Despite the W&H finding (he settled with the licensee before ALJ Hearing) I don't believe, based on this interview, that he has articulated a viable nexus between his "protected activity" (which in itself seems quite weak) and his perceived "adverse treatment." Furthermore, I'm not sure that any "adverse treatment" occurred. I believe this is basically a union grievance issue. Despite my best efforts to elicit the appropriate responses, he appears to have failed the prima facie test. Your views are appreciated.

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