

From: James Dockery, OI  
To: CFE EVANS, R II  
Date: 5/30/96 2:28pm  
Subject: OI Case 2-95-008

Carolyn, Attached are two communiques I sent you and then failed to follow up on. (Frankly, I completely forgot about them until recently when I started to try and write an ROI!) Notwithstanding the DOL W&H finding that "discrimination...was a factor in the actions which comprise his complaint," I doubt that the alleger has articulated a prima facie case in either his complaint letter or his OI testimony because there doesn't seem to be any identifiable "adverse employment consequence" that he suffered.

I'm even more confident that he has failed to establish any realistic causal nexus between his "protected activity" (which the licensee concedes, by the way) and the perceived discriminatory treatment by (largely unidentified) management "conspiracy." Mostly, I think he's right that some people did not want him to work in the plant; but it's because he has an abrasive and overly rigid personality. There's no indication that anyone at all cared about any "protected activity" he may have engaged in.

Any thoughts on the matter? Am I completely off target in your reading of the documents? Thanks, Jim D.

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