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2 LANL Whistle-Blowers Sue UC

By Adam Rankin

* Ex-auditors allege retaliation for their criticism of lab financial management

Two Los Alamos National Laboratory whistle-blowers, both former internal auditors at the lab, filed a lawsuit against the University of California and five of its employees on Thursday alleging retaliation for their outspoken criticisms of what they claim are LANL's ongoing financial and procurement problems.

Chuck Montano, a 26-year LANL veteran, and Tommy Ray Hook, who was hired by LANL in 1989, allege in the suit that LANL and University of California managers attempted to make their jobs so miserable in retaliation for uncovering management failures that they would be forced to resign.

The men name Richard Marquez, LANL's associate director for administration; John Bretzke; Vernon Brown; William Barr; and University of California head auditor Patrick Reed in their lawsuit.

The Santa Fe-based law firm of Rothstein, Donatelli, Hughes, Dahlstrom and Schoenburg and the Washington, D.C.-based firm of Bernabei and Katz are representing the men. Bernabei and Katz represented LANL whistle-blowers Glenn Walp and Steve Doran in another suit filed against the university in 2003.

The two whistle-blowers claim that each of these men conspired to retaliate against them by "downgrading their performance evaluations, denying them positions and promotions for which they applied, denying them meaningful work, repeatedly threatening them with termination, and denigrating them to (U.S. Department of Energy) officials in order to silence them from speaking out publicly about matters of public concern... "

Hook and Montano seek to have all adverse employment actions stricken from their employment histories, a return to meaningful work commensurate with their experience and at least \$2 million each for economic damages and \$2 million each for punitive damages.

Officials at the University of California, which operates LANL under contract for the DOE, say they take Montano and Hook's whistle-blower complaints seriously.

University spokesman Chris Harrington said university officials are working on a "full and completely independent outside investigation," which he said is nearing completion.

He said the investigations have been extended twice due to the length and breadth of the reviews, which have included an evaluation of more than 7,000 documents, many of which were provided by Hook and Montano, and more than 20 employee interviews.

Harrington wouldn't comment on the specific allegations made in the lawsuit, but he did say the lab has worked hard to accommodate both men and understands they have previously said that they found their current jobs rewarding.

In the lawsuit, Hook and Montano say their current positions are below their skill levels and

that their supervisors refuse to provide them with meaningful work.

Part of the lawsuit claims LANL stifled their First Amendment rights to free speech by trying to prevent them from disclosing serious management failings relating to purchasing and contract matters.