
From: jimdoyle6@msn.com
To: the.secretary@hq.doe.gov
Subject: Doyle Whistleblower Case
Date: Mon, 31 Aug 2015 11:20:07 -0600

Dear Secretary Moniz,

I am writing with regard to an August 25, 2015 motion by counsel for Los Alamos National Security (LANS LLC) filed with the Office of Hearings and Appeals (OHA) at the U.S. Department of Energy to dismiss my case.

An OIG investigation was promised to me in a letter from Poli Marmolejos dated September 15, 2014 and by Frank Klotz to Senator Edward Markey by letter dated February 4th, 2015. Mr. Marmolejos indicated that NNSA Director Frank Klotz directed DOE OIG Director Gregory Friedman to investigate whether my termination resulted, in whole or in part, from the publication and subsequent classification of the article in question or the views expressed in it. Despite the official promise of such an investigation and my continued request for it in order to defend my case, no such investigation has taken place and it appears that the promise to conduct an OIG investigation has been reneged.

OIG has already demonstrated in its recent report (DOE/IG-0935, February 2015) that the LANS classification officer who classified my article has a history of misapplying classification guidance and making errors in classification decisions and that NNSA was aware of complaints regarding his conduct on classification matters.

Further, this classification officer cleared a LANL official document that appeared in "Los Alamos National Security Science" for unlimited public release in April 2013 that contained the same information retroactively deemed classified in my article. This article was written by an individual with a security clearance and member of the LANS board of Directors. It, like my article, had previously appeared in the public domain prior to its review. Record of this biased application of guidance is found on page 2 of DOE/IG-0935: "One analyst believed that the new bulletin conflicted with existing guidance, while another analyst indicated that the (LANS) Classification Officer failed to provide subordinate analysts with the rationale for classifying one article but not others on the same subject matter."

This attempt by LANS to have my case dismissed before the promised OIG investigation or an administrative hearing takes place is an attempt to deprive me of my rights to due process and cover up misconduct by LANS. Please request that OHA deny the motion to dismiss.

Respectfully,
James E. Doyle