

In the Matter of Micheal D. Ramirez)
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Filing Date: September 22, 2025) Case No.: WBH-25-0006
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Issued: March 3, 2026

Interlocutory Decision on Motion for Summary Judgment

This Decision considers a motion filed by Triad National Security, LLC (Triad) on February 6, 2026 (Motion), concerning the complaint (Complaint) filed by Micheal D. Ramirez against Triad under the Department of Energy’s (DOE) Contractor Employee Protection Program and its governing regulations set forth at Part 708 of Title 10 of the Code of Federal Regulations (Part 708). The Motion seeks summary judgment. For the reasons set forth below, I will deny the Motion.

I. Background

A. The DOE Contractor Employee Protection Program

DOE’s Contractor Employee Protection Program was established to safeguard “public and employee health and safety; ensur[e] compliance with applicable laws, rules, and regulations; and prevent[] fraud, mismanagement, waste, and abuse” at DOE’s government-owned, contractor-operated facilities. Criteria and Procedures for DOE Contractor Employee Protection Program, 57 Fed. Reg. 7,533 (Mar. 3, 1992). Its primary purpose is to encourage contractor employees to disclose information which they believe exhibits unsafe, unlawful, fraudulent, or wasteful practices and to protect these “whistleblowers” from consequential reprisals by their employers. *Id.*

Part 708 prohibits DOE contractors from retaliating against an employee because that employee has engaged in protected activity, such as disclosing information that the employee reasonably believes reveals a substantial violation of a law, rule, or regulation, a substantial and specific danger to employees or to public health or safety, or fraud, gross mismanagement, gross waste of funds, or abuse of authority. 10 C.F.R. § 708.5(a). Employees are also protected from retaliation for refusing to participate in an activity, policy, or practice if the employee believes that doing so would violate a Federal health or safety law or cause the employee to have a reasonable fear of serious injury to themselves or others, provided that the employee first asks the contractor to correct the violation or remove the danger. *Id.* at §§ 708.5(c), 708.7(a). Available relief includes reinstatement, back pay, transfer preference, and such other relief as may be appropriate. *Id.* at § 708.36.

Employees of DOE contractors who believe they have been retaliated against in violation of Part

708 may file a whistleblower complaint with DOE. *Id.* at § 708.11. Complaints are investigated by an investigator with the Office of Hearings and Appeals (OHA), followed by a hearing conducted by an OHA Administrative Judge, and an opportunity for review of the Administrative Judge's Initial Agency Decision by the OHA Director. *Id.* at §§ 708.22, 708.25, 708.32.

B. Factual Background

Mr. Ramirez began his employment as a Radiation Control Technician (RCT) with Triad, the management and operations contractor for Los Alamos National Laboratory, in June 2020. Motion at 2; Ramirez Response to Motion (Feb. 19, 2026) (Response) at 7. As an RCT, Mr. Ramirez's duties included monitoring work in contaminated areas, cleaning contaminated personnel and areas, writing analyses of contamination incidents describing their causes and potential means of preventing them in the future, and "critically thinking about the process and the work being conducted in contamination areas so that procedures can be improved" Motion at 2; Response at 7.

At all times relevant to this proceeding, Mr. Ramirez reported to Robert Monsalve-Jones. Motion at 3; Response at 7. Other relevant individuals in Mr. Ramirez's chain of command "included Mark Martinez (RP-FS Deputy Group Leader), John Garcia (RP-FS Group Leader), and Stephanie Archuleta (RP Division Leader)." Motion at 3; Response at 7.

On or about January 10, 2024, a monitor in the building in which Mr. Ramirez worked detected radiological contamination that had penetrated a worker's personal protective equipment (PPE). *See* Motion Exhibit (Ex.) 1 at 6 (summarizing the incident in a report of investigation (ROI) prepared by an OHA investigator). The contamination incident was promptly reported to Mr. Monsalve-Jones. *See id.* Mr. Monsalve-Jones communicated with Mr. Ramirez, another RCT present when the incident occurred, or both concerning the contamination incident. *See id.* However, in a statement to an OHA investigator, Mr. Monsalve-Jones denied that he reported to the scene of the incident on the day it occurred. *Id.* In the Complaint, Mr. Ramirez alleged that on the day of the contamination incident, he disclosed to Mr. Monsalve-Jones and Mr. Martinez that they had failed to properly supervise the response to the contamination incident. Response Ex. 2 at 38; *see also id.* (alleging that Mr. Ramirez believed he was disclosing a violation of a DOE standard).

Within two weeks of the January 10, 2024, contamination incident, a second contamination incident occurred in the same room when a worker failed to properly wear PPE. *See* Motion Ex. 1 at 7. In the Complaint, Mr. Ramirez alleged that he performed a radiological survey of the room following the first contamination incident, the results of which should have prompted Mr. Monsalve-Jones and Mr. Martinez to ensure that the room was decontaminated, but that Mr. Monsalve-Jones and Mr. Martinez failed to do so. Response Ex. 2 at 38. Mr. Ramirez alleged in the Complaint that on January 25, 2024, he made a second disclosure to Mr. Monsalve-Jones and Mr. Martinez concerning their failure to report to the scene of the January 10, 2024, contamination incident and also disclosed that they had failed to ensure the room was decontaminated following the first contamination incident. *Id.* at 38–39. Mr. Ramirez further alleged in the Complaint that he repeated his January 25, 2024, disclosures to Mr. Monsalve-Jones and Mr. Martinez on January 29, 2024. *Id.* at 39.

On February 1, 2024, James Jones, an RCT who shared an office with Mr. Ramirez, sent an e-mail to Mr. Monsalve-Jones and Mr. Martinez in which Mr. Jones reported that Mr. Ramirez had “cuss[ed] at [Mr. Jones]” when Mr. Jones sought to correct a mistake he believed Mr. Ramirez was making, “cuss[ed] at our customers,” and “threaten[ed] to throw people down the stairs almost daily.” Motion Ex. 12 at 73. Mr. Monsalve-Jones, Mr. Martinez, and Mr. Jones met with Mr. Ramirez on February 5, 2024, during which meeting Mr. Martinez counseled Mr. Ramirez regarding his behavior and reviewed Triad policies with him. Motion at 4; Response at 8.

On February 15, 2024, another RCT, Amy Maestas, sent an e-mail to Mr. Monsalve-Jones and Mr. Martinez about Mr. Ramirez’s behavior. Motion Ex. 10 at 68. Ms. Maestas alleged that Mr. Ramirez was making “smart remarks,” “slamming things,” “interrupt[ing]” her, and generally displaying a “bad attitude” which caused her to feel that she was subject to “a hostile work environment.” *Id.* Mr. Martinez forwarded Ms. Maestas’ e-mail to Mr. Garcia and opined that it “[l]ooks like we need to issue [Mr. Ramirez] a MOE [memorandum of expectations].” *Id.* at 67. Mr. Garcia contacted a Triad human resources (HR) representative for assistance in preparing an MOE. *Id.*

Mr. Ramirez was not ultimately issued an MOE until March 14, 2024, by which time Mr. Jones had made another allegation to Mr. Monsalve-Jones concerning Mr. Ramirez “belittling” him and “talking down” to other employees. Motion Ex. 16 at 78; Motion Ex. 17 at 79–80; Response at 8. The MOE identified trainings Mr. Ramirez was required to complete and “Behavioral Expectations” pursuant to a Triad policy requiring employees to conduct “themselves in a respectful, professional, courteous, and civil manner.” Motion Ex. 17 at 79. The MOE indicated that failure by Mr. Ramirez to “meet expectations could result in disciplinary action and/or placement on a Performance Action Track (PAT).” *Id.* at 80.

On or about June 13, 2024, Triad’s HR received a concern alleging that Mr. Ramirez “had made inappropriate comments and spread rumors about [a female] coworker [(Female Coworker)]” Motion Ex. 19 at 91. Mr. Ramirez alleged in the Complaint that on June 19, 2024, he disclosed to Patricia Lozano, another RCT, that Mr. Monsalve-Jones had directed cleanup related to a June 2024 contamination incident without first obtaining a radiological work permit, which he believed violated DOE regulations. Response Ex. 2 at 40. According to Mr. Ramirez, Mr. Monsalve-Jones walked into the room and overheard his disclosure. *Id.*

On June 26, 2024, Triad placed Mr. Ramirez on leave while it conducted an investigation into the allegations that Mr. Ramirez made inappropriate statements regarding the Female Coworker. Motion at 7; Response at 9. Triad HR interviewed the Female Coworker, an RCT (RCT Witness) who shared an office with Mr. Ramirez and the Female Coworker, Ms. Lozano, Mr. Jones, a female employee who Mr. Ramirez had pursued romantically, and Mr. Ramirez. Motion Ex. 21 at 94–121. The Female Coworker, RCT Witness, Ms. Lozano, and Mr. Jones each told an HR investigator that Mr. Ramirez had made a remark to them in June 2024 about the Female Coworker having dated or had sexual intercourse with many men. Motion at 7. Mr. Ramirez denied having made such a comment. *Id.*

In the Complaint, Mr. Ramirez alleged that on October 7, 2024, he disclosed to Ms. Natasha Olander, a Triad HR employee, that the Female Coworker had disclosed health information of two

employees on June 7, 2024, by discussing the information in a public setting. Response Ex. 2 at 39. According to Mr. Ramirez, he believed that this behavior violated the Health Insurance Portability and Accountability Act and related DOE standards. *Id.*

Following the conclusion of Triad HR's investigation, an unidentified individual or individuals in Triad's HR prepared a report of the investigation. Motion at 7. The report concluded that Mr. Ramirez had violated Triad policies concerning Sexual Harassment and Respectful Workplace and Prohibition Against Harassment. Motion Ex. 19 at 93. The report cited the MOE issued to Mr. Ramirez in March 2024 as an "aggravating" consideration. *Id.* On February 13, 2025, a Case Review Board (CRB) convened to consider disciplinary action against Mr. Ramirez. *Id.* at 89, 91. Mr. Monsalve-Jones, Mr. Martinez, and Mr. Garcia did not attend the CRB. Motion at 8; Response at 10. At the conclusion of the CRB meeting, Steven Coleman, the Associate Laboratory Director for the Environment, Safety, Health and Quality Directorate, decided to terminate Mr. Ramirez's employment. Motion at 8; Response at 10. Triad terminated Mr. Ramirez's employment on February 18, 2025. Motion Ex. 1 at 22.

C. Procedural History

Mr. Ramirez filed the Complaint on May 16, 2025. Response Ex. 2 at 37. In the Complaint, Mr. Ramirez alleged that he engaged in activity protected under Part 708 when he:

- (1) Disclosed to Mr. Monsalve-Jones and Mr. Martinez on January 10, 2024, that they had failed to report to and properly supervise the response to the January 10, 2024, contamination incident;
- (2) Disclosed to Mr. Monsalve-Jones and Mr. Martinez on January 25, 2024, that they had failed to ensure that a room was decontaminated following the January 10, 2024, incident and that their failure to do so contributed to the second contamination incident;
- (3) Repeated his second disclosure to Mr. Monsalve-Jones and Mr. Martinez on January 29, 2024;
- (4) Told Ms. Lozano on June 19, 2024, that Mr. Monsalve-Jones failed to obtain a radiological work permit before directing the cleanup of a room following a contamination incident, which disclosure Mr. Ramirez alleged that Mr. Monsalve-Jones overheard; and,
- (5) Disclosed to Ms. Olander on October 7, 2024, that on June 7, 2024, the Female Coworker had discussed the private health information of two workers in a public setting.

Id. at 37–40. Mr. Ramirez alleged that Triad retaliated against him for his disclosures by placing him on administrative leave on June 26, 2024, and terminating his employment on February 18, 2025. *Id.* at 40.

An OHA investigator conducted an investigation concerning the matters alleged in the Complaint and, on January 7, 2026, issued the ROI. Motion Ex. 1 at 2. On January 7, 2026, the OHA Director appointed me as the Administrative Judge for this case.

On February 6, 2026, Triad submitted the present Motion. Motion at 15. In the Motion, Triad asserted that Mr. Ramirez's alleged protected disclosures were not a contributing factor in his termination because Mr. Coleman was unaware of Mr. Ramirez having made any of the disclosures. *Id.* at 11–12. Triad further argued that it would have terminated Mr. Ramirez's employment regardless of his alleged protected disclosures because Mr. Ramirez persisted in his harassing and unprofessional conduct that violated Triad's policies even after receiving counseling from management. *Id.* at 10–11. Additionally, Triad asserted that it had no motive to retaliate against Mr. Ramirez, and that its termination of Mr. Ramirez's employment was consistent with its treatment of similarly-situated employees. *Id.* at 12–14.

Mr. Ramirez submitted the Response on February 19, 2026. On February 25, 2026, Triad submitted a reply brief (Reply).

D. Standard of Review

The complainant bears the initial burden of proof to establish, by a preponderance of the evidence, that he or she engaged in protected activity under Part 708 and that the protected activity “was a contributing factor in one or more alleged acts of retaliation against the complainant by the contractor.” 10 C.F.R. § 708.29. If the complainant meets this test, the burden then shifts to the contractor “to prove by clear and convincing evidence that it would have taken the same action without the complainant's disclosure, participation, or refusal.”¹ *Id.*

A complainant may demonstrate that his or her protected activity was a contributing factor in an act of retaliation through direct or circumstantial evidence. A complainant can demonstrate that a protected disclosure was a contributing factor to an alleged act of retaliation through circumstantial evidence by showing “that the official taking the action knew (or had constructive knowledge) of the disclosure and acted within such a period of time that a reasonable person could conclude that the disclosure was a factor in the personnel action.” *Ronald Sorri*, OHA Case No. LWA-0001 at 3–4 (1993) (quoting 135 Cong. Rec. H749 (Mar. 21, 1989)); *see also Dr. Shou-Yuan Zhang*, OHA Case No. WBH-17-0011 at 13 (2019) (summarizing OHA decisions concerning the period of time within which a reasonable person could conclude that a disclosure was a contributing factor in a personnel action and noting that such period is usually less than one year).²

In evaluating whether a contractor would have taken an adverse action against a complainant, regardless of the complainant's protected disclosures, OHA considers, among other things: “(1) the strength of the [contractor's] reason for the personnel action excluding the whistleblowing, (2) the strength of any motive to retaliate for the whistleblowing, and (3) any evidence of similar action against similarly situated employees.” *Dean P. Dennis*, OHA Case No. TBH-0072 at 5 (2009) (quoting *Kalil v. Dep't of Agriculture*, 479 F.3d 821, 824 (Fed. Cir. 2007)) (listing factors considered in cases interpreting the Whistleblower Protection Act); *see also Carr v. Soc. Sec.*

¹ The clear and convincing evidence standard requires a party to demonstrate that a conclusion is highly probable, which is a heavier burden of proof than the preponderance of the evidence standard but a lighter burden than the beyond a reasonable doubt standard. *Koszola v. FDIC*, 393 F.3d 1294, 1300 (D.C. Cir. 2005) (citing *Addington v. Texas*, 441 U.S. 418, 425 (1979)).

² Decisions issued by OHA are available on the OHA website located at <http://www.energy.gov/OHA>.

Admin., 185 F.3d 1318, 1323 (Fed. Cir. 1999) (adopting the three-factor test to determine whether an employer would have taken a personnel action but for an employee's disclosure under the Whistleblower Protection Act).

The instant Motion seeks summary judgment in favor of Triad. Part 708 does not establish a standard of review for procedural motions. OHA has consistently resolved such motions in a manner consistent with the Federal Rules of Civil Procedure. *E.g.*, *Edward G. Gallrein, III*, OHA Case No. WBA-13-0017 at 5 (2014). A party is entitled to summary judgment "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." FED. R. CIV. P. 56(a); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322–23 (1986) (holding that the moving party in a summary judgment motion is entitled to judgment as a matter of law if "the nonmoving party has failed to make a sufficient showing on an essential element of its case with respect to which it has the burden of proof").

II. Analysis

A. Mr. Ramirez's Alleged Protected Activity

The Motion did not dispute that Mr. Ramirez made the disclosures he alleged or that their subject matter was protected under Part 708. Motion at 10–14. Accordingly, I will only consider whether Mr. Ramirez's disclosures were a contributing factor in his termination.

There is no dispute that Mr. Coleman made the decision to terminate Mr. Ramirez's employment. Therefore, to show that his alleged disclosures were a contributing factor in his termination, Mr. Ramirez must demonstrate that Mr. Coleman had actual or constructive knowledge of his disclosures. Triad denies that Mr. Coleman had actual knowledge of Mr. Ramirez's disclosures. Motion at 11–12; *see also* Motion Ex. 22 at 145–46 (declaration of Mr. Coleman denying that he had knowledge of Mr. Ramirez "having raised any safety or other concerns" as of the date of the CRB meeting). However, the Response argues that Triad ignores "the well-documented chain of information flowing from [Mr. Ramirez's] supervisors through HR-ER to the CRB binder that Coleman reviewed" that could establish constructive knowledge. Response at 14. The Response further asserts that "[w]hether any retaliatory purpose infected the information that was packaged and transmitted to [Mr.] Coleman is a factual question that cannot be resolved on affidavit." *Id.* at 6.

Constructive knowledge is inferred to a decisionmaker under Part 708 if a person with knowledge of an employee's protected disclosure influences a decisionmaker who does not know of the protected disclosure to take an adverse employment action against the employee. *Jagdish C. Laul*, OHA Case No. VBH-0010 at 5 (2000); *see also Aquino v. Dep't of Homeland Sec.*, 121 M.S.P.R. 35, 45 (M.S.P.B. 2014) (inferring constructive knowledge of a whistleblower's disclosures to a decisionmaker who was influenced by a person with animus against the whistleblower under the "cat's paw" theory) (citing *Staub v. Proctor Hosp.*, 562 U.S. 411, 415–16 (2011)). Notably, the CRB materials prepared by Triad HR upon which Mr. Coleman relied identify the MOE sought by Mr. Martinez shortly after Mr. Ramirez's alleged disclosures to Mr. Martinez as an aggravating factor. The Response also cites a conclusion of the OHA investigator in her ROI that a Triad HR employee involved in preparing the CRB materials received Mr. Ramirez's October 2024

disclosure. Response at 6 (citing Response Ex. 1 at 29). Triad has not offered any facts as to the author of the CRB report or his or her knowledge of Mr. Ramirez's alleged disclosures.

Other than a footnote indicating that “[n]one of the individuals to whom the alleged disclosures were asserted attended the CRB meeting or provided statements included in the CRB Binder,” the Motion does not address this theory for establishing that Mr. Ramirez's alleged disclosures were a contributing factor in his termination. Motion at 12, note 2. The fact that the Motion does not address this theory indicates that Triad has not established that there is no genuine dispute as to any material fact and that it is entitled to judgment as a matter of law. *See Celotex Corp.*, 477 U.S. 317, 323 (“a party seeking summary judgment always bears the initial responsibility of informing the [] court of the basis for its motion, and identifying those portions of . . . [the record] which it believes demonstrate the absence of a genuine issue of material fact”). Moreover, the record establishes that Mr. Coleman's decision to terminate Mr. Ramirez's employment was influenced by discipline sought by Mr. Ramirez's management shortly after he allegedly made protected disclosures to them and a report authored by unknown HR personnel who may have been aware of one or more of Mr. Ramirez's alleged disclosures. Considering the foregoing, I find that Triad is not entitled to summary judgment related to Mr. Ramirez's alleged disclosures constituting a contributing factor in his termination.

B. Triad's Determination to Terminate Mr. Ramirez's Employment

Turning to whether Triad would have terminated Mr. Ramirez's employment regardless of his alleged protected disclosures, I note that, as a movant asserting an affirmative defense, Triad bears the burden of proof to demonstrate “the absence of a genuine dispute of material fact with respect to the elements of the claims.” *Paleteria La Michoacana, Inc. v. Productos Lacteos Tocumbo S.A. De C.V.*, 79 F. Supp. 3d 60, 73 (D.D.C. 2015).

Triad argues in the Motion that it had legitimate, non-retaliatory grounds for terminating Mr. Ramirez's employment and that it had no motive to terminate Mr. Ramirez for his alleged protected disclosures. Motion at 10–13. With respect to the first *Carr* factor, the CRB materials reflecting numerous employee accounts of misconduct by Mr. Ramirez provide a business justification for its decision to terminate Mr. Ramirez's employment regardless of his alleged protected disclosures.³ Motion Ex. 19 at 89–142. Regarding the second *Carr* factor, the Motion rightly observes that Mr. Ramirez has not alleged any plausible motive on the part of Triad as an entity or Mr. Coleman and the other CRB members personally to have retaliated against him for his alleged disclosures. Motion at 12. However, Mr. Ramirez has alleged that Mr. Monsalve-Jones might have been motivated to initiate discipline against him for disclosing rule violations allegedly committed by Mr. Monsalve-Jones. Response at 15. Moreover, Mr. Ramirez alleged that the Female Coworker might have been motivated to falsely tell Triad HR that he made sexually harassing

³ In its Reply, Triad makes much of a February 16, 2024, text message obtained during discovery in which Mr. Ramirez told another employee that he had threatened to kick another employee down the stairs. Reply at 12–13; Reply Ex. 24 at 2. The content of this message would certainly be relevant to my weighing of Mr. Ramirez's credibility at a hearing considering that he denied allegations by other Triad employees that he made similar threats. However, it sheds no light on Triad's justification for terminating Mr. Ramirez's employment. Triad has not alleged that this text message was known to any Triad management official at the time that they took an adverse action against Mr. Ramirez, and therefore it cannot have formed the basis for Triad's decision to terminate Mr. Ramirez's employment.

remarks about her because he had been involved in a dispute with her over mishandling protected health information of two employees approximately one week prior to her statements to Triad HR. *Id.* at 6, 12. Whether these alleged events occurred, and how they might have motivated Mr. Ramirez's management and the Female Coworker to respond, are unresolved questions of material fact that are significant to the existence of a motive on the part of Mr. Ramirez's management and the Female Coworker to retaliate against Mr. Ramirez which might be inferred to the CRB if it relied on false information provided in retaliation for Mr. Ramirez's alleged disclosures.⁴

With respect to the third *Carr* factor, Triad alleged that Mr. Ramirez's termination was consistent with Triad's treatment of similarly-situated employees. Motion at 14. In support of this claim, Triad cites a declaration from Mr. Coleman wherein he stated that his "decision was based solely on the information provided in the CRB Binder and though HR[s] presentation at the CRB meeting."⁵ Motion Ex. 22 at 146. However, Triad's claims are not fully supported by the CRB materials in that all examples of "past similar cases" provided therein did not result in the termination of the employee who was found to have violated Triad's sexual harassment policy. Motion Ex. 19 at 93. While Triad asserts that Mr. Ramirez's alleged misconduct following the MOE imposed on him by his management heightened the strength of its reasons for terminating Mr. Ramirez's employment, the significance of Mr. Ramirez's alleged disclosures to his management's decision to impose the MOE in the first place is a question of unresolved fact.

For the foregoing reasons, I find that Triad demonstrated a justification for terminating Mr. Ramirez's employment. However, for me to find that Triad would have terminated Mr. Ramirez for the legitimate business reasons it has articulated regardless of his alleged disclosures, I would need to engage in a weighing of disputed facts that cannot occur at the summary judgment stage in this proceeding. *See UChicago Argonne LLC*, WBZ-14-0012 at 7 (2015). Considering the aforementioned issues of disputed fact, I find that Triad has not carried its burden to show by clear and convincing evidence that it would have terminated Mr. Ramirez's employment regardless of his alleged protected disclosures.

III. Conclusion

For the aforementioned reasons, I find that there are genuine disputes of material fact that preclude me from concluding that Triad is entitled to summary judgment as a matter of law.

It Is Therefore Ordered That:

- (1) The Motion for Summary Judgment filed by Triad National Security, LLC on February

⁴ Triad notes in the Reply the lack of evidence put forward by Mr. Ramirez in the Response. Reply at 3–8 (summarizing Mr. Ramirez's responses to allegations of fact by Triad in the Motion and noting the absence of evidence provided by Mr. Ramirez to support his denials of Triad's alleged facts). However, as noted above, Triad bears the burden of proof with regard to its affirmative defense. Accordingly, Mr. Ramirez was not required to bring forth any evidence to defeat this portion of the Motion; he was only required to identify shortcomings in Triad's submission.

⁵ In its Reply, Triad argues that evidence it provided to the OHA investigator about comparator employees "creates a powerful inference of consistent policy application." Reply at 17. This comparator evidence was not submitted by Triad with the Motion and is accordingly not part of the record upon which I am deciding the Motion.

6, 2026, OHA Case No. WBH-25-0006, is hereby: DENIED.

- (2) This is an Interlocutory Decision of an Administrative Judge which can be appealed upon the issuance of an initial agency decision of the Department of Energy.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals