Department of Energy
Washington, DC 20585

OCT - 4 2000

Mr. Thomas Dwyer
5007 Clarevalley Drive
Cincinnati, OH 45238

Re: OHA Case No. VBB-0005

Dear Mr. Dwyer:

This letter concerns the complaint of reprisal that you submitted to the Department of Energy under 10 C.F.R. Part 708. You have filed a petition for Secretarial review of the appeal decision issued to you on July 24, 2000.

The Part 708 regulations applicable to the petition provide that the Secretary will reverse or revise an appeal decision by the Director of the Office of Hearings and Appeals only under extraordinary circumstances. 10 C.F.R. § 708.35(d). After fully evaluating all the issues that you raised in your filing dated September 8, 2000, I have determined that you have not shown that extraordinary circumstances warranting Secretarial review exist in this case. No modification to the appeal decision by the OHA Director is therefore warranted. Accordingly, the petition for Secretarial review is hereby dismissed, and the appeal decision I issued to you on July 24, 2000, constitutes the final agency decision on your complaint.

If you have any questions regarding this letter, please call Virginia Lipton at telephone number (202) 426-1436.

Sincerely,

George B. Breznay
Director
Office of Hearings and Appeals

cc: James A. Mills
Denlinger, Rosenthal & Greenberg
2310 Star Bank Center
425 Walnut Street
Cincinnati, OH 45202

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