Department of Energy
Washington, DC 20585

AUG 27 2001

Mr. Gary Roybal
23 A Camino Torcido
Santa Fe, NM 87505

Re: OHA Case No. VBB-0037

Dear Mr. Roybal:

This letter concerns the complaint of retaliation 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 June 14, 2001. That decision dismissed your complaint of retaliation on the grounds that your complaint has been substantially resolved, and you have already received a remedy that is at least equivalent to what you could have received under the Part 708 regulations. 10 C.F.R. § 708.17(c)(5) and (6).

The Part 708 regulations applicable to your 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. § 708.19(d). After fully evaluating all the issues that you raised in your filing dated July 12, 2001, I have determined that you have not shown that extraordinary circumstances warranting Secretarial review exist in this case. No modification to the appeal decision is therefore warranted. Accordingly, the petition for Secretarial review is hereby dismissed, and the appeal decision I issued to you on June 14, 2001, constitutes the final agency decision on your complaint.

If you have any questions regarding this letter, please call Thomas Wieker at telephone number (202) 287-1543.

Sincerely,

George B. Breznay
Director
Office of Hearings and Appeals

cc: Robert P. Tinnin, Jr.
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