In the Matter of:

SYED M. A. HASAN, ARB CASE NO. 97-016
COMPLAINANT, (ALJ CASE NO. 96-ERA-27)

v.

SARGENT & LUNDY, RESPONDENT.

[AND]

SYED M. A. HASAN, ARB CASE NO. 97-051

v.

INTERGRAPH CORPORATION, (ALJ CASE NO. 96-ERA-17)
RESPONDENT.

DATE: August 6, 1997

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

ORDER OF CONSOLIDATION
AND FINAL DECISION AND ORDER


In Case No. 96-ERA-27 Complainant Syed M. A. Hasan (Hasan) alleges that in 1985 he engaged in protected whistleblowing activity while working for Nuclear Power Services, which resulted in his name being blacklisted in the nuclear industry. Hasan further alleges that the failure of Respondent Sargent & Lundy to hire him in 1995 was a direct result of his
whistleblowing activities and subsequent blacklisting. On November 4, 1996, the Administrative Law Judge (ALJ) issued a Recommended Decision and Order (R. D. and O.) finding that Sargent & Lundy had no knowledge of Hasan’s past protected activities and that he was not refused employment as a result of a blacklist. The ALJ also found that Hasan was not hired because Sargent & Lundy had little need for engineers with Hasan’s level of expertise.

In Case No. 96-ERA-0017, Hasan alleges that Respondent Intergraph Corporation (Intergraph) also knew about his protected activity at Nuclear Power Services, that Intergraph denied him employment, and that Intergraph’s denial of employment was based on its knowledge of his protected activity. On January 22, 1997 a different ALJ issued an R. D. and O. holding that Hasan failed to prove that Intergraph, or any of its employees, were aware of his protected activities. The ALJ also found that Hasan was not hired because the vacant position being sought by Hasan was filled internally by Intergraph.

The records in these cases have been thoroughly reviewed, and we find that they fully support the ALJs’ findings of fact and conclusions of law. (See, attached copies). Remusat v. Bartlett Nuclear, Inc., Case No. 94-ERA-36, Sec. Fin. Dec. and Ord., Feb. 26, 1996, slip op. at 2; Stockdill v. Catalytic Industrial Maintenance Co., Inc., Case No. 90-ERA-43, Sec. Fin. Dec. and Ord., Jan. 24, 1996, slip op. at 2; Miller v. Thermalkem, Inc., Case No. 94-SWD-1, Sec. Fin. Dec. and Ord., Nov. 9, 1995, slip op. at 1; Minard v. Nerco Delamar Co., Case No. 92-SWD-1, Sec. Fin. Dec. and Ord., July 25, 1995, slip op. at 1-2; Daugherty v. General Physics Corp., Apr. 19, 1995, slip op. at 2. Accordingly, these consolidated cases are DISMISSED.

SO ORDERED.

DAVID A. O’BRIEN
Chair

KARL J. SANDSTROM
Member

JOYCE D. MILLER
Alternate Member