

December 27, 2018

Ms. Sheri Shilling
US Office of Special Counsel (OSC)
1730 M St, NW Suite 218
Washington, DC 20036-4505
sshilling@osc.gov

Subject: MA-19-1256 - Request for one month extension of time to submit written comments on pre-determination letter of December 19, 2018

Dear Ms. Shilling,

I request a one month extension of time to submit written comments. My reasons include:

1. I have just returned from being out of town for the holidays, the current due date is January 2, 2019.
2. I now intend to retain an attorney to represent me at OSC in this complaint and it will be early January before I will be able to do so.
3. I now intend to spur Congressional interest and media interest in OSC's preliminary determination that despite Congress mandating performance plans of agency supervisors contain a critical element that they not bystand to the whistleblower disclosures of their subordinates, OSC contends they can still do so without creating "any significant change in the working conditions" of their whistleblowing subordinate, no matter how many lives may be at stake. If nothing else, such interest will, I hope, require OSC to provide more justification for its position that regardless how many lives may be at stake, OSC "does not believe" the personnel action of "any other significant change in working conditions" can occur when an agency ignores a whistleblower.
4. As I shared in our discussion after I received your letter on December 19, it seems to be OSC's position that I have to create such workplace disruption in making my whistleblower disclosures - such as interrupting work meetings to state them, sending mass emails to my colleagues detailing them and criticizing my supervisors for ignoring them, etc. - to spur a disciplinary action against me so that - after over 10 years of ceaseless effort on my part, OSC will be forced to make a "reasonable belief" determination regarding them. I wish to create media and Congressional interest in this matter to force OSC to admit that a federal whistleblower must create a disruption in their workplace in making their whistleblower disclosures sufficient to receive a disciplinary action if the agency is not to ignore the whistleblower with impunity - regardless of how many lives may be at stake.
5. By law - the "Congressional Statement of Findings and Purpose," of Pub l. 101-12, the Federal Whistleblower Protection Act of 1989, codified in the endnotes of 5 U.S.C. §1201 - OSC "shall act in the interests of employees who seek its assistance."

For the above reasons, I request OSC “act in my interests” in granting the extension of time.

Ms. Shilling, I understand that by legal ethics your client is OSC. However, legal ethics do not allow lawyers to conspire to break the law - or actually break the law themselves - to advance or defend the interests of their client.

In processing my whistleblower reprisal complaint, you are neither a counsel or advocate for OSC - you, yourself, are the implementer of specific laws that detail OSC’s non-discretionary statutory duties to protect me from reprisal. I have paid an enormous professional and personal cost to comply with my positive legal and professional duty, as a PE, to be a “mandated reporter” when necessary to “hold paramount” the public health and safety in my professional duty, regardless of possible workplace retribution. I simply do not accept you or others at OSC can say “if we break the laws requiring us to protect you, then our primary duty becomes to do whatever we can to prevent any exposure of that fact, in order to protect the interests of our client, OSC.” But that is what you and other OSC attorneys say, as best I can tell. If this is not the case, then why did you not make a reasonable belief determination about my whistleblower disclosures? Nothing - apparently other than your self-interest and a misguided reading of legal ethics to put OSC’s interests above the lives of American - above its very mission - is preventing you from doing so.

From your outgoing voice mail, I understand you are out of the Office until January 2, 2019, the same day my written comments to your preliminary determination are due.

Therefore I am copying your chain of command at OSC with my request, so that it can be acted upon before then.

Respectfully,

_____/s/_____

Joseph Carson, PE
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Enclosed:

My whistleblower reprisal complaint, MA-19-1256
Your preliminary determination of December 19, 2018

copy: Special Counsel Kerner; Principal Deputy Special Counsel Epstein; Associate Special Counsel Wagner; Karen Gorman, Chief of Retaliation and Disclosure Unit; Elizabeth McCurray, Chief of Retaliation and Disclosure Unit