

August 14, 2019

Integrity Committee
CIGIE
1717 H St. NW
Suite 825
Washington, DC 20006

Via: integrity-complaint@cigie.gov

Subject: Complaint against Special Counsel Henry Kerner and Deputy Special Counsel Ellen Chubin Epstein for failing or refusing to comply with a significant number of their non-discretionary statutory duties to protect me from reprisal, possibly motivated by their animus toward me.

Dear Integrity Committee Chair Scott Dahl and Vice Chair Deborah Jeffrey,

For over 15 years now, I have been bringing forward well-evidenced whistleblower disclosures that the US Office of Special Counsel (OSC) is failing or refusing to comply with about a dozen of its non-discretionary statutory duties - against me and just about everyone else who files a prohibited personnel practice complaint with it - and has for past 30 years, if not since its creation in 1978.

During this same period of time, I have been bringing forward an extraordinarily well-evidenced whistleblower disclosure that the US Merit Systems Protection Board (MSPB) has, since its creation, failed or refused to comply with its, arguably, most important non-discretionary statutory duty to the President, the Congress, the federal civil service and the American people.¹

Fifteen years later, despite three trips to the Supreme Court, my whistleblower disclosures remain unresolved. I publicly state, regardless of risk to my professional engineering (PE) license and federal employment, that OSC is a decades-long, law-breaking, fraud of a federal law enforcement agency; MSPB is its decades-long, law-breaking enabler; and that this decades-long, continuing, compounded, federal agency law-breaking is a proximate cause - a "but for" factor - in much which has befallen America in past 40 years and now puts America - if not civilization - at unnecessarily increased risk of a nuclear 9/11 or other catastrophe.

To bring my personal, post 9/11 mission - which will not end until I obtain an objective resolution of my whistleblower disclosures against OSC and MSPB - to the present, OSC, at the direction of Special Counsel Kerner and/or Deputy Special Counsel Epstein, refused or failed to comply with a significant number of its non-discretionary duties to protect me in investigating

¹ My 15 year-long, still outstanding, whistleblower disclosures against OSC and MSPB are described, in mind-numbing detail, at www.merit-principles.org.

and/or reporting the results of its investigation of my whistleblower reprisal complaint, OSC file no. MA-19-1256. This is indisputable because had it complied with those non-statutory duties to protect me as an investigatory agency, then:

- 1) I would not have needed to ask “reasonable questions” of OSC about its investigation and its results, per the “termination statement” of 5 U.S.C. §1214 (notes), and/or
- 2) OSC could have readily answered my “reasonable questions” - it would not have needed to open a purported “re-investigation” of my complaint, as it claimed it did, apparently over two months ago.²

Mr. Dahl and Ms. Jeffrey, please do not bystand to my 15 year-long whistleblower disclosures against OSC and MSPB, nor to my current claims of law-breaking, possibly retaliatory law-breaking, against me by Mr. Kerner and Ms. Epstein in MA-19-1256. Please do your duty to investigate them, per 5 U.S.C. App. §11(d)(12).

If Mr. Kerner and/or Ms. Epstein had the personal and/or professional honor their positions of great importance to American health, safety, security and welfare warrant, they would file a professional misconduct complaint against me with my licensing board for making public claims about their integrity that are not “truthful and objective.” They dare not do so, apparently because that might advance something they have and will continue to strenuously oppose - an objective resolution of my 15 year-long whistleblower disclosures against OSC and MSPB.

If CIGIE fails or refuses to “get to the bottom” of this, particularly by informing me that it supports an objective resolution of my 15 year-long whistleblower disclosures against OSC and MSPB, then I will possibly engage in disruptive (non-violent) workplace behavior in making my whistleblower disclosures in the Department of Energy to advance that end - an objective resolution of my 15 year-long whistleblower disclosures against OSC and MSPB. Shame on CIGIE and its Integrity Committee if this proves necessary.

I stamp and sign this document as a professional engineer (PE), because of its relevancy to my compliance with my positive lawful duty to “hold paramount” the public health and safety in my professional duties in the Department of Energy. I respectfully invite anyone to file a misconduct complaint against me with my State licensing authority if they take issue with my public statements about the OSC’s and MSPB’s decades of law-breaking, about Mr. Kerner’s and Ms. Epstein’s law-breaking against me in MA-19-1256 and its possible retaliatory nature, not being

² www.merit-principles.org also includes all relevant documents for my allegations against Mr. Kerner and Ms. Epstein regarding their law-breaking against me in OSC file no. MA-19-1256. This is, in my opinion, quite possibly retaliatory law-breaking, which they can do with impunity against me, according to the MSPB and Federal Circuit. Please CIGIE, protect me from their law-breaking - so I can do my duties to protect others as a Department of Energy safety professional.

“truthful and objective” in its relevancy to public health and safety. I desire any opportunity to make my case.

Respectfully,

Joseph Carson, PE
10953 Twin Harbour Drive
Knoxville, TN 37934
865-300-5831

