

SHERMAN S. STARTZ v. DEPARTMENT OF THE ARMY

Docket # SF-1221-23-0258-W-1

Petition for Review

Summary Page

Case Title : SHERMAN S. STARTZ v. DEPARTMENT OF THE ARMY

Docket Number : SF-1221-23-0258-W-1

Pleading Title : Petition for Review

Filer's Name : Sherman Startz

Filer's Pleading Role : Appellant

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Online Interview

1. Does your pleading assert facts that you know from your personal knowledge?

Yes

2. Do you declare, under penalty of perjury, that the facts stated in this pleading are true and correct?

Yes

For clarification, erroneous or incorrect conclusion and decisions on first impressions.

I did not waive my right to a hearing. I did not know what to do. While ignorance is not an excuse, the Court was gracious enough to set a status hearing and reopen Discovery which the Agency ignored and it was only after great effort I did get just a little discovery. Threats of sanctions did nothing to move the Agency; I would argue there is a strong possibility had I set the hearing it too would have been ignored.

In the BACKGROUND it is described that I was working for an at will employer; Patrick Constructors, an ALEUT CORP Company and was terminated only hours after reporting to the US Army Corp of Engineer Representative some unresolved open serious safety issues (Electrical Hazards; 22 examples at once across 10 barracks). This was the first example if retaliation by one of two companies owned by this corporation; both working on Fort Wainwright and both on separate Contracts levied by DPW; David Zrna, Matt Schaffer, Dennis Kennedy, Tanya Clooten.

Initial Decision Response (IDR) Pg. 4 Par. 2 Summary of whistleblower allegation; refusing to follow supervisors' instruction was not the "hostile work environment." The hostility is described in the OSC in the work place came in the form of labeling me a mole, spy, informant which created an extremely unusual work environment for me; described also in the (IAF) Uploaded Text Page 5 # 4; Attachment 2 OSC Emails David Zrna; Attachment 4 Pg. 34 #1 & Page 35 #4; Page 36. In any event the refusal to sign paper work which lead to my termination; only after repeated efforts to have my supervisor, the contracting officer or project manager (mind you all involved in the unusual treatment towards me and the fraud) which was documented on the daily reports for July 24th for building 1555; which the agency failed to produce. The same daily reports exist for Building 1555 that were produced for Building 3415;

and for all the ALEUT JOC projects I was assigned. Documentation necessary to prove all my allegations (ex. materials billed to the government by ALEUT and most especially the First and Second Tier Sub-Contracts; a critical part of tracking down the money trail). While the exact number of times I brought the unusual request to sign for goods and materials that were not being received is unclear and, how the request was inconsistent with my job description and forcing me to not follow proper Job Description protocol; in (IAF) Attachment 8 page 73 the term “ensure” comes up 8 times. It is a federal crime to falsify a federal document and if convicted you can no longer vote, own a gun and so on. A Federal Worker breaking a federal law is serious. While this may seem like a mundane and unimportant role; the government relies on these types of positions for receiving goods services that the government is paying for. It is the (CCI) signature the Contractor will use for billing purposes; “to prove” someone from the government signed for the goods and services. Everyone I was reporting to was compromised. This work is Protected Activity simply to avoid Theft and unacceptable risk.

Response to (ID) Pg 4 Par. 4 (OIG Disclosure) is described to be February 10, 2023; however, this is not the first time I was trying to disclose what I had learned of the theft.

I worked on Eielson between 4/ 2018 and 7/ 2018 for Alutiq (Another Native Corporation) on the NOSE DOCK REMODEL (this project was suspended due to funding issues or something; it had to be re-bid I heard. While there I worked with a fellow named Tony Keeley; whom I later heard Tony whom had established reputation for expecting favors and had his hand out all the time on Construction jobs if he could get away with it. Tony even told me himself how he was putting “all new flooring in his home, all on this job.” It sounded like wishy washy stuff. He went on to tell me I should go to the same source (PLAMBECKS FLOORING in North Pole) and tell them “Tony sent you and you work on construction project for the

government, and “Travis Plambeck the owner will give you a special deal.” I ultimately did go to PLAMBECKS to buy my carpet and met Travis and told him I needed Carpet for my home I just bought (6-18-2019) and Tony Keeley sent me, but “I did not want any special deals like Tony, I don’t roll like that.” (NOTE: Travis Plambeck surfaced everywhere I went; literally almost every job, he was all over, Popular guy I guess). Tony Keeley is the husband of STACIE MASON KEELEY, the Director for the EEO office of Fort Wainwright. Tony was really mouthy about his wife working for the Government in HR and how she had just gotten back from IRAQ. If Tony has a poor reputation, I figure his wife is the same caliber, and after the outright ignoring of my initial claim and then her poor interview when we finally spoke on the phone and I figured out it was her I was going to be dealing with; I was really cautious and I still think I am right about her, she can’t be trusted, and had she even asked about why I felt retaliated or asked if I was aware of any other issues, I did know if I would have trusted her with ANY information about fraud and how I think DAVID ZRNA is up to fraud; the same David Zrna with the same DPW that can give her husband’s company; Tony Keeley the Construction Superintendent for a contractor (now TIQIGAK/AGVIC). Nevertheless, when I attempted to open a complaint for EEO and failure to accommodate me and keep me away from the Hostile ALEUT FEDERAL and the complaint went unopened for like 21 days, I contacted MSPB (phone line to OAKLAND) and began to attempt to disclose, again, I did not know what to do but I knew there was no Federal Employee I could trust on Fort Wainwright and likely nobody involved in government construction arena in Alaska. Once that EEO case SF-315H-22-0532-I-1 (OAA); was filed a new Pleading was filed by me on 9-7-2022 describing Fraud and Retaliation including which contract (JOC); when in fact the actual press release date for the flooring fraud case described in the (IAF) Attachment 7 was not even published until 9-22-2022, over 2 weeks

after I had already begun describing the fraud taking place; a completely different type of fraud by the same people and company's but mine included the Senior Federal Civilian Workers (SFCW) involved; fraud that I was directly observed and witnessed or uncovered. In fact, I originally assumed Benjamin McColloch named in this case was Benjamin Plumley; this was not the fraud I was tracking; only similar, but I knew it was different. It is unbelievable how secretive all of this is; people don't talk about fraud and wrong doing. Anyhow, I did find out it was for sure William Brophy with ALEUT was involved, and this guy Benjamin McColloch and Plumley were different until well into 2023 from another fellow I know locally; Alan Gunderson with MIRANDA ELECTRIC we worked a job on Wainwright 11-2018 to 4-2019). Alan was hired by me to make electrical repairs on my electrical on my home to sell before it got foreclosed. That said, I pretty well believe Alan Gunderson, he is an honest guy and happens to be the brother to Amanda Zrna Gunderson, David Zrna daughters' husband. Small world right – this is a very corrupt small town. In any event; I ultimately learned what and how I needed to move this on my own; and found the OSC, and then I learned about the DOD OIG and I reported officially as stated on February 10, 2023 formally and received a report; a confirmation report. That's when I started really sharing detail and specific jobs and contract information, dates and so on. The OSC is the first person to ask details and it is pretty confidential stuff, fraud is a serious allegation. The report to the DoD OIG took place and when the reporting was complete provided a acknowledgement of reporting, which says when the OIG has completed their investigation or it is determined they will not investigate, you (meaning me) will get a report and instructions on getting the findings; See (IAF) Attachment 5-page 1 Par. 1 "What to expect." I can only conclude the OIG is still putting bad guys away and as soon as that is done, we will all find out; and nobody wants that news more than me.

You don't have to believe me; I certainly hope Charles Eiser asks Stacie about Tony and her new flooring she had installed between April 2019 and July 2019 and just what was the special deal Tony told me about? She is Biased at the least and likely compromised like all the rest of the incompetent (SFCW) that seem to be plaguing Fort Wainwright. Ask Stacie what the outcome of the investigation for improper billing activity and AFOGNAK/ALUTIQ, her husband Tony and the PM Samuel Pelant for a project that was on Eielson before the NOSE DOCK PROJECT; Tony Keeley himself told me there was an investigation underway for another job he and Samuel were on before this job. He told me this face to face while we worked together at the Nose Dock Remodel. Ask Stacie Keeley what are the unusual circumstances that led to AFOGNAK / ALUTIQ and Tony and Samuel losing that contract (the NOSE DOCK) and not being allowed to work on Eielson for a time. Ask her how it is He and Samuel have now resurfaced at TIKIGAK AGVIQ LLC (which had happened by at least 4-2022) and how these two guys continue to move around together, almost a thick as thieves' relationship. Considering so much emphasis is about the EEO now. If reporting delays seem to be an issue, please ask Stacie Keeley about her bias, less than admirable conduct; especially for a director and someone representing HR and EEO. Time to address the EEO, great; lets see which side of the street integrity resides. It would not surprise me if TIKIGAQ AGVIQ did not land a really good contract shortly after I was ignored and rolled over on by her and all these people. I was gone and handled and forgotten by all. Ask Stacie if there is any truth to what I say, ideally under oath. Had I been given the opportunity to re-open discovery in the EEO case I intended to ask her myself; but it appears now is as good a time as any for some EEO Director accountability. I am all about accountability.

Further, I would like to disagree with the conclusions found in the (ID) page 5 par 2; the (IAF), TAB 1 at 4-5 summary. To clarify; I was retaliated against by ARMY Officials (mainly David Zrna) and my co-workers is consistently described in the (IAF) and the (OAA). I simply wanted to perform my job duties as described in my Job Description and be left alone to do my job. When discussing the unusual behavior of Contractors, I was cautious not to say they ALEUT FEDERAL was stealing; that is an extremely strong allegation and all I really had was a strong hunch, no real proof. It actually was not until a few days before termination I actually saw the paper work for billed materials and how the government had been charged for Dense Deck I confirmed my suspicions as to what was going on. By then I was already very suspect of David Zrna and others were part of this theft, but I was terminated right after; within days of all of these people realizing I knew the dense deck had disappeared. Nevertheless, I did not ever accuse David Zrna of stealing or in fact ALEUT FEDERAL, frankly I did not want them to know I knew. I wanted them to believe I was fooled. I realized I could not trust anyone in DPW or with ALEUT FEDERAL and the minute I realized I was getting fired by these suspected criminals I simply kept my mouth shut and got out; that's how I was able to disclose how they intended exit this campaign of stealing, using unsuspecting people (aka as fall guys). My approach proved correct; they never knew I suspected the theft they continued and played it out just as I said they would. The individuals present at my termination were Tim Sponseller, David Zrna, Matt Shaffer and Troy Stoneking. I found that gathering unusual and I knew the best thing for me was get past this moment and get out before I told them all I know what you're up too. The issue seems to be me getting statement and evidence out of people within the Federal Employee system whom are told not to discuss matters outside with non-federal employees (especially me since I was a "Mole") or statements from people in the industry around Fairbanks that would run the risk of

this same retaliation as me; not to mention the Army unwilling to comply with Discovery or Court Orders. All of the records I had asked for in discovery; including the documentation to established with the Employee Assistant Program person Micheal Patton; which happened to be just days before the first set of unauthenticated “write ups against Sherman” were started – which all reek of being written under influence and on hearsay.

Further, I would disagree with the conclusion based around Burden of Proof (ID) Pg 6 and recent amendments to WPEA. I would argue that my work as a CCI lent itself to other activities beyond direct contractor construction project oversight. An example was the project of examining every building for roof snow load. That is investigative type fact finding, auditing of sorts. The results of that fact finding added value to my day-to-day (CCI) work. I was aware of unusual trends so my “surveilling and monitoring” were turned on. Without sounding vane, I have an unusually good memory both Audio and Visual and can recall data pretty good for a guy my age. I would discuss trends and findings associated with my work and the work done by the contractors working for DPW with my senior David Zrna who inevitably he would offer no explanation or reasoning. I have been a certified ISO Quality Control Auditor and Systems Manager since 1996; my brain is wired to identify KPI’s trends; be it good and bad; and find out cause and predict effect. Once formally attached to Aleut Project; and only Aleut, I was granted access to PROCORE; the ALEUT FEDERALS Contractors electronic platform they use for data exchange, billing documents, submittal documents and contract specifications were all there, in their file accessible to me for the jobs I was attached. This was the part of the documentation I was unable to actually see until now; about the second or third week in May; it was shortly after building project 3415 started. It was part of my job to monitor that as well; the PROCORE, that’s why I was granted access. Having a history as a Quality Control person for Government

Contracts, I know how you are required and able to bill and invoice the Government. If materials are on site by the last day of the month, then you can bill the government the first week of the next month and get paid for those materials by the end of the that very month. I was (tracking, monitoring, surveilling) the Dense Deck which had arrived and disappeared at building #3415, as well as the unusual billing for building #1555 and documentation for that project as well. My work properly documented on my daily reports already submitted as additional evidence. I had already properly reported irregularities associated with improper requests to sign for goods and services associated with ALEUT FEDERAL to the PM, COR and my senior David Zrna. While it is true during “Training” exercises I was asked to sign for paper work that was blank; the training reference is OJT observation of real events. Now I was able to see what ALEUT FEDERAL was doing with that signed blank paper work and charging the government for these materials not received at Building #3415; when I told Ronnie, the project stopped and within just a few days I was ushered into Building #1555 and presented with yet another similar situation sign a blank form for materials received which were not received, then when refusing to be set up again I was terminated. This was witnessed by Ronnie Hunt and Anthony Figueroa; only no mention of any of that because it involved the Col Office and building 1555. I followed protocol. At some point all of this lack of support I was getting, the unusual responses by the COR; Tanya Clooten, my senior David Zrna. Seeing the billing, materials disappearing or not provided and response after disclosing to Ronnie Hunt and others how all of this was happening regularly. How, anytime I disclosed anything unusual the noose got shorter and tighter on me. It is safe to say all of these nefarious criminals conduct forced it into what could be considered an ongoing investigation and not simple day to day continued disclosure of monitoring but rather the summation observations resulting in an investigative conclusion of wrongdoing – after all, if

there is nothing unusual during surveillance or monitoring it will always simply be what it was intended to be; a job intended to simply monitor and surveil and report.

Further, I disagree with the Proving Protected Disclosure (ID) Page 8 Par 2. It is critical to note; Patrick Constructors (PC) and all activity with PC was before becoming a Federal Employee. The whistleblower retaliation was termination for reporting Safety Violations; this was Project FTW 435; this was a contract awarded by DPW; and PC is a ALEUT CORPORATION COMPANY (ACC) as is ALEUT FEDERAL (AF) but PC had nothing to do with Building 1555. I subsequently realized FTW 435 was being exploited and asked for invoicing to FTW 435 in discovery to prove it. Beyond Dennis Kennedy harassing me at my office twice while he was still the COR for FTW 435, I had no concerns for (PC), that was in my past and forgotten. Nevertheless, the events at Building 1555, which were retaliation for refusing to sign for goods and materials not being received at the Col. Office was; AF was the Prime Contractor, EXCELL Construction was the 1st tier Sub Contractor on this job, I am unclear on 2nd tier; but I asked for this information in discovery. At the time of the “event” refusing to sign, EXCELL, the alleged installer was not on site, nor were there any materials to inspect and approve. All it seemed EXCELL was providing was labor and construction, but the bulk of materials being submitted were being submitted as items provided by ALEUT and not EXCELL at all. This was discovered while reviewing PROCORE, the ALEUT Data base for the jobs I was specifically assigned. There had already been 2 other concerns brought forward by me to Tony Figueroa (COR) on this project; documented in Daily Reports and Emails; requested in discovery and described in depth in the IAF and OAA. With respect to the conclusion of (ID) page 9 par 3 (Failed Preponderance) is inaccurate. Patrick Constructors was never there, the Sub was EXCEL. I told Ben Plumley to hold the paperwork and when the materials arrived I would

sign. This was documented on my daily report for building #1555 for June 24th, 2022 (I asked for this documentation in discovery SPECIFICALLY). I was denied the opportunity to prove my allegation.

Further, I disagree with the conclusions found on the (ID) page 10 “no evidentiary supporting “Every allegation made could have been proven had the agency responded to discovery. I asked for basic project files, prime and subcontractor information and supporting billing information for all of the buildings and project called out throughout the (IRA) discovery process and I was DENIED. Not only was I DENIED but the agency made no attempt refute the allegations. As for the minor safety infraction at on daily reports; I agree they were, and a normal part of daily monitoring, as was the dense deck delivery (a job duty to check it in) and noticing when it disappeared. I reported this on my Daily, but as for my allegations of theft, I needed the Billing information I requested in discovery which I was denied and was not even offered a written response refuting my allegations of theft. Aleut Federal Charged the government. A&A name was on all the submittals supplied describing materials to be used. Dense Deck was one of the materials. I do not know who Billed ALEUT FEDERAL for dense deck; because this is an important part of the equation, determining who is exploiting who and for how much.

I disagree with the conclusions found in the (ID) Page 10 (Flooring Fraud Case August 25, 2022). As previously stated, Fairbanks is a very small community. I am very guarded of who I trust and talk to but about 12-2022 a trusted source and friend; Frank Torres; who is also a Construction Superintendent on Fort Wainwright told me the owner of MARIMANN Construction told him “they had turned in ALEUT” to the FBI for this exploitation and how it was a big mess and they were going to make them testify. I later learned from Alan Gunderson the actual ALEUT person involved was William Brophy. William Brophy is noted on the

Activity Hazard Analysis submitted as part of the daily report evidence “Final Evidence Pleading 8-17-2023”, (Daily report 5-5-2022). The Flooring Fraud was not the fraud I was talking about and frankly after getting nowhere with the Agencies questionable EEO Director Stacie Keeley and the folks with DPW and AF thinking I was long gone, they continued to steal even after the Flooring Fraud case; which was only the surface and had they kept looking deeper they would have uncovered the involvement of the federal workers. In any event the fraud likely continued on and exactly as I described in my pleading 8-7-2023 in the OAA case, they stopped at nothing and for no one in an effort to carry on and carry out more fraud. That said PATRICK CONSTRUCTORS had nothing to do with this case except in my opinion; to use Dennis Kennedy to harass me on the side line and on behalf of Aleut Corporation.

I disagree with the First Impression Conclusion (ID) page 11-13; “Disclosure of Wrongdoing” and timing is subjective and was not an immediate conclusion, but rather a process of investigative summary of conclusions based on ongoing surveillance and monitoring. Considering these factors 1) David Zrna wife Roslyn Zrna working in the accounts payable department monitoring when invoicing comes in and when it will be dispersed to the Contractor; 2) Aleuts history; Aleut Federal was under investigation for some improper unethical conduct when I was working for Patrick Constructors. I minded my business but Jeremy Jones my senior at PC told me it involved ALEUT FEDERAL. I stayed out of that mess because it had nothing to do with me. After a few days Jeremy told me “Wow, a bunch of heads rolled.” Later, after being terminated from Patrick Constructors and then going to work for DPW as a CCI; Ronnie Hunt told me, Ben Plumley had been fired. This apparently was during the investigation that occurred by ALEUT Corporation some 6 months earlier while I was working at PC, and David Zrna told ALEUT FEDERAL to hire him back and ALEUT FEDERAL hired Ben Plumley back.. All of

this does equate to questionable behavior by questionable people; however, the disclosure occurring regarding fraud and what is associated with the WPA in this case is only speaking to the events directly involving ALEUT FERERAL and Senior Government Officials while I was employed as a Federal Worker performing protected activity as it relates to 5 USC 2302 (b) (8) (A) (i) & (ii). To further clarify:

- Parick Constructors (PC) and the whistleblower retaliation was prior to my federal employment and associated with a specific Project FTW 435 which was called “revitalization of barrack;” 22 barracks in fact and it involved the remodel of day rooms including flooring. Jerney Jones was the PM with (PC) and Dennis Kennedy was the (COR) with DPW. I was the off-site Quality Control mainly managing the Computer Systems (RMS / Government required software) for the project. There was issue with the Safety on the job not showing up. I was asked to temporarily fill in for an upcoming visit from a 3-star General. As soon as I arrived on site to now provide Safety oversight for the project, the men performing the Construction labor with GHEMM Company complained about the Electricians with FULFORD not cutting the power leaving live exposed wires everywhere. By the time I got on the job they were working in 10 different barracks and a total of 22 rooms with wires hanging out “live” and “bare” all over and they asked me to address it. I tried and failed resulting in termination. Energized wires are no laughing matter and when it involves multiple workers exposed and the buildings were occupied and open to soldiers, now reported to me by concerned workers, something needed to happen and that was not terminate me. This is serious, a pair of live wires (110 volt) can cause serious harm even brushing up against them. The violations were never denied as Melanie Morris in her exchange between here and I during my attempts to work

collaboratively and get my job back indicated; see (IAR) Attachment 1 (IRA) page 19 line 3-8. “it’s an at will employment state.”. Nevertheless, earlier that day I had already contacted Thomas Thorton with the USACE, that I had an issue working and it may not end well for me, and it didn’t. At no point did I suspect fraud – the issues at the time were simply safety. After I was terminated from this job I forgot about it all and moved to my new job.

- I would like to clarify a few important points. Any references to “training,” anywhere are better categorized as On the Job Training of Actual Events taking place on construction projects. These actual events in every instance are FAR/Contract Required, Contractual Functions performed; Submittal, Preparatory, Initial and Final. For the first 3 months I was employed by DPW, I was “Training”. Computer based training for my particular Job as required by the ARMY; all types, security, fraud prevention and so on. Another function of construction and my job is Submittal Document Review. This is where the CCI checks to make sure the Contractor is planning to us or do what the ARMY wants; contractually required UFC Specifications. The Preparatory (which were OJT / observations of Real Events) is when the Contractor (on Job Site) arrives with the material they plan to use. It is also after this event the contractor can Bill for the goods presented to the Government; if the project has officially started but no actual work taking place. The next (OJT) event is Initial Phase; here is where the CCI or QA for the Government verifies the Goods and or Services were ultimately delivered and used. Then the Final is the Last Close out piece to close the books so to speak. During OJT events I noticed right away that my coworkers were signing blank documents and asking me too as well. I did, but knowing this is really not a good practice, showing up for a Preparatory

for say Flooring and no product being presented. Since I was training, I did go back and want to look for document flow outcome and only raised suspicions to myself for asking and doing what I thought was a natural part of the learning process. I brought this up to David Zrna and Tanya Clooten, only to be told I need to get along and stop asking so many questions. That's what I did.

- It was during this first 3 months I had my new employee orientation and about this time was taken by 2 co-workers (during a (OJT) ride along with co-workers that I was ushered through an active work area where Patrick Constructors was working still on FTW 435. There was no reason to be there and I had no reason or need to ask about because it was really not even a project DPW CMB CCI looked after; the oversight was USACE. It was this event Dennis Kennedy (whom literally knew me) decided to harass me in my work area twice. Now knowing this was feeling like additional flak from Patrick Constructors an Aleut Corp Company from Dennis Kennedy; whom I have known for some time and was introduced directly by Jeremy Jones at the (PC) office. Needless to say, this unusual event associated with (PC) and the already unusual behavior demonstrated towards me by ALEUT FEDERAL; I was really stressing about this awkward spot I was in. About this very same time line I had my orientation and learned the EAP and chose to reach out for guidance. I approached David Zrna the next day of the possibility of accommodating me to avoid ALEUT FEDERAL
- After the first 3 months of monitoring and observing jobs and files and people's behavior I was assigned to project this is late April, early May. Upon being assigned I was provided access to the ALEUT FEDERAL data base they used for document transfer and billing and so on; PROCORE. I was immediately granted access to Building #1555 and a

short time later granted access to the project #3415. I became acquainted with the files ALEUT had on PROCORE and here is where I noticed broken specification codes, unusual material being submitted and I simply brought this up to Tony Figueroa whom then questioned Aleut with legitimate questions that only put both of us in the hot seat in the office with Tanya Clooten and David Zrna telling me I need to stop asking so many questions and get along. A few weeks later is when Building 3415 started; 5-5-2022. The meeting documentation attached to my daily of 5-5-2022 is what I generated, which is why the meeting was called; "Mobilization Preparatory." Only when we got there Aaron Wahl presented a blank preparatory form for us to sign allegedly for the first 7 preparatory (i.e. 7 types of materials) and said, "it's for the first 7 preparatory; meaning basically all the materials. Ronnie signed but not me. There were no materials at all on site. The job started and I tracked what they put on the paperwork Ronnie had signed and it included Dense Deck which arrived 5-10-2022 as noted on the Daily Report, then the first week of the month (between 6-1-2022 and 6-7-2022) Aleut submitted a bill to the Government for Dense Deck; Ronnie Signed for it. I noted its arrival and noticed it was gone and not used during the time it was already billed for in early June. I had already become highly suspect of Tanya Clooten and David Zrna and Troy Stoneking and was really not sure about Ronnie, but ultimately, I told Ronnie about the Dense Deck disappearing and he brought it up to Jason Webb whom literally looked like her had seen a ghost when he knew I caught it; the money had already exchanged. The Job shut down, then I was guided to a situation at Building #1555 that was to be a Flooring Preparatory on June 24th 2022 at 1430 for the remodel of Col, Surrey office flooring and this time David Zrna was attending with Tony Figueroa and Ronnie Hunt and I simply said I think

it best I sign when the material gets here. I had already caught ALEUT FEDERAL red handed stealing, I suspected David Zrna and others were involved in it, and sure enough I was terminated. I will never forget how he laughed out loud in front of everyone and said “you’re not going to sign?” Ronnie Hunt and Tony Figueroa know this to be fact; but getting information out of the ARMY has been almost impossible and what was received was far from complete.

- My conclusions of theft are solely based on what I witnessed while actually working as a protected employee performing a protected activity with jurisdiction. My conclusions be it investigatory or a summary of surveillance monitoring did not just happen, the conclusions were based over time and actual proof of wrong doing. The fact the I did figure out how they were getting away with this and how they intended to continue and the benefits that had in capturing these criminals should only compliment my findings and conclusions of Theft, Abuse of Power, Abuse of Funds and completely supports violation of 5 USC 2302 (b) (9) (D). Forcing or intimidating a Federal Employee to sign for good and materials knowing full well the individuals requesting this are asking you to participate in violating the law and is a crime itself. It does not matter if that federal employee is on a 2-year probation or not; that’s against the law. Similarly, if a person not on Probation committed fraud. Penalty is the same and consequences are the same; therefore the protected status is the same. I had this documented in my daily for building #1555 for 6-24-2022 but the Agency failed to produce.
- It is relevant to recognize the events of Fraud at Building #1555 and at Building #3415 did not involve PATRICK CONSTRUCTORS. The Individuals involved at Building #3415 were ALEUT FEDERAL and for Labor A&A Roofing, but the actual

subcontractor who was billing ALEUT FEDERAL for DENSE DECK is unclear; hence why in my discovery I asked for the Contractual information on all companies involved; 1st and 2nd tier contractors as well. This is necessary to establish who is directly involved in the scam and who is likely getting “performance bonus” and will reveal even greater anti-trust violations; paying uplift for being another 8a or Hub Zone Contractor. In any event the requirement is, the Contractor performing the work supplies the AHA (Activity Hazard Analysis) which is in fact supplied by and “amended” by ALEUT FEDERAL. The events at Building #1555 were ALEUT FEDERAL and EXCELL CONSTRUCTION; another locally owned General Contractor. All of the abnormal events, questions and reporting for the flooring was done properly via email correspondence to Tony Figueroa the QA and COR on the project; in both instances (Building 3415 and 1555) I was repeatedly told I simply need to get along with the Contractor, meaning AF and that meant sign paper work and let them get away with stealing; and above all do not talk to anyone on the job site or you will be in trouble and it’s a breach of contract and every other ridiculous tactic to try and keep me in the dark to the scam happening right under my nose. Discussing this or reporting this to David Zrna or the COR at DPW CMB fell on deaf ears because they are compromised. I did not know or suspect this at first, but after months of this ridiculousness and all the unusual comments and ultimately seeing proof of fraudulent billing documents, it was becoming very clear who was involved, what role they were playing and so on, everyone named throughout this entire process earned their place. Federal employees were protecting this conduct.

- I do believe the ARMY does care about the Soldiers General Readiness and Does not like it when people steal and potentially compromise that; in fact, I don't like it being done to me either. Stealing is also a slap in the face. I know my report to the DoD OIG has not gone untouched and I believe the ARMY OIG will conclude that investigation and all of my directly observed theft observations and all of the suspected theft allegations will be confirmed true. Until then I can only hope the outcome will be soon; but I know I am right.
- To further clarify the time lines and evolutions of ultimately recognizing the theft occurring with proof, please recognize the first time I recognized a deterioration of integrity associated with construction on Fort Wainwright and my termination from Patrick Constructors; see (IAF) Attachment 1; page 16; an email sent to the PM of project FTW 435 Major Hammet of the US ARMY, the COR of the project FTW 435 Thomas Thorton of the US Army Corp of Engineers as well as a copy the US Army Corp of Engineers Headquarters Anchorage with the intent to notify that office. During this email I pointed out a deterioration in support for key roles in the construction arena working on Government Contracts, an evolution I felt was compounded with COVID. In any event I pointed out in this email line 23 beginning with Unfortunately; I clearly point to processes and procedures not being followed resulting in people and contractors taking advantage. The process and procedures referred to are not only safety and risk management that are part of the expectations of the ARMY and part of FAR clauses, but product integrity and service integrity as well. The entire process was deteriorating which can, and ultimately was an indication of theft. At that time 9-21-2021, I did not have the actual proof theft was taking place, but the contractors on the project were the same;

contracting crew supplying flooring on other projects. For instance the guys installing the flooring on FTW 435 were the same guys and companies installing flooring all over for AF once I went to work for DPW as an CCI and literally saw all the same faces, including Travis Plambeck (TP) whom was usually not far from Ben Plumley (BP) and Dave Brown (DB) associated with ALEUT; and I conclude the BP and DB must like the special deals TP gives away; according to TK. Put that on top of the events at PC and looking back and seeing all these same characters; it is safe to say the theft was happening on FTW 435 and my reporting of the Safety Violations did attract negative attention to PC and Dennis Kennedy. Ultimately this means ALEUT CORPORATION allowed AF to rehire BP after being fired for improper conduct / stealing; yet not support rehiring me fore reporting Safety Violations. My safety violations were reported to DPW CMB just like the improper conduct that lead to BP being terminated by AF. Then I went to work directly for David Zrna.

- I began looking for work immediately and long about the end of October 2021 I found and applied for a role with the Department of Army as a GS9 Construction Control Inspector and I applied. After a period of time, I was invited to interview and ultimately was offered the role. I was excited and started 1-31-2022.
- To further clarify my actual report sequence. The reporting I did for irregular conduct and the unusual requests followed proper chain of command to all the correct individuals and has been described throughout, however the gap between reporting certain things is not correct. When I was terminated, I was given a document instructing me on filing an EEO complaint which proved a single sheet of paper with my termination letter on one side and method of initiating an EEO complaint. I initiated via written communication on 7-1-

2022 return receipt (see SF-315H-22-0532-I-1) page 3 (return receipt). Further please see (SF-315H-22-0532-I-1) Motion for Summary Judgement filed 9-6-2022 pages 11-12

“The termination documentation and EEO instructions.” I followed those instructions on 7-1-2022 in the hopes of beginning my EEO claims and initiating the balance of the information I had regarding Theft and Conspiracy; the Termination Document I was provided only spoke to EEO and said nothing of whistleblower retaliation of fraud. I expected maybe that will happen once I initiated the claim with EEO. My written request to EEO on Fort Wainwright was received and signed for (return receipt dated 7-1-2022) yet the request sat and was ignored. After 3 weeks waiting, I reached out to MSPB hotline and reached OAKLAND CA office where I was informed how to catch all this back up. That happened on 8-1-2022 when I received an email from STACIE MASON KELLEY with the proper forms to initiate a EEO claim. I had already resigned my saved copy I sent to Fort Wainwright EEO Office and put signatures on it and re dated it for 8-1-2022. I immediately completed the forms and returned them and supplied a copy to MSPB in my original filing; see the documentation in the originally filing of SF-315H-22-0532-I-1 - OAA. That is the day I finally heard from Stacie Keeley the EEO Director who was in fact very curt and unwilling to even ask what was going on or initiate a complaint but point blank told me to forget about getting my job back; without even asking what was going on, it's like she did not care; but still I actually assumed I would get a case manager or something simply by virtue of the name “Merit System Protection Board.” I was waiting to feel “protected” and all. In any event I was actually very cautious; because call me paranoid; but I don't really know much about our militaries and all but I assume all these military veterans; now SCFW's are all former trained killers

and it being central Alaska where it's not uncommon for folks to just disappear. These SCFW's have/had a great deal to lose; people act crazy when they think they are about to lose. I already didn't trust the people I worked with and now I get to rely on STACIE MASON KEELEY and her possibly letting these criminals know I figured out what's going on. I figured I had best be really careful, and I was. This is why I wanted and asked about discovery on 9-7-2022 pleading in the OAA. When I realized I am totally on my own and needed to get myself more engaged with either representation or PRO SE did I begin to try and report it all. Then, I actually got a phone survey from MSPB asking "How did we do? "Did you report all the EEO concerns and whistleblower and fraud stuff satisfactory," and I am like "WHAT?" That's when I filed pleadings SF-315H-22-0532-I-1 "Mistake" 9-6-2022 and "CLARIFICATION and REQUEST For MEETING" on 9-7-2022 where I am trying to get the entire disclosure off the ground and discovery started and so on, see above pages 4-6. Now, as I learned, I had a way to go establishing Jurisdiction and all, I started trying to learn what steps I needed to follow. Nevertheless, believe it or not I was very mindful of protecting the ARMY image and reputation because they were a victim here as much as myself; but again, self-preservation was also driving my caution. Fraud and all the conspiracy to commit fraud and obstruction of civil rights is all there in the 9-7-2022 pleading OAA pages 4-6, not the detail but I was trying to get momentum and report detail to the right individuals. In any event I waited and it seemed to all still get ignored for months and was 15 days prior to the public release by the Office of Public Affairs US DOJ press release regarding the flooring fraud (not my fraud just the same players) see <https://www.justice.gov/opa/pr/owner-commercial-flooring-contractor-pleads-guilty-participating-kickback-scheme-defraud-us> . In any

event I did not even hear of this Flooring case until October or November; it popped up on Facebook posted by someone, and all it did was give me a comfort level someone is responding to the disclosed fraud I was discussing; and still I waited for someone to contact me; you know; seemingly interested, so I waited. In late December I learned of the OSC. STACIE KEELEY was certainly no help at all getting me going on anything.

As stated in 28 U.S Code 1746 Unsworn Declaration Under Penalty of Perjury

*(1) If executed without the United States: "I, **SHERMAN SHELBY STARTZ**, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.*

Executed on (1-17-2024). Sherman Shelby Startz

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on (1-17-2024). Sherman Shelby Startz

Certificate of Service

e-Appeal has handled service of the assembled pleading to MSPB and the following Parties.

Name & Address	Documents	Method of Service
MSPB: Western Regional Office	Petition for Review	e-Appeal
Region, Pacific	Petition for Review	e-Appeal

I agree to send a printed copy of the electronic pleading with attachments to all parties by the end of next business day, as follows:

Name & Address	Documents	Method of Service
Eiser, Charles 1046 Marks Road Fort Wainwright, Alaska 99701 United States of America	Petition for Review	US Mail