

SHERMAN S. STARTZ v. DEPARTMENT OF THE ARMY
Docket # SF-1221-23-0258-W-1
SUMMARY and FINAL EVIDENCE PART III
Summary Page

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

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

Pleading Title : SUMMARY and FINAL EVIDENCE PART III

Filer's Name : Sherman S. Startz

Filer's Pleading Role : Appellant

Details about the supporting documentation

#	Title/ Description	Mode of Delivery
1	ATTACHMENT 33 Daily 6-21-2022	Uploaded
2	ATTACHMENT 34 Daily 6-22-2022	Uploaded
3	ATTACHMENT 35 Daily 6-23-2022	Uploaded
4	ATTACHMENT 36 Daily 6-24-2022	Uploaded
5	ATTACHMENT 37 Certificate	Uploaded
6	ATTACHMENT 39 USACE CQCSM	Uploaded
7	ATTACHMENT 40 Major Hammet Emails	Uploaded

Table of Contents

Pleading Interview	4
Uploaded Pleading Text Document	5
ATTACHMENT 33 Daily 6-21-2022	8
QA Daily Report - v.2018 - Copy	8
QA Daily Report - Final	8
Sheet1	8
Photo document to marry - revised	9
QA Daily Report - v.2018	10
Photo document to marry - revised	10
QA Daily Report - v.2018 - Copy	11
Photo document to marry - revised	11
QA Daily Report - v.2018	12
Photo document to marry - revised	12
QA Daily Report - v.2018 - Copy	13
Photo document to marry - revised	13
QA Daily Report - v.2018	14
Photo document to marry - revised	14
ATTACHMENT 34 Daily 6-22-2022	15
QA Daily Report - v.2018 - Copy	15
QA Daily Report - Final	15
Sheet1	15
Photo document to marry - revised	16
QA Daily Report - v.2018	17
Photo document to marry - revised	17
QA Daily Report - v.2018 - Copy	18
Photo document to marry - revised	18
QA Daily Report - v.2018	19
Photo document to marry - revised	19
QA Daily Report - v.2018 - Copy	20
Photo document to marry - revised	20
QA Daily Report - v.2018	21
Photo document to marry - revised	21
ATTACHMENT 35 Daily 6-23-2022	22
QA Daily Report - v.2018 - Copy	22
QA Daily Report - Final	22
Sheet1	22
Photo document to marry - revised	23
ATTACHMENT 36 Daily 6-24-2022	25
QA Daily Report - v.2018 - Copy	25
QA Daily Report - Final	25
Sheet1	25
Photo document to marry - revised	26
QA Daily Report - v.2018	27
Photo document to marry - revised	27
QA Daily Report - v.2018 - Copy	28
Photo document to marry - revised	28
QA Daily Report - v.2018	29
Photo document to marry - revised	29
QA Daily Report - v.2018 - Copy	30
Photo document to marry - revised	30

Table of Contents

QA Daily Report - v.2018	31
Photo document to marry - revised	31
ATTACHMENT 37 Certificate	32
ATTACHMENT 39 USACE CQCSM	35
ATTACHMENT 40 Major Hammet Emails	36
Certificate of Service	40

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SUMMARY and FINAL EVIDENCE PART III
Online Interview

1. Would you like to enter the text online or upload a file containing the pleading?

See attached pleading text document

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

Yes

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

Yes

Come now, **PRO SE Appellant SHERMAN SHELBY STARTZ** appearing with a Pleading; "SUMMARY and ADDITIONAL FINAL EVIDENCE" in the Appeal SF -1221-23-0258-W-1, SHERMAN S STARTZ VS THE UNITED STATES ARMY.

PRO SE Appellant SHERMAN SHELBY STARTZ, having approached the court with a MOTION TO COMPEL DISCOVER, and having received and ORDER GRANTING MOTION TO COMPEL; Appellant continued an exhaustive effort to pursue more evidence in preparation for the CLOSE of RECORD and to facilitate the courts efforts to a means of justice, the agency produced yet another discovery packet entitled "**AGENCY SECOND DISCOVERY RESPONSE.**"

This response was in fact similarly weak as the First Round Response and in no way can be considered suitable and Appellant further objects to the lack of responsiveness and incomplete work product. Nevertheless, the second round provides actual documentation of one construction project I was on; Building 3415 Re-Roof and where the Alleged issues with the AHA and where the Dense Deck disappeared. Consistent with my allegations and timelines of events as it relates to Building 3415 and the disappearing materials and daily events on this one project. Submitted as **ATTACHMENT 2 - 38** are those reports; completed by Appellant while working as a Construction Control Inspector for the Department of ARMY. While these "Daily Reports" are relatively mundane, there are some specific dates called out and commented too below:

5-5-2023 – Basic daily; This was a Mobilization meeting, the extra paper work provided is what I produced for the meeting because ALEUT already had a problem not showing up with any documentation. It was this meeting Aaron Wahl of Aleut held a Preparatory for 7 Submittal items (a suspicious move) while there was literally no material on site. I refused to sign that; Ronnie Hunt Signed. He was unwittingly signing for the "Dense Deck" which ultimately made it and the disappeared.

5-10-2023 – Dense Deck Arrived and noted.

5-12-2023 – Normal Day – A&A doing great work – no PPE issues at all then the trickery starts.

5-13-2023 – Normal complimentary Daily

5-17-2023 – Normal work day; no laborers, just materials received and checked in

5-20-2023 – No Work, Dense Deck still on site.

6-1-2023 – Initial Phase

6-2-2023 – Normal day, a few things noted. Dense Deck is gone.

6-6-2023 – Normal Daily showing reroofing job evolutions.

6-7-2023 - Initial Phase – this is the day Tammy Sprague went with me so David Zrna could use her as an unwitting negative witness against me. All the extra documentation was what I took in preparation because Dave Brown never brought anything but blank documents to sign.

The Agency "**AGENCY SECOND DISCOVERY RESPONSE,**" is still considered woefully inadequate and in no way allows Appellant the full benefit in efforts to a means of Justice. However, during the First Round of Discovery respondent asked for clarity on 3 specific Interrogatories; respondent responded to these questions, allowing for a suitable time line response of the allowable time line of July 31st, 2023. The

Second Round of Discovery did have responses to Interrogatories found as **ATTACHMENT 1**, which is submitted from the Agency and described as EXHIBIT I, J & K.

While the Response is provided is several responses; Appellant will respond to these 3 Interrogatories from David Zrna, Tanya Clooten and Dennis Kennedy in one single response found below:

DAVID ZRNA Response to responses. Completely expected response, David Zrna is a liar and thief whom obviously either has some real cognitive issues or he is being coached with his response; nevertheless, Appellant objects respondents response.

TANYA CLOOTEN Response to responses; Appellant objects to respondents' response. Appellant would like to share with the court my extensive solution-oriented safety career background; which is in fact award winning. Appellant is a Board of Certified Safety Professional "SAFETY MANAGEMENT SPECIALIST" #963 (**ATTACHMENT 37**) as well as having sat and successfully passed the EM 3851-1 40 (**ATTACHMENT 38**) hour training course and many certifications building a solid career in Safety Health Environmental Quality; including ARMY CORP of Engineers "Construction Quality Management for Contractors" (**ATTACHMENT 39**). I am proud of these accomplishments in my career and displayed these certificates in my cubical, and my cubical was very near Tanya Clooten office and I am confident she knew of my peripheral qualifications; yet at no point every even asked my opinion on the Hard Hat issue. More interesting is the fact this Contracting Officer Representative knew full well ALEUT FEDERAL did not even have; or had not had for some time, a Safety Professional on Staff; a contractual requirement of 48 CFR and most specifically the JOC (Job Order Contract). Also, it was common knowledge ALEUT FEDERAL paid no regard to Safety Compliance anywhere else and it seemed to only be an issue with me, rather than including me in a viable solution I was purposely excluded in an effort to create a problem, illusion to distract from the real event; "Stealing the Dense Deck" without notice. In any event,

DENNIS KENNEDY Response to responses; First, let me point out I was purposely taken to this job as well as another Job (KEMISH MEDICAL FACILITY) by Matt Taylor (a coconspirator) for no apparent reason other than creating an excuse to accuse me falsely of things I did not do. While at the "Job" Dennis Kennedy refers too; I did speak with one person; an Electrician named "Joe"; a young fellow I had known and worked beside for about 3 years; since he was an apprentice. We worked a job over winter of 2019 with the re-model of the old shopette on Neely. I knew him; and I did say "hi Joe" and did not feel I needed to tell him my name as we were friends already. That said Joe was an electrician with the company I had turn in on FTW 435 after I was immediately terminated after exposing Non-Compliant Safety Hazards (22 examples of Lock Out Tag Out in 10 different occupied barracks remodel). Literally all persons described in Dennis Kennedy (Major Hammet) response, including him; knew and were aware of all these events; as well as Major Hammet. All of this was a calculated attempt to create something, and even if the Major asked "why I was interviewing workers on his job" ; say "hey dude, how are you doing," does not constitute an interview. I had a positive professional reputation with the Major. I would like to refresh an email sent to the Major. Mr. Kennedy response is all intended to cover up his malicious and nefarious conduct. See **ATTACHMENT 40**.

Appellant would like add; at no point throughout this entire extended discovery process has the Agency made any attempt to admit or deny any wrong doing or dispute any or all allegations made; and there is no point in rearguing what appears to be gross knowing and willful malicious criminal conduct by Senior Federal Civilian workers representing the Department of Army, Senior Civilian employees representing a

Prime Contractor working for the Government; in direct collusion with Senior Officials from a NATIVE CORPORATION; ALEUT CORPORATION.

Lastly, without re-presenting all the arguable points presented throughout this lengthy IRA exchange, representing all of the negativity, all for greed. A greed so strong that there was absolutely no regard to what I may lose, my home, my car, a career; all in a place I was so excited to be and retire. This level of greed, this appetite, so addictive that a complete disregard to human rights, civil rights, laws, have gotten these individuals lost in the blindness, and it extends at every level of these nefarious characters and it did not just happen overnight. This Collaborative Criminal Conduct is mature and likely not isolated to just the ARMY and Fort Wainwright. Unlike ALEUT, Their Workers, Their Contractors and the Senior Government Civilian Workers who fall into to the "WE ARE ONE;" I am only one. I am the one who wants no mercy extended to these criminals and punishments that appears to be with vengeance and will have lasting consequences.

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

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

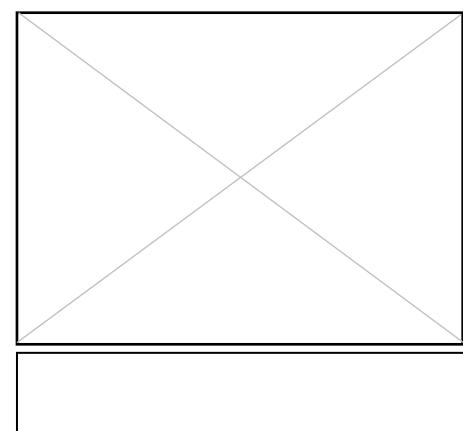
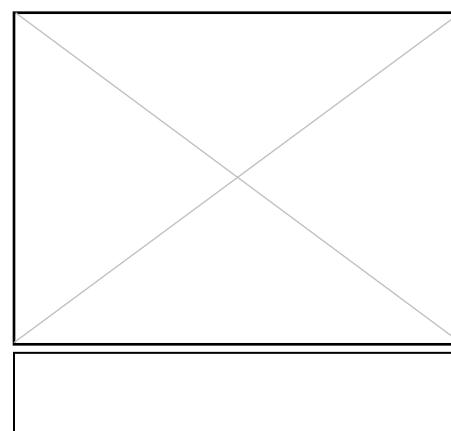
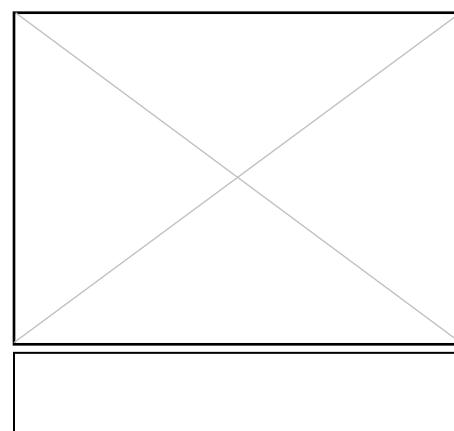
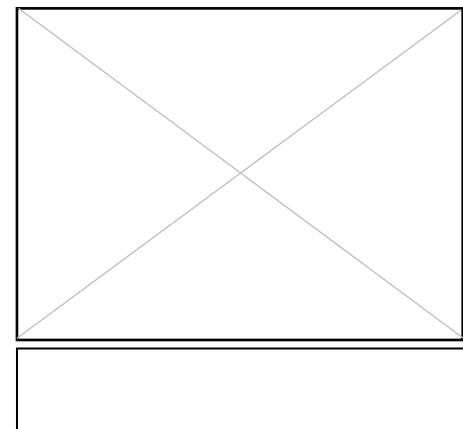
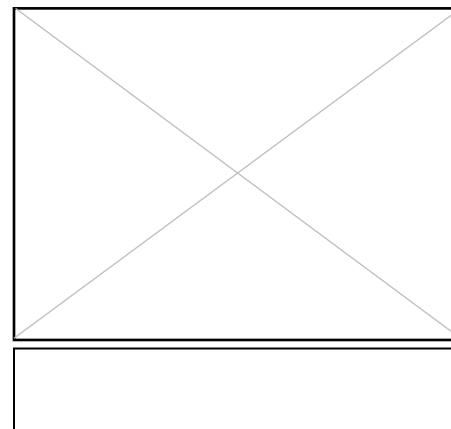
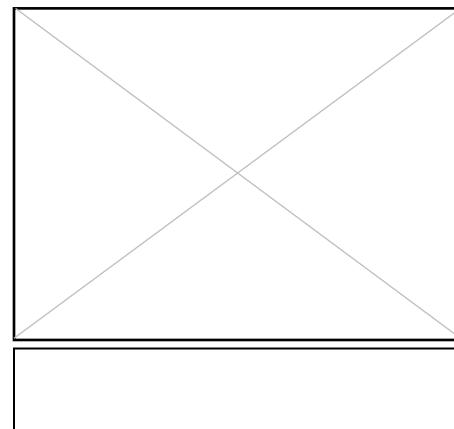
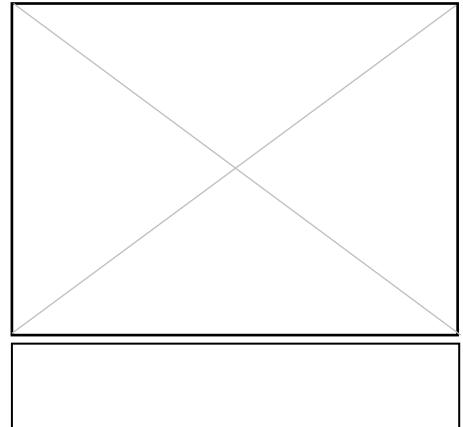
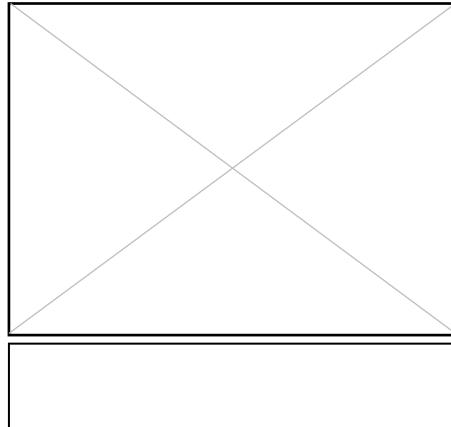
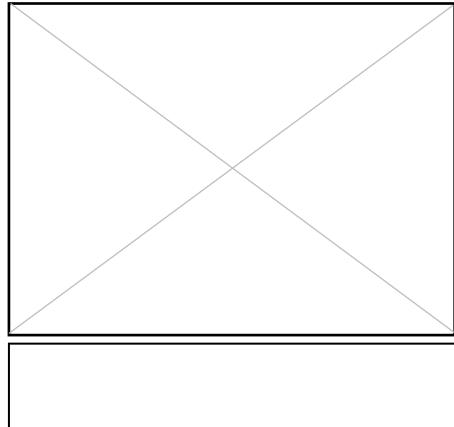
(1) If executed without the United States: "*I, SHERMAN SHELBY STARTZ, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (8-17-2023).* Sherman Shelby Startz

(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 (8-17-2023).*

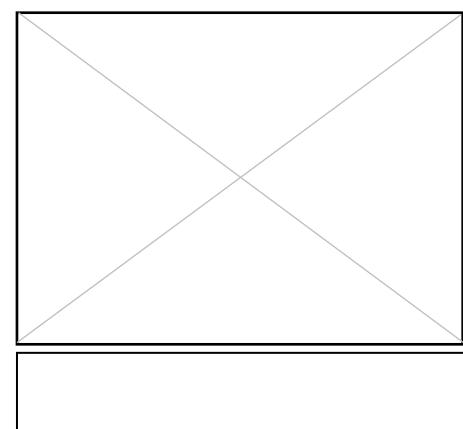
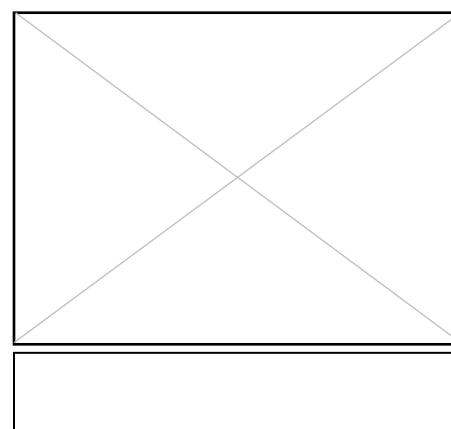
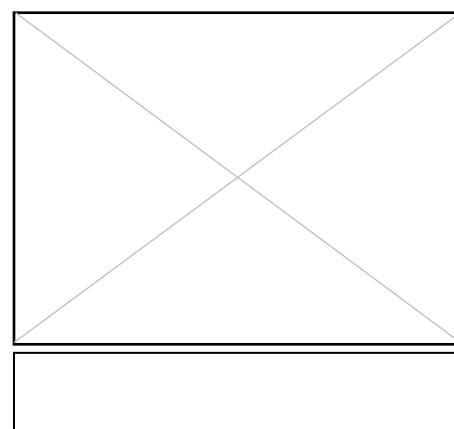
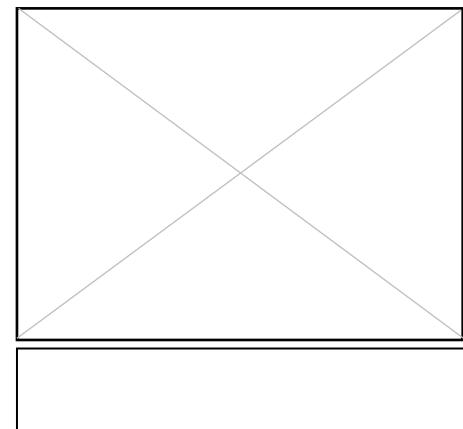
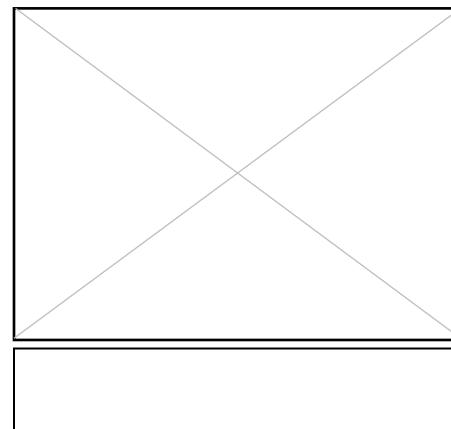
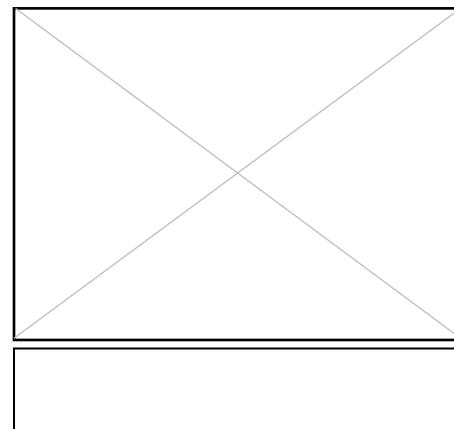
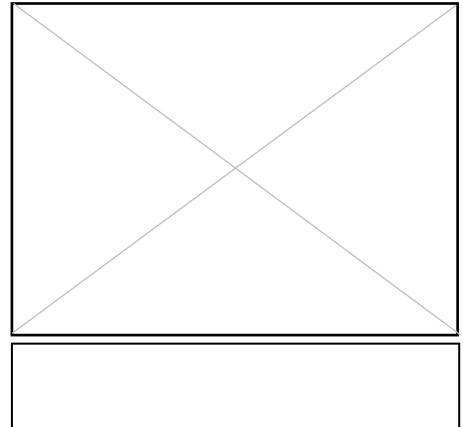
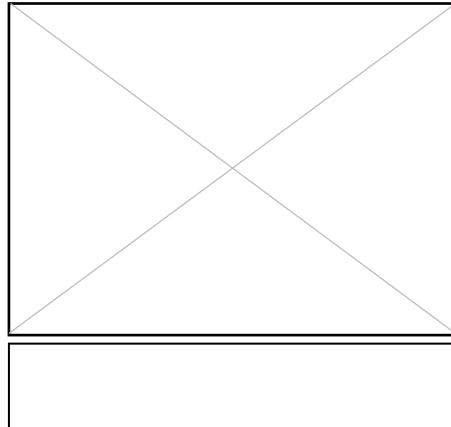
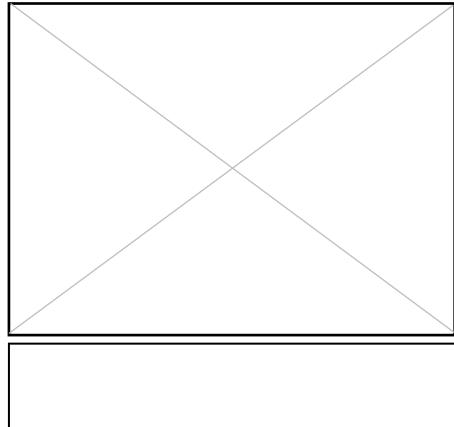
Sherman Shelby Startz

Q. A. DAILY SURVEILLANCE REPORT (Contract Work)		DATE	REPORT NUMBER
PROJECT: Building Number:		CONTRACT NUMBER	
1. SITE INSPECTION:			
TIME:	WORK FORCE:		
WEATHER:	EQUIPMENT:		
2. LIST ACTIVITIES STARTED, ROUTINE WORK, INCLUDE SPECIFIC LOCATION:			
3. WORK INSPECTED:			
<i>INITIAL ITEMS BELOW IN APPLICABLE COLUMN. A 'YES' RESPONSE REQUIRES COMMENT.</i>			
ITEM	YES	NO	
4. UNSATISFACTORY WORK NOTED			
5. CONTRACTORS RESPOND TO NOTICE OF UNSATISFACTORY WORK			
6. EVENTS ADVERSELY AFFECTING WORK			
7. WORK ADVERSELY AFFECTED BY WEATHER			
8. VISITORS			
9. SAFETY COMMENTS			
10. DOCUMENTS RECEIVED, TRANSMITTED			
11. IMPORTANT CONVERSATIONS			
COMMENTS:			
SIGNATURE OF Q. A.	DATE	REVIEWED BY:	REVIEWER'S COMMENT:
			YES NO

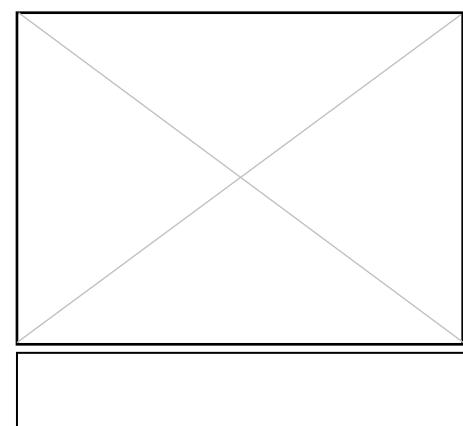
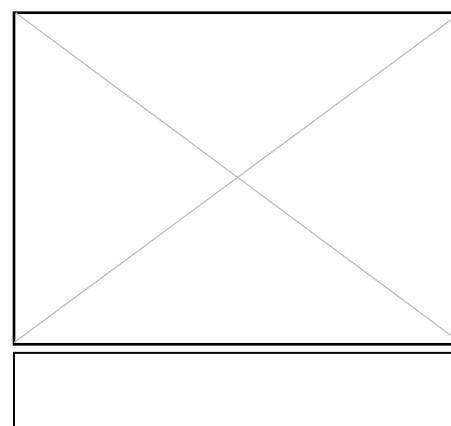
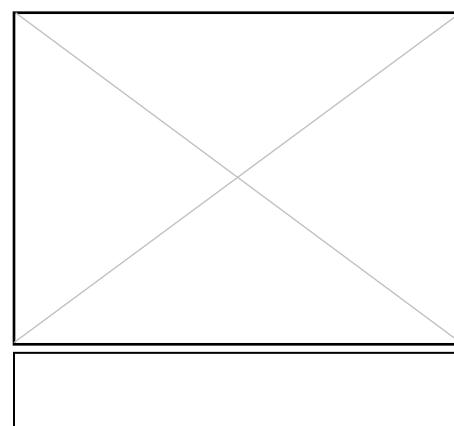
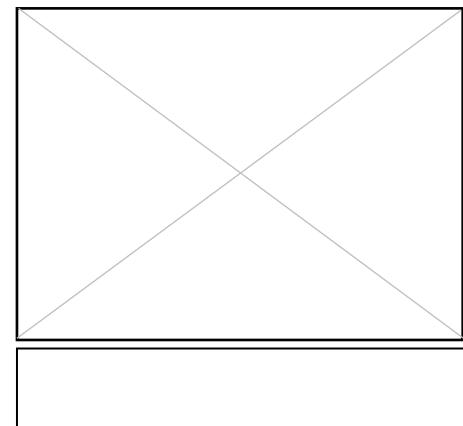
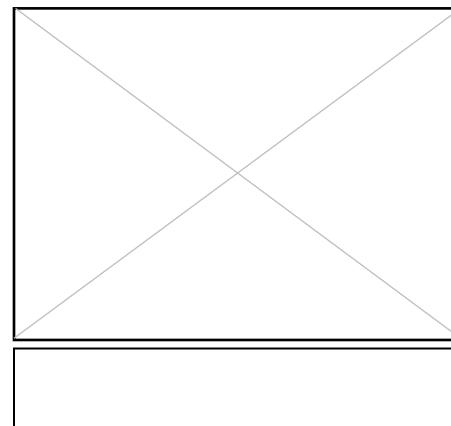
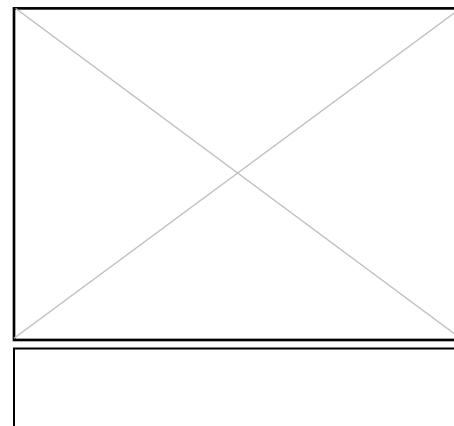
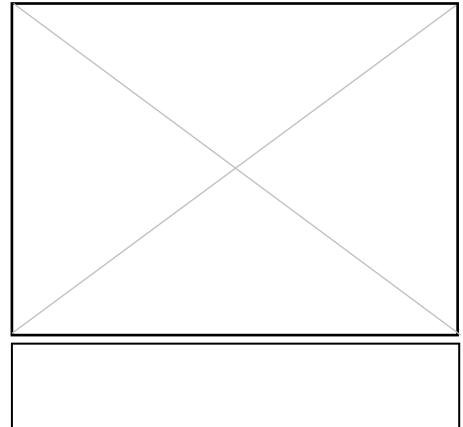
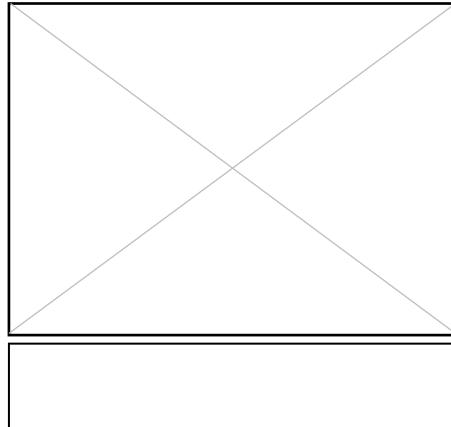
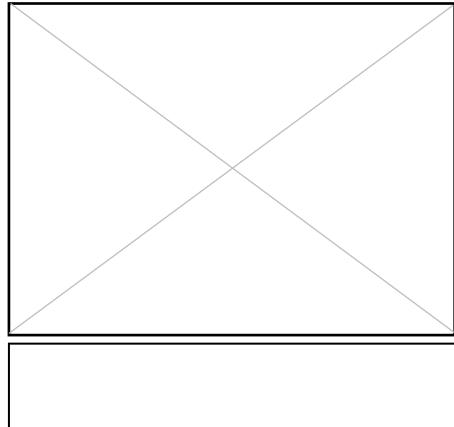
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PROJECT:	Building Number:	CONTRACT NUMBER	



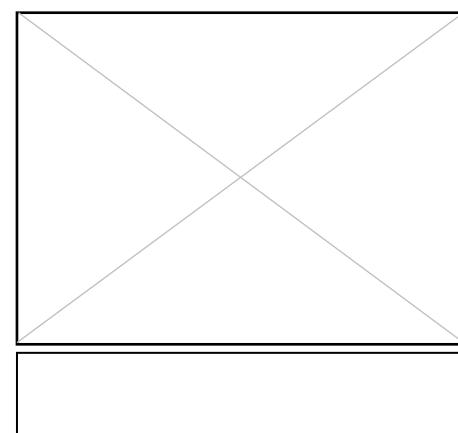
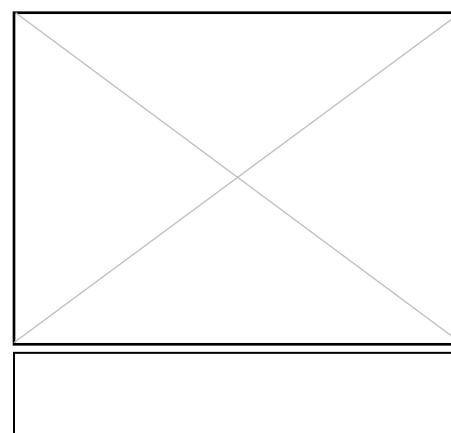
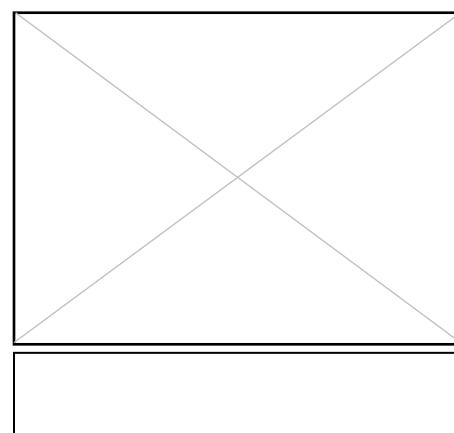
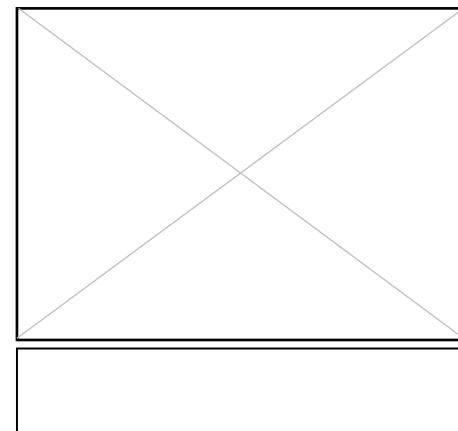
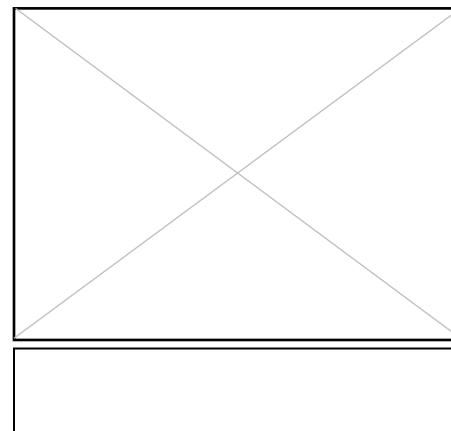
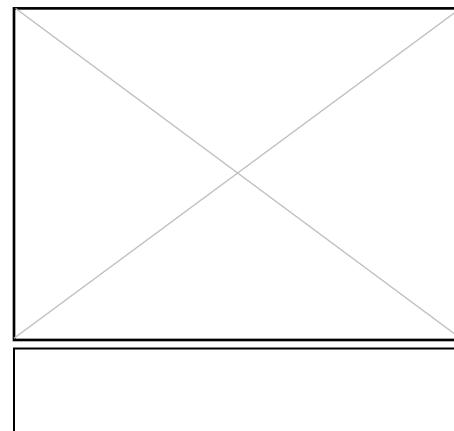
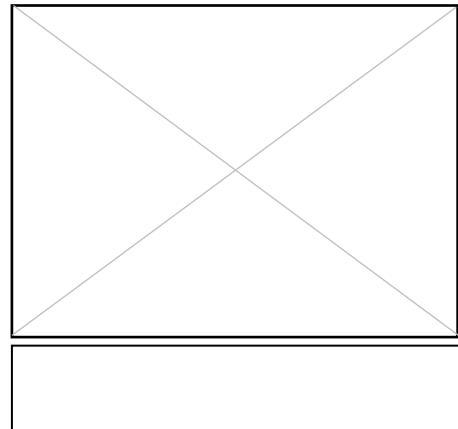
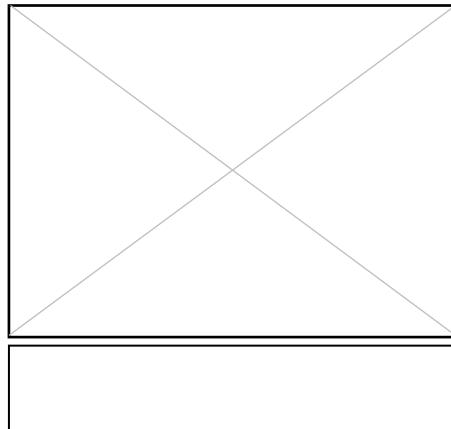
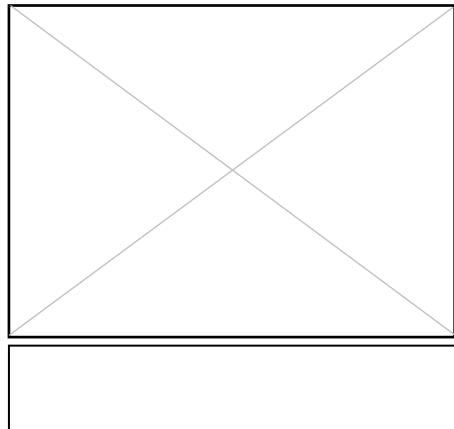
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PROJECT:		CONTRACT NUMBER	



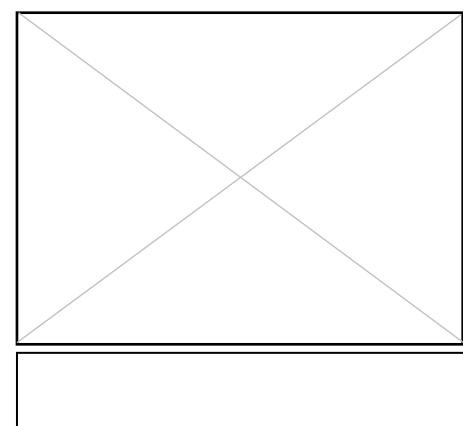
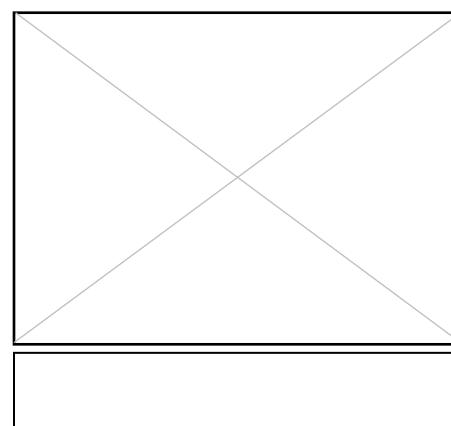
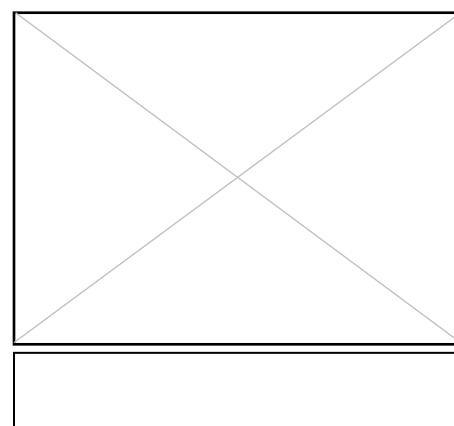
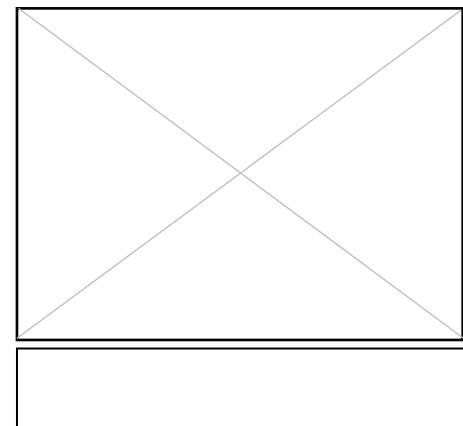
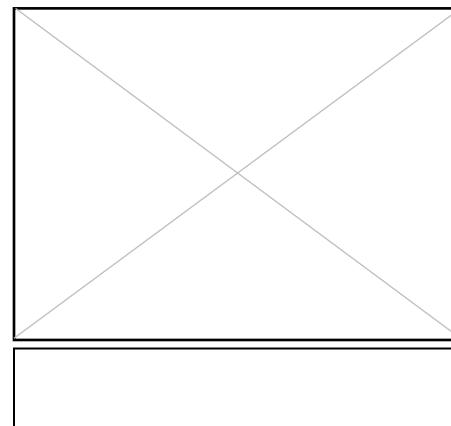
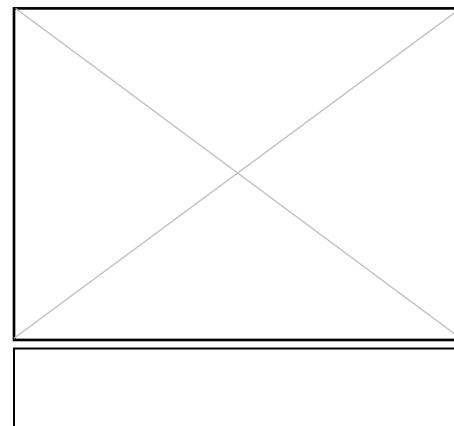
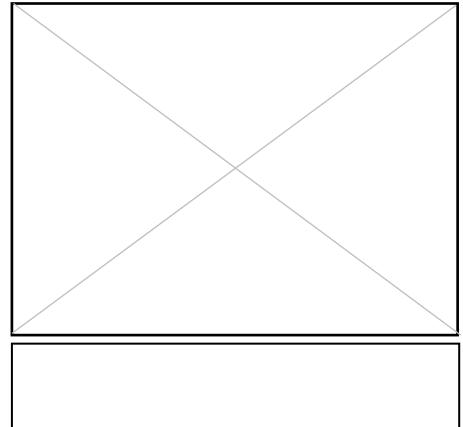
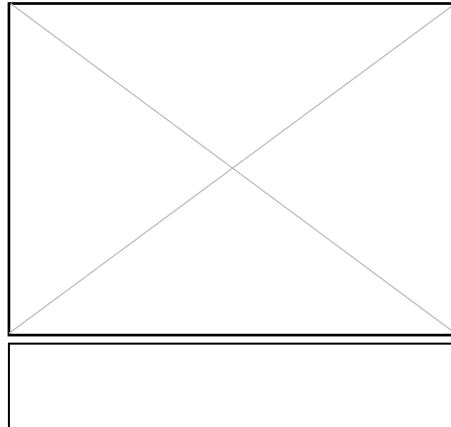
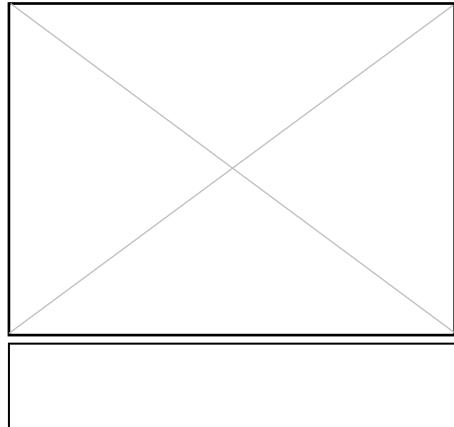
Q. A. DAILY SURVEILLANCE REPORT – PHOTOS (Contract Work)	DATE	REPORT NUMBER
PROJECT:	CONTRACT NUMBER	



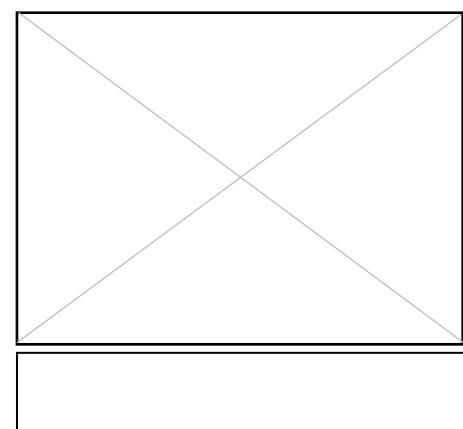
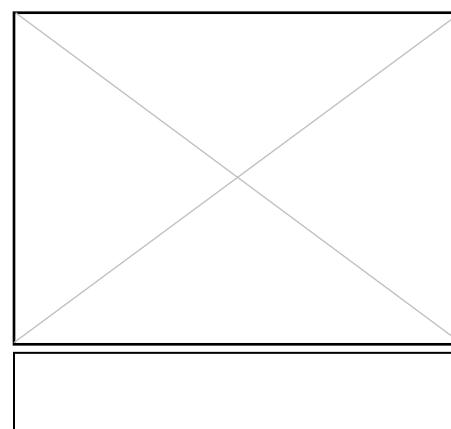
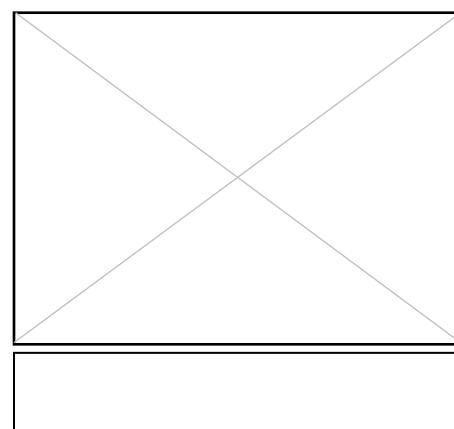
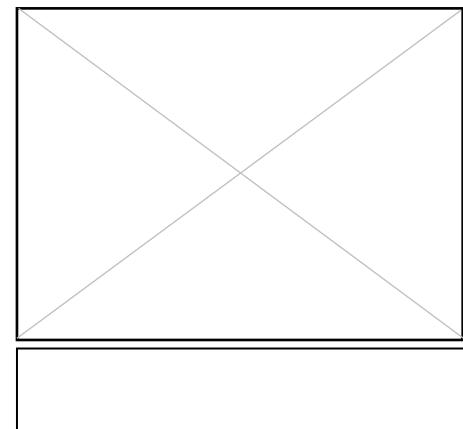
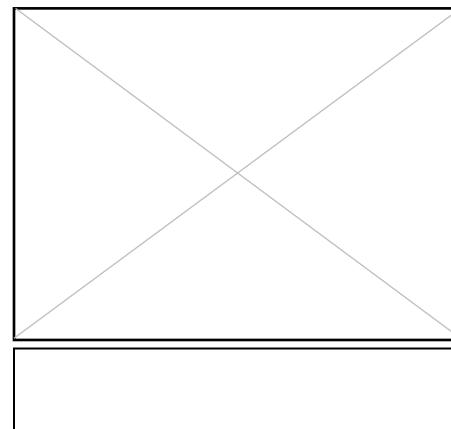
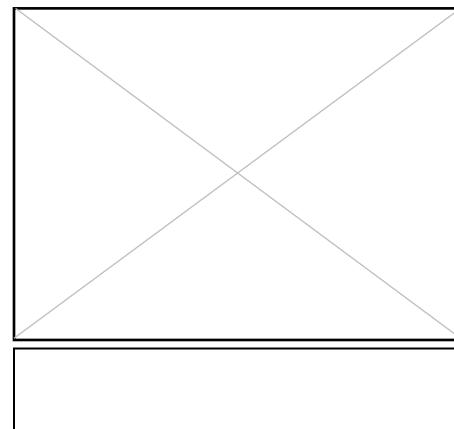
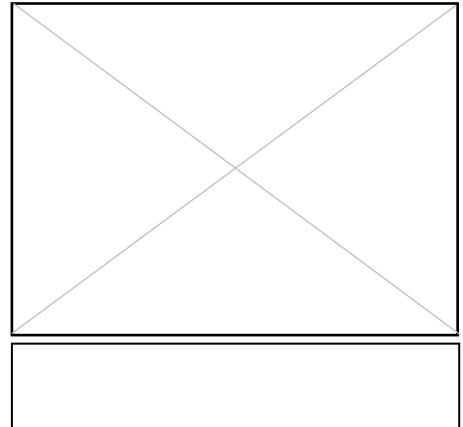
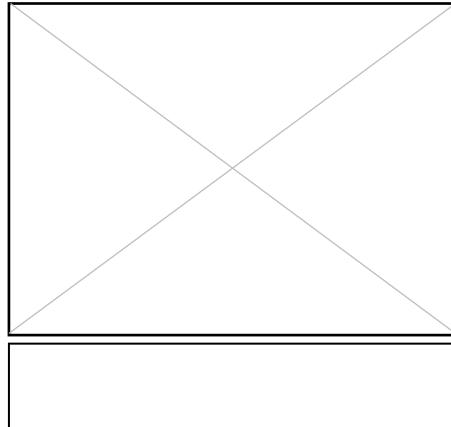
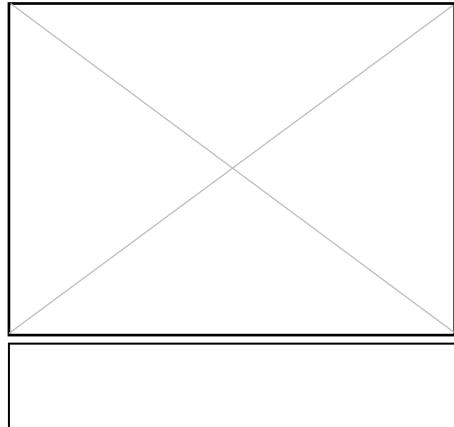
Q. A. DAILY SURVEILLANCE REPORT – PHOTOS (Contract Work)		DATE	REPORT NUMBER
PROJECT:		CONTRACT NUMBER	



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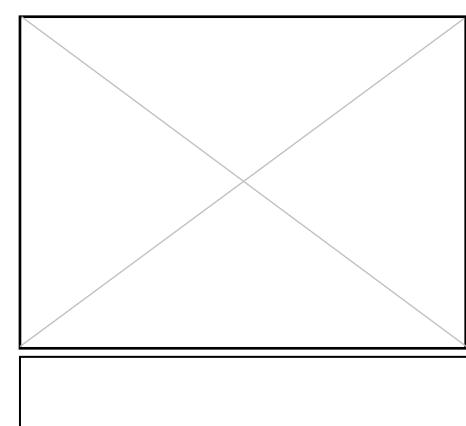
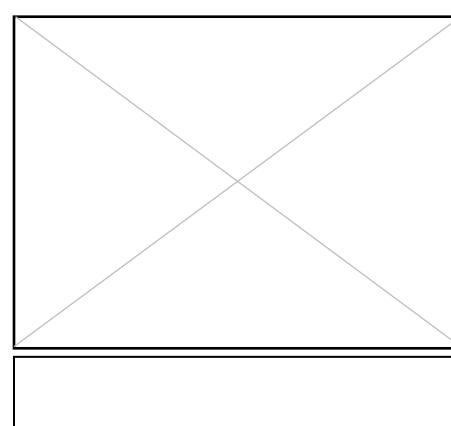
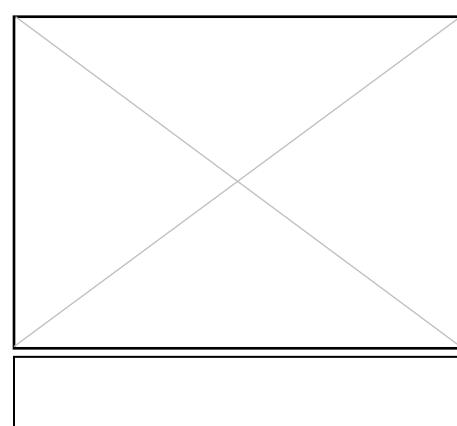
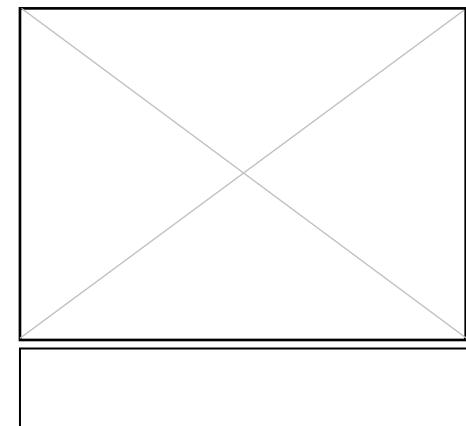
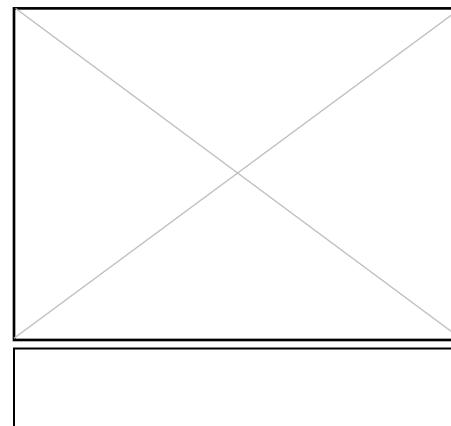
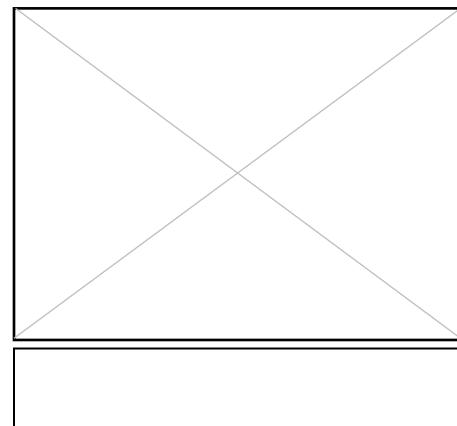
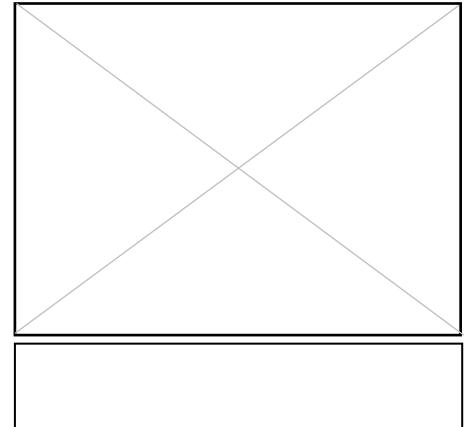
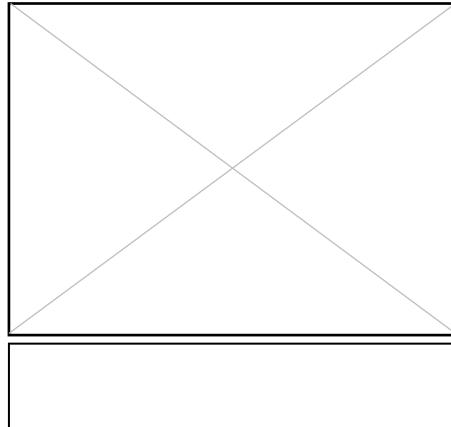
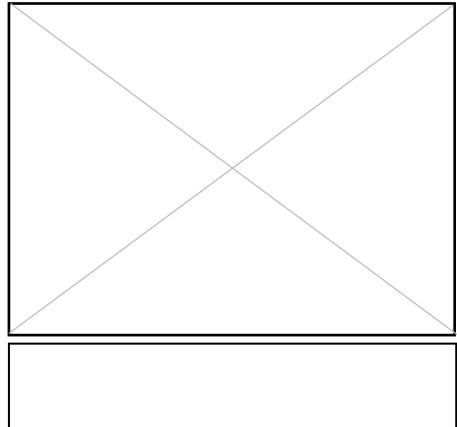


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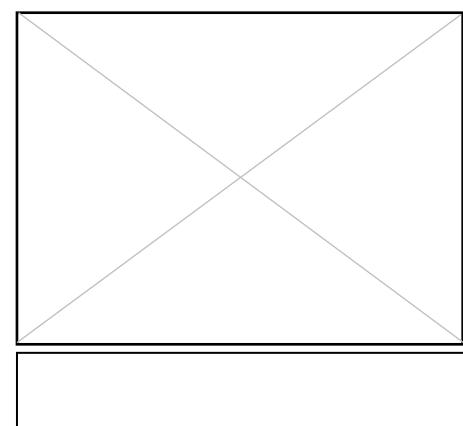
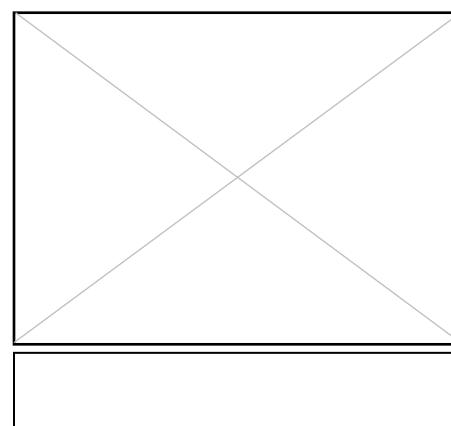
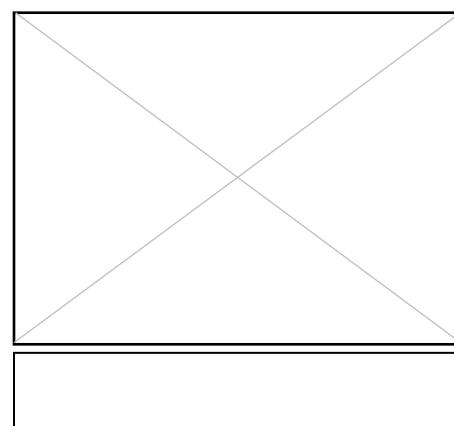
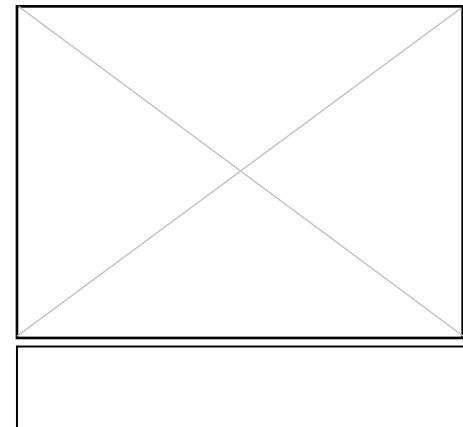
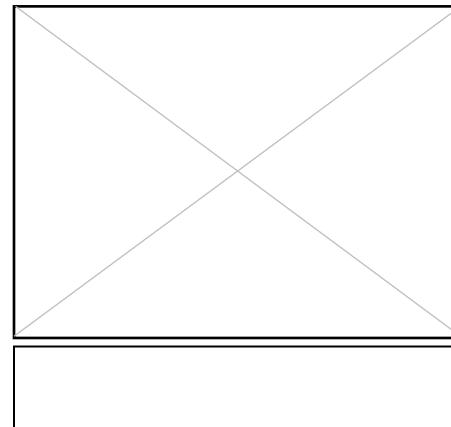
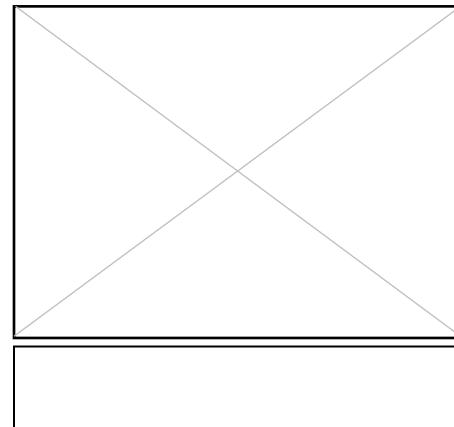
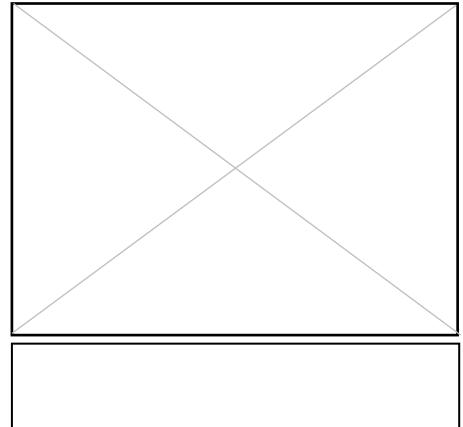
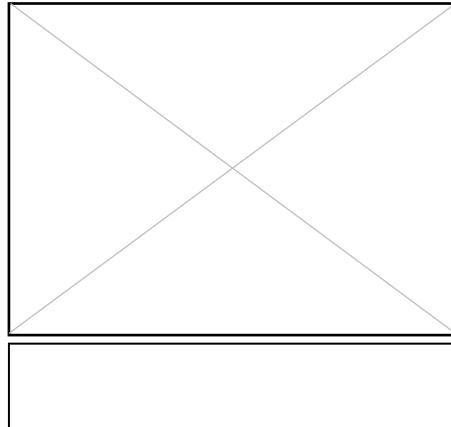
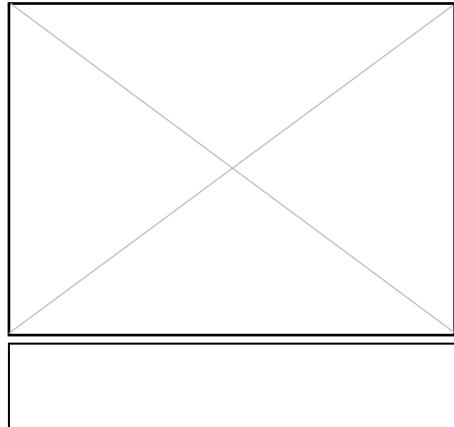


Q. A. DAILY SURVEILLANCE REPORT (Contract Work)		DATE	REPORT NUMBER
PROJECT: Building Number:		CONTRACT NUMBER	
1. SITE INSPECTION:			
TIME:	WORK FORCE:		
WEATHER:	EQUIPMENT:		
2. LIST ACTIVITIES STARTED, ROUTINE WORK, INCLUDE SPECIFIC LOCATION:			
3. WORK INSPECTED:			
INITIAL ITEMS BELOW IN APPLICABLE COLUMN. A 'YES' RESPONSE REQUIRES COMMENT.			
ITEM	YES	NO	
4. UNSATISFACTORY WORK NOTED			
5. CONTRACTORS RESPOND TO NOTICE OF UNSATISFACTORY WORK			
6. EVENTS ADVERSELY AFFECTING WORK			
7. WORK ADVERSELY AFFECTED BY WEATHER			
8. VISITORS			
9. SAFETY COMMENTS			
10. DOCUMENTS RECEIVED, TRANSMITTED			
11. IMPORTANT CONVERSATIONS			
COMMENTS:			
SIGNATURE OF Q. A.	DATE	REVIEWED BY:	REVIEWER'S COMMENT:
			YES NO

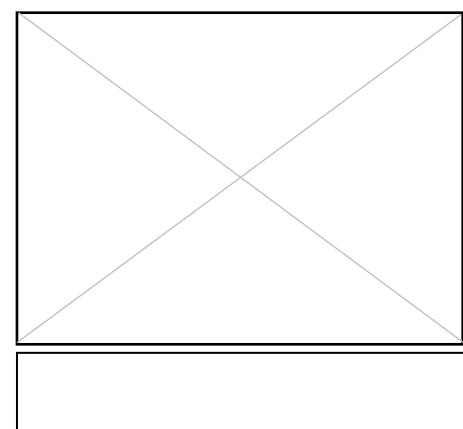
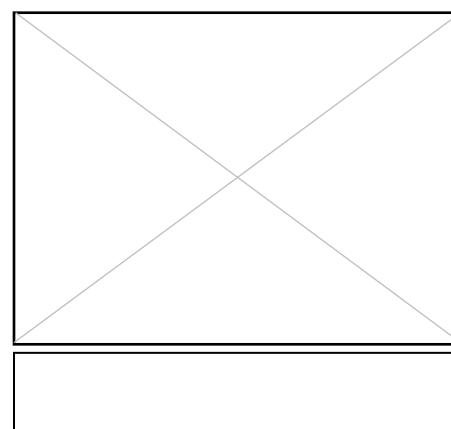
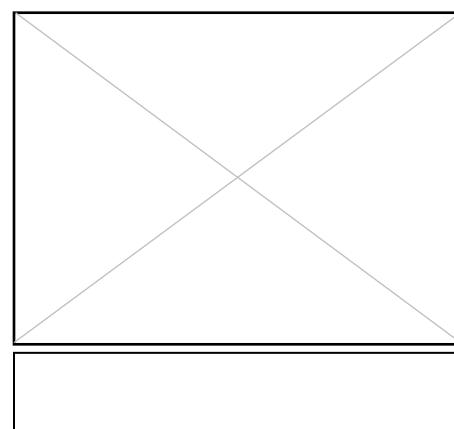
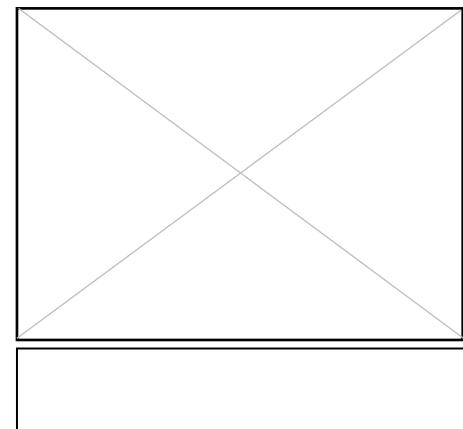
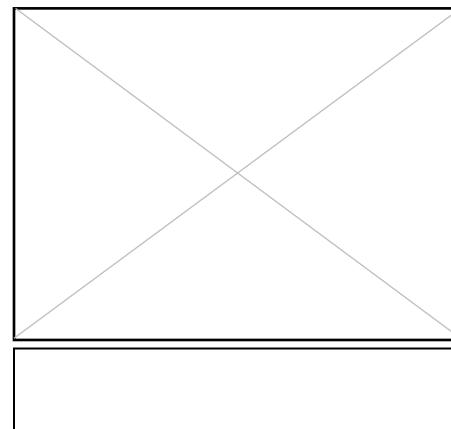
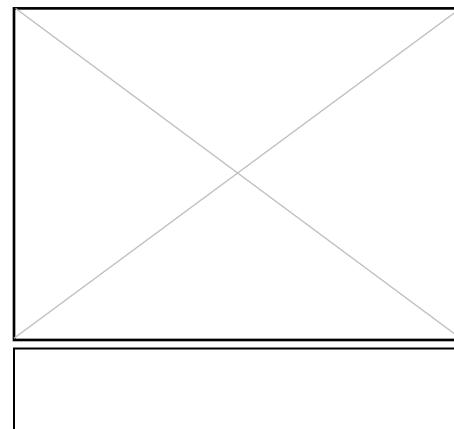
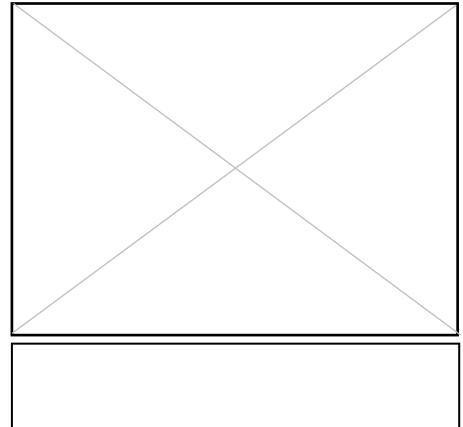
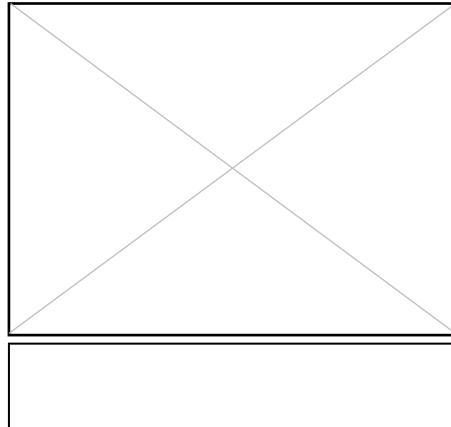
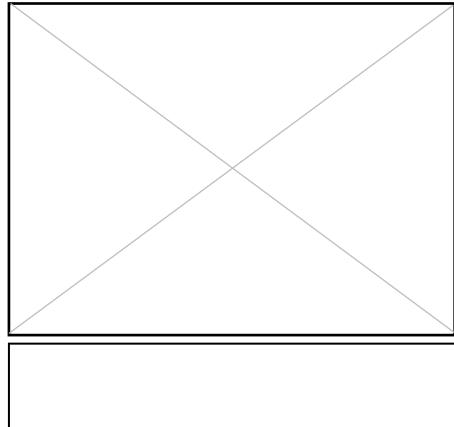
Q. A. DAILY SURVEILLANCE REPORT – PHOTOS (Contract Work)		DATE	REPORT NUMBER
PROJECT:	Building Number:	CONTRACT NUMBER	



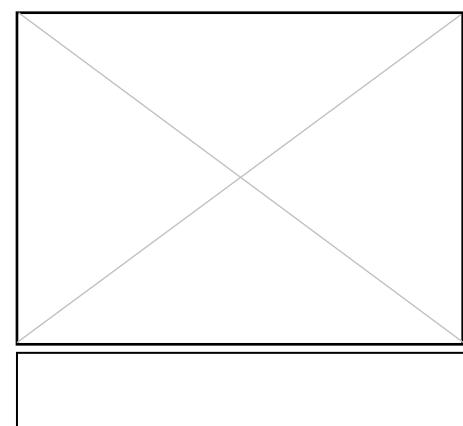
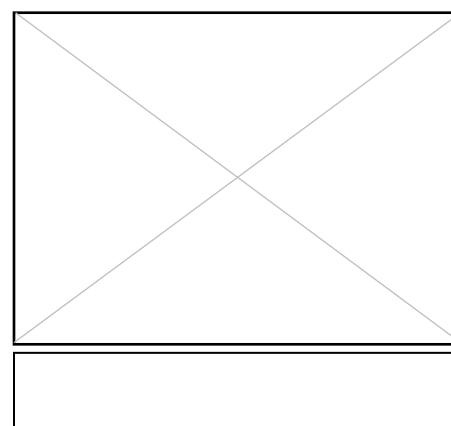
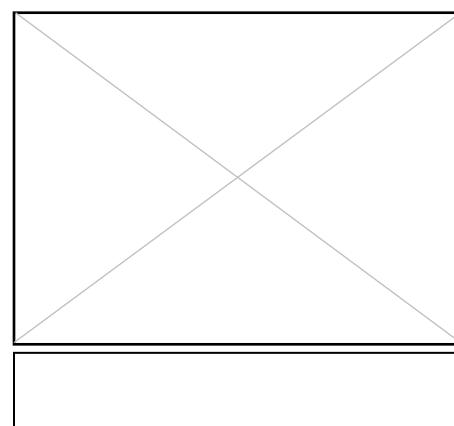
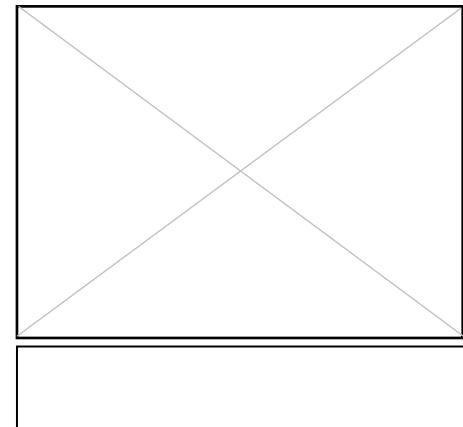
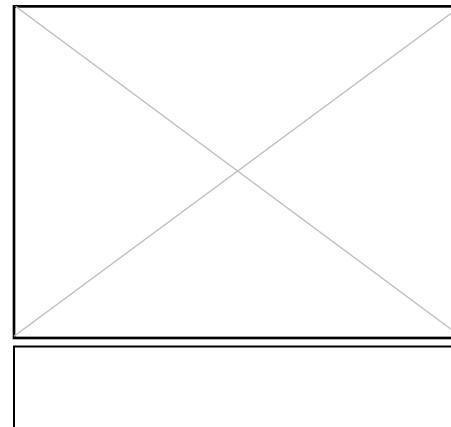
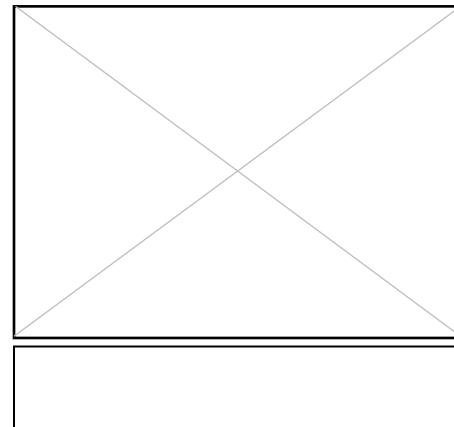
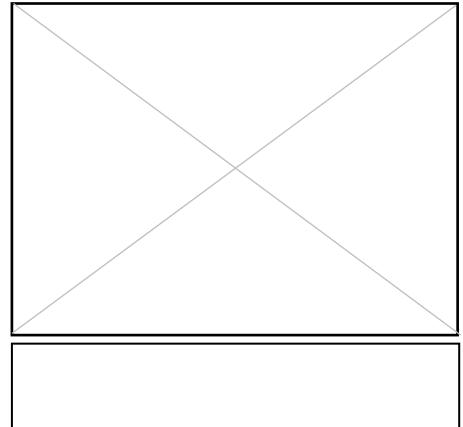
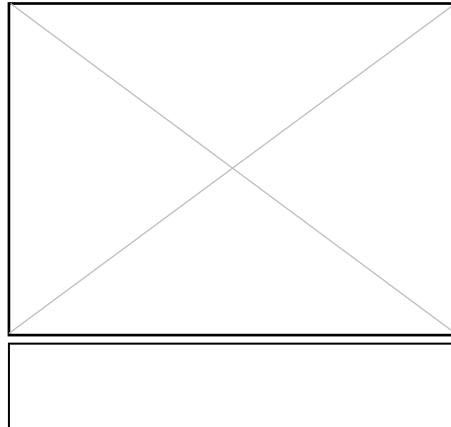
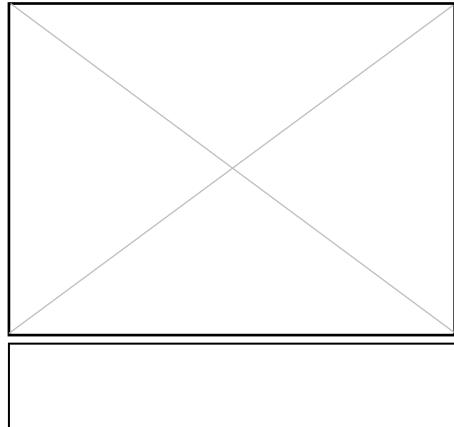
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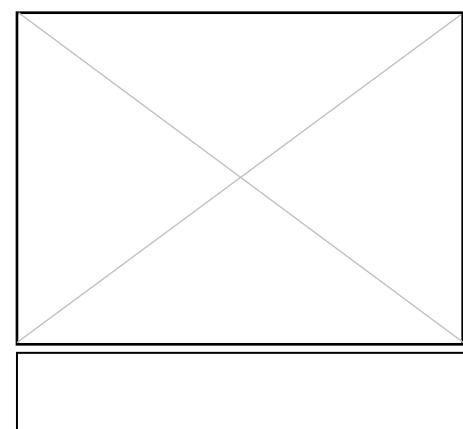
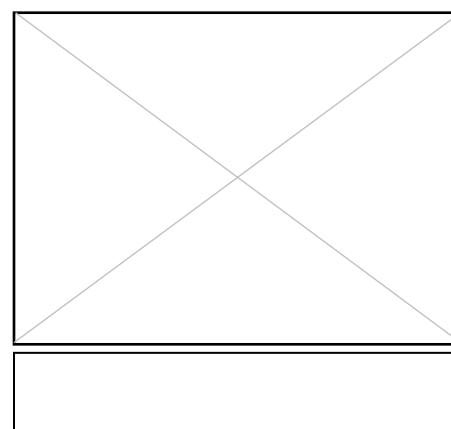
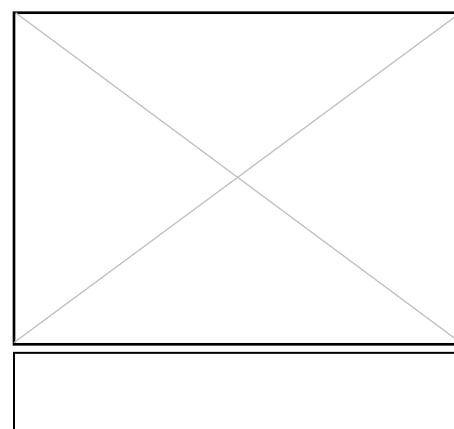
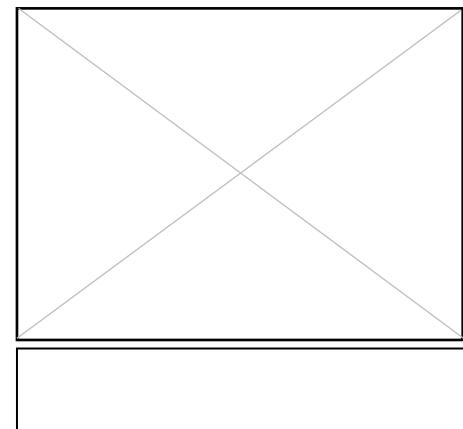
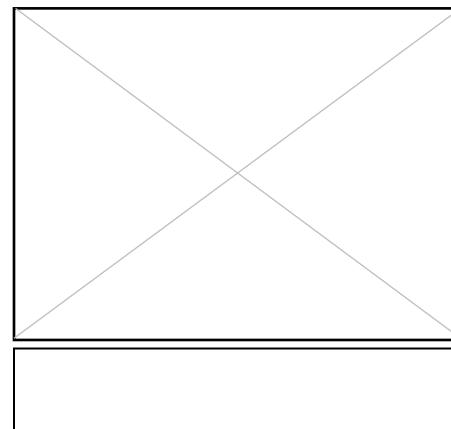
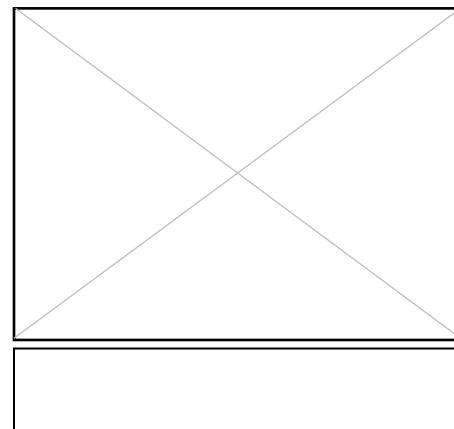
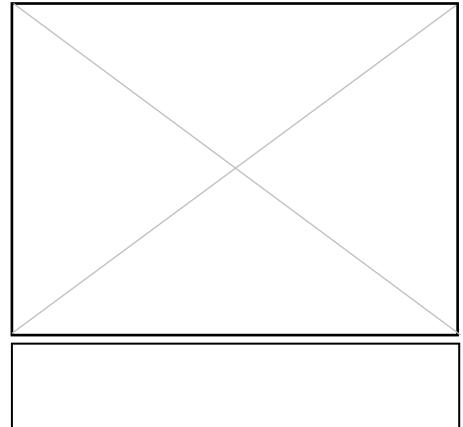
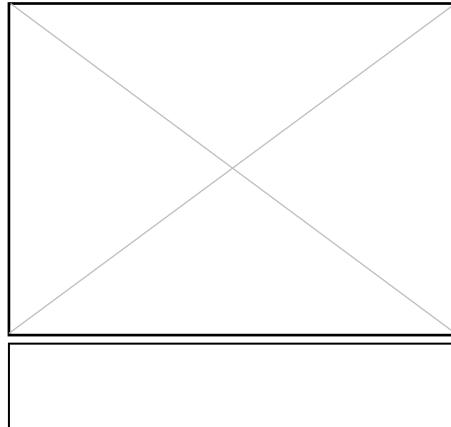
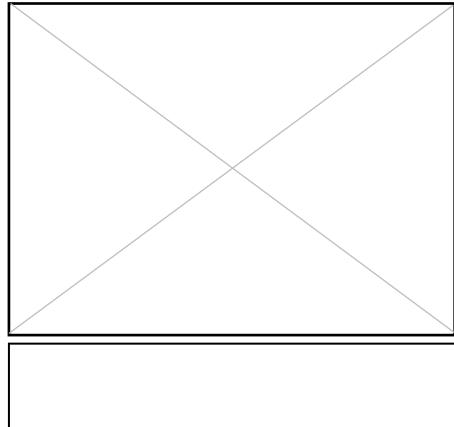
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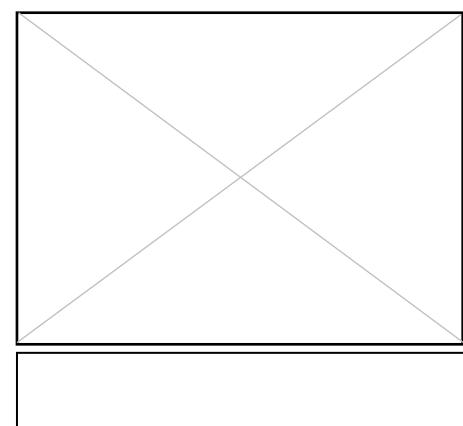
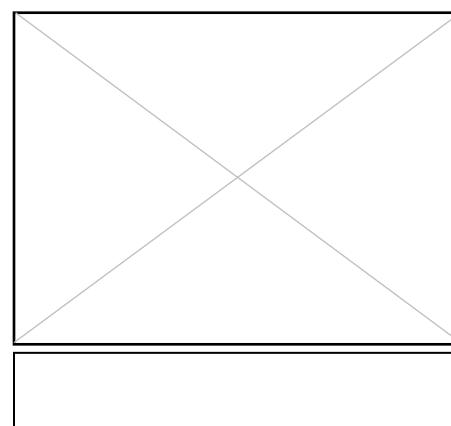
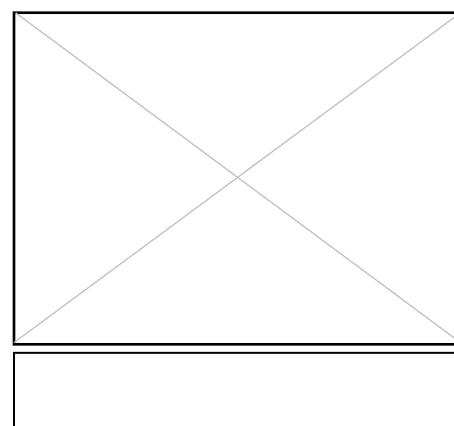
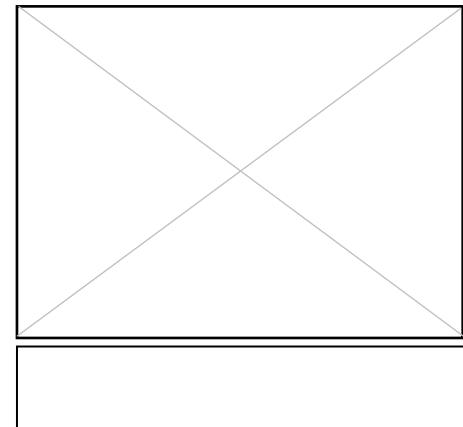
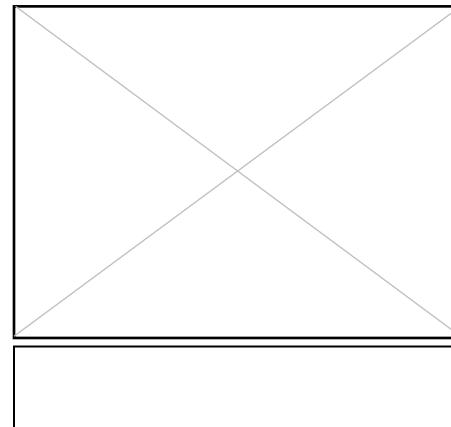
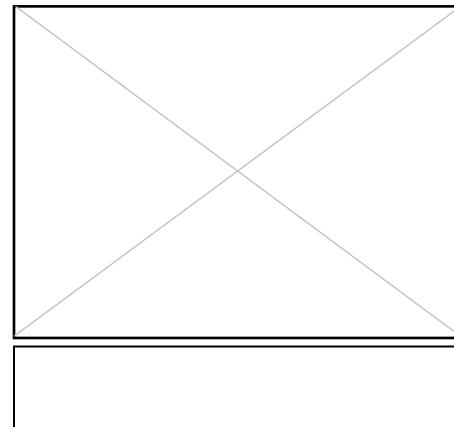
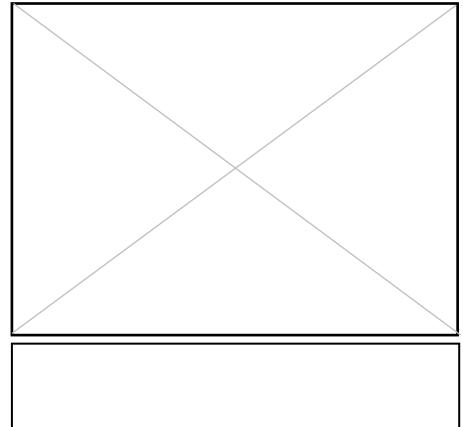
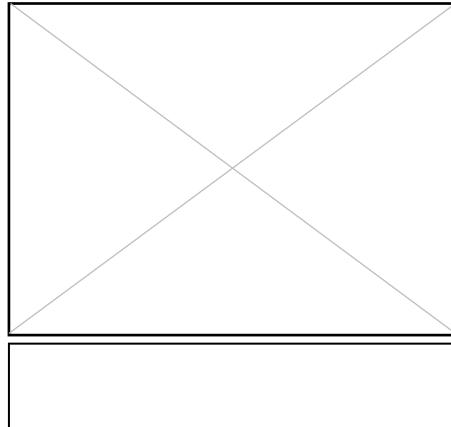
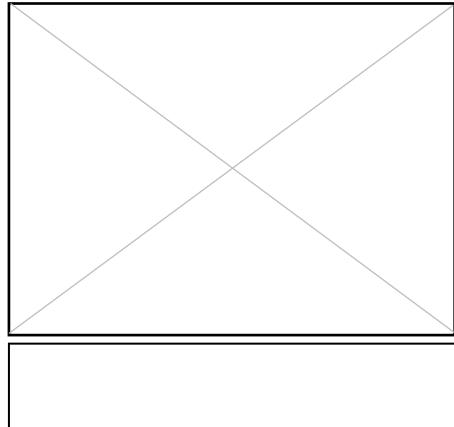
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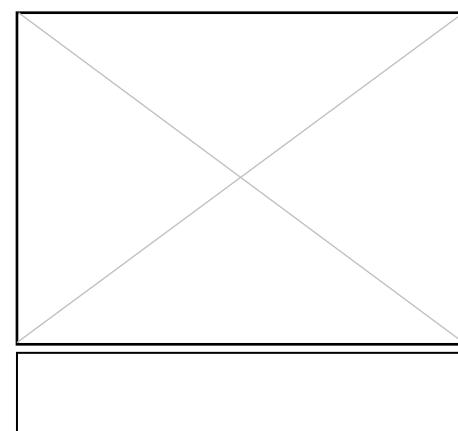
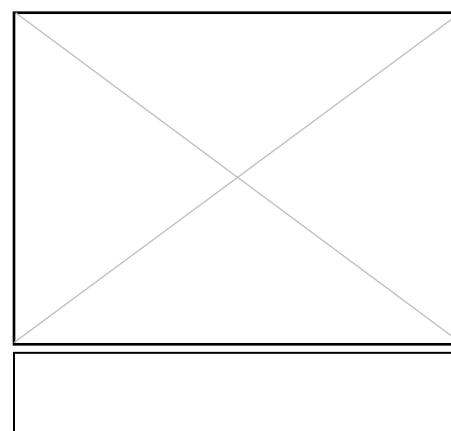
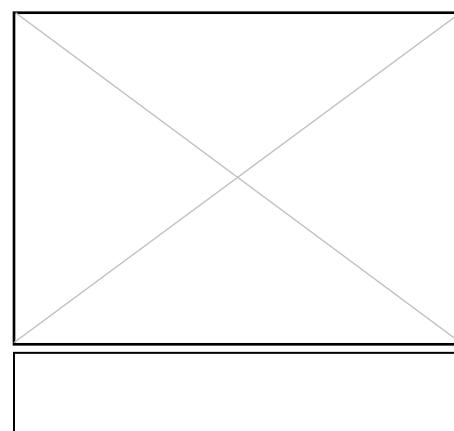
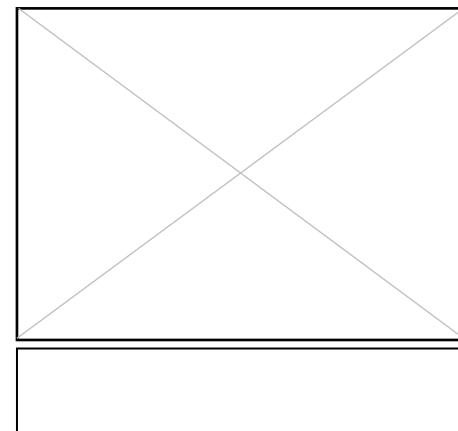
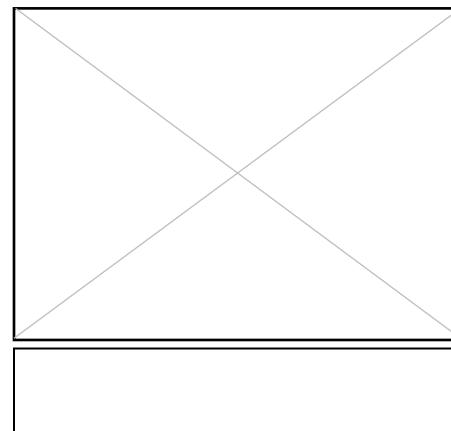
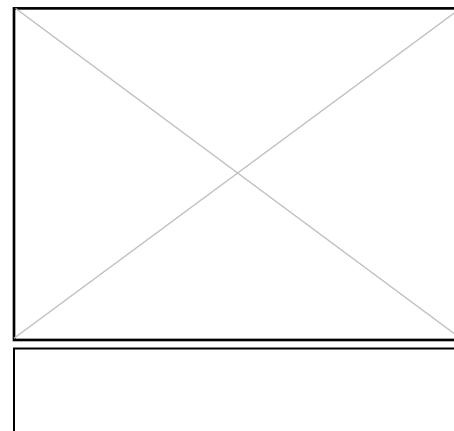
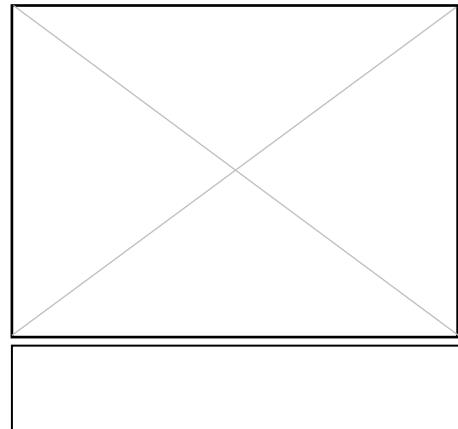
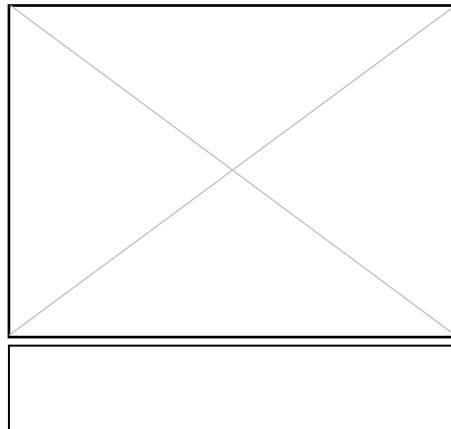
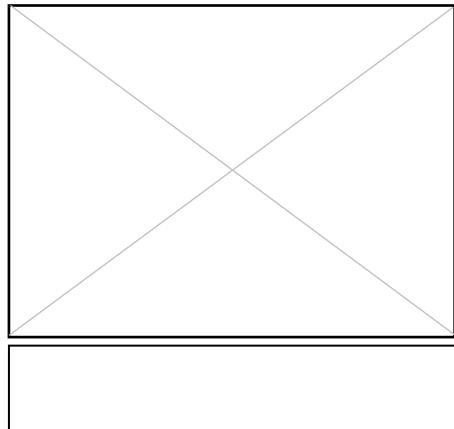


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3. WORK INSPECTED:			
INITIAL ITEMS BELOW IN APPLICABLE COLUMN. A 'YES' RESPONSE REQUIRES COMMENT.			
ITEM	YES	NO	
4. UNSATISFACTORY WORK NOTED			
5. CONTRACTORS RESPOND TO NOTICE OF UNSATISFACTORY WORK			
6. EVENTS ADVERSELY AFFECTING WORK			
7. WORK ADVERSELY AFFECTED BY WEATHER			
8. VISITORS			
9. SAFETY COMMENTS			
10. DOCUMENTS RECEIVED, TRANSMITTED			
11. IMPORTANT CONVERSATIONS			
COMMENTS:			
SIGNATURE OF Q. A.	DATE	REVIEWED BY:	REVIEWER'S COMMENT:
			YES NO

Q. A. DAILY SURVEILLANCE REPORT – PHOTOS (Contract Work)		DATE	REPORT NUMBER
PROJECT:	Building Number:	CONTRACT NUMBER	





Noise measurement report

Date: 6/23/22, 9:56 AM

Operator:

Place:

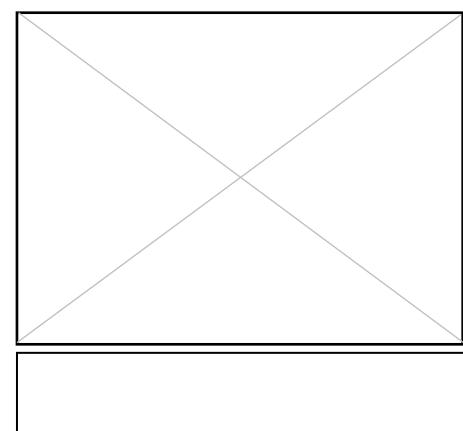
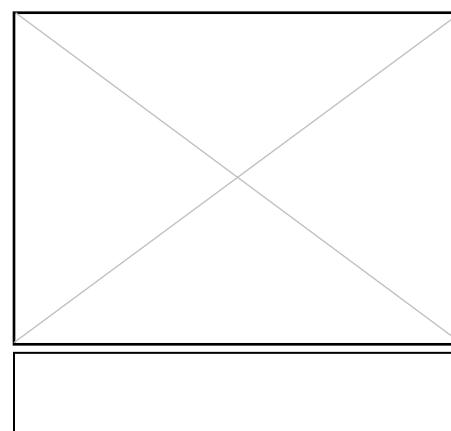
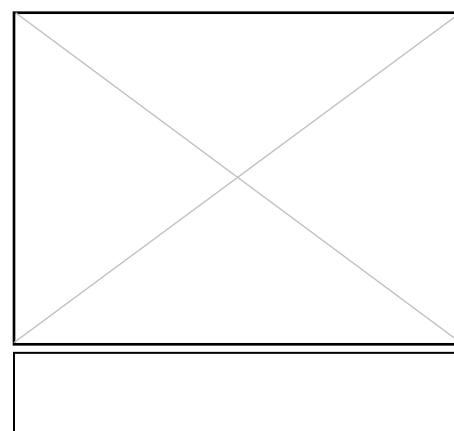
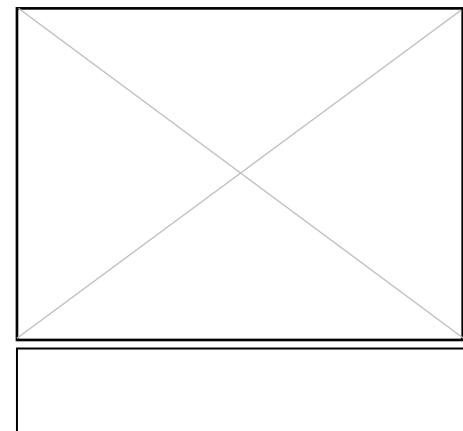
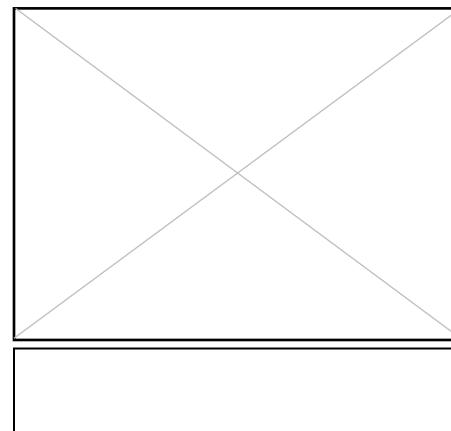
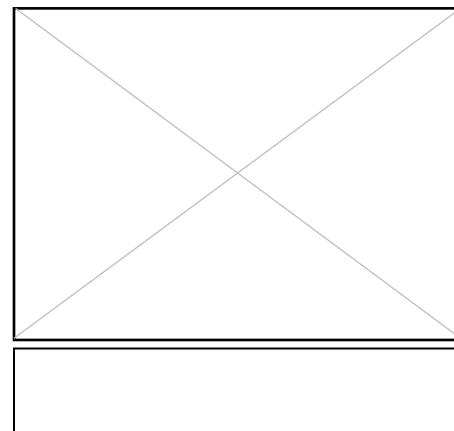
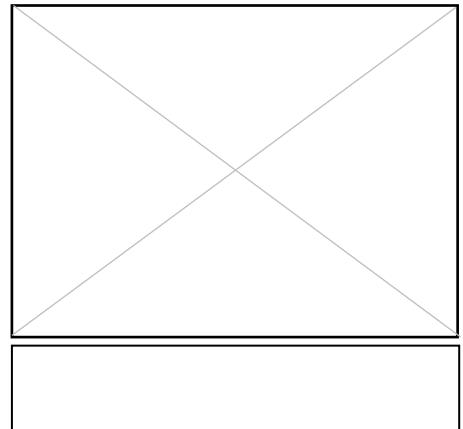
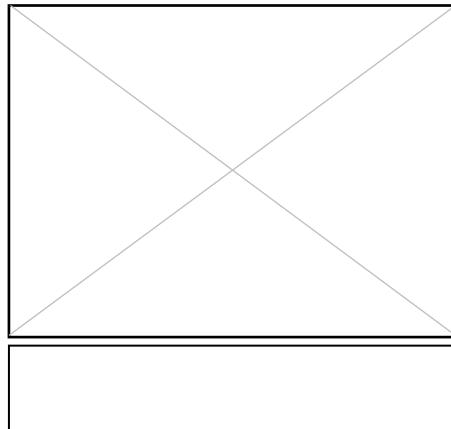
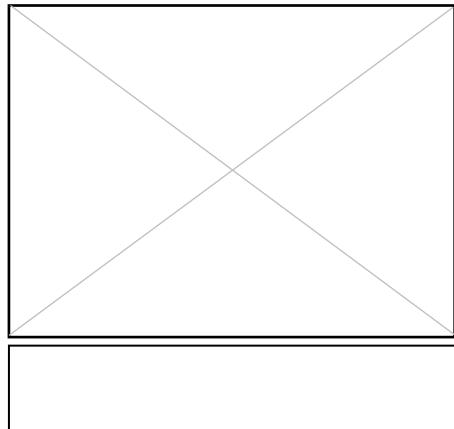
Measurement results

Measurement time (hh:mm:ss)	00:00:14
LAeq	90.4 dB
Max. level	93.1 dB
LCpeak	105.0 dB
TWA	57.6 dB
Dose	0.2 %
Projected dose	367.1 %

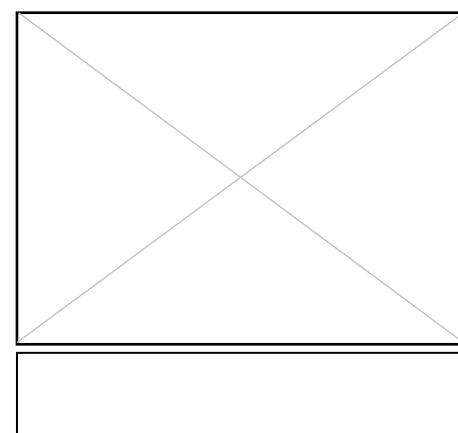
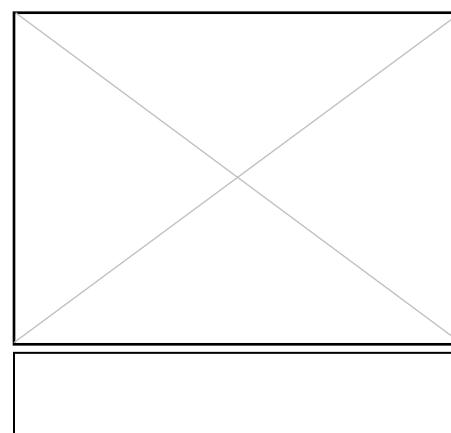
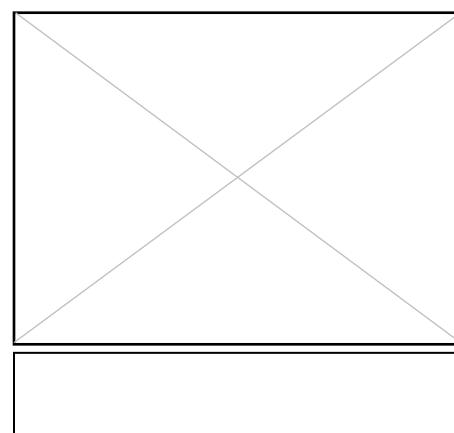
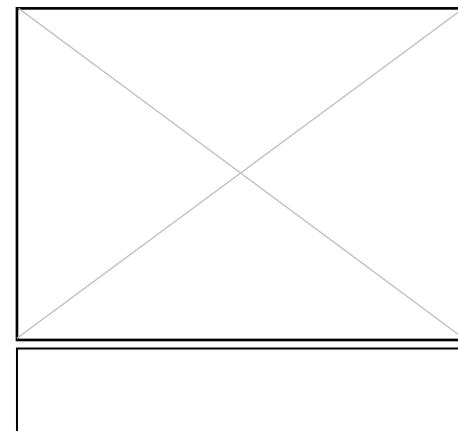
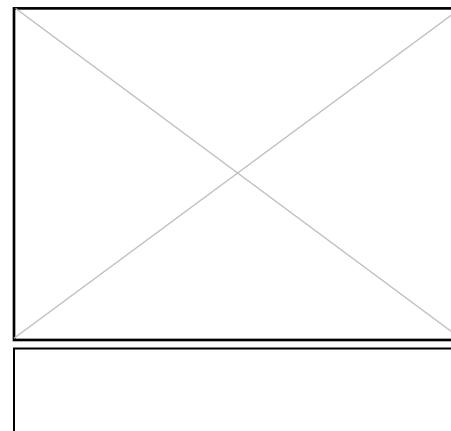
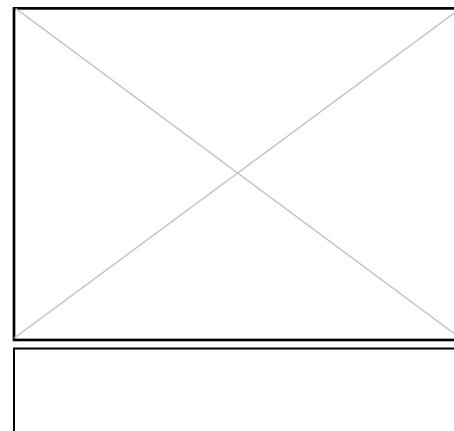
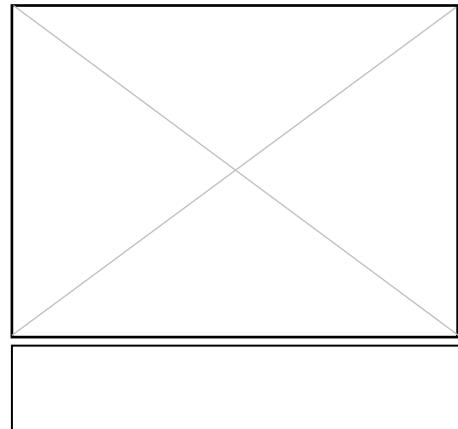
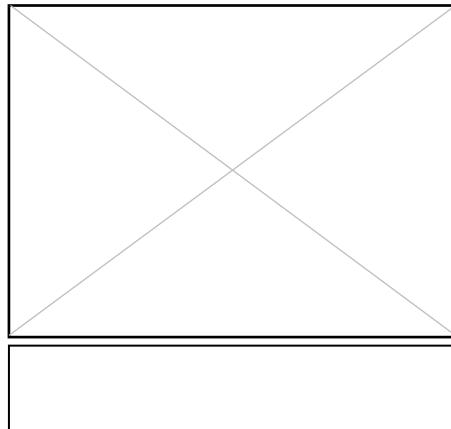
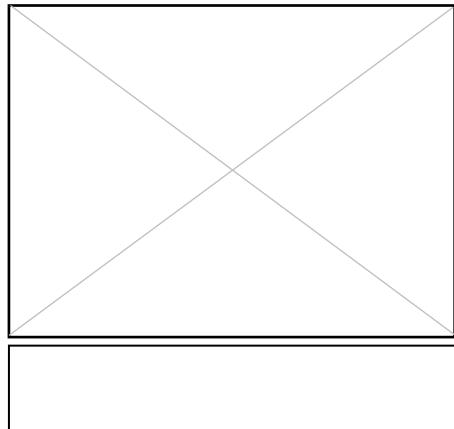
Notes

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PROJECT: Building Number:		CONTRACT NUMBER	
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TIME:	WORK FORCE:		
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7. WORK ADVERSELY AFFECTED BY WEATHER			
8. VISITORS			
9. SAFETY COMMENTS			
10. DOCUMENTS RECEIVED, TRANSMITTED			
11. IMPORTANT CONVERSATIONS			
COMMENTS:			
SIGNATURE OF Q. A.	DATE	REVIEWED BY:	REVIEWER'S COMMENT:
			YES NO

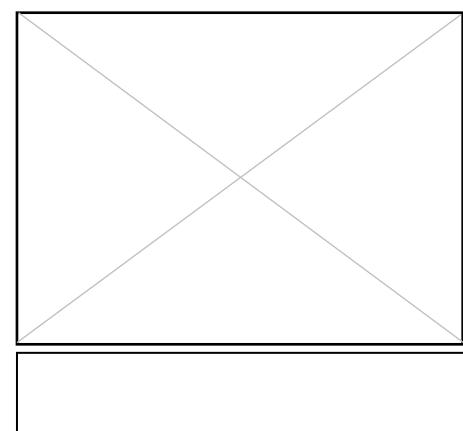
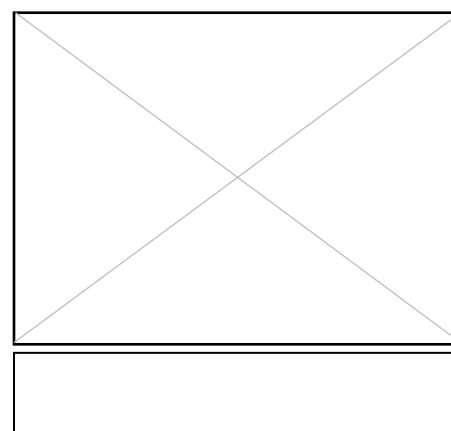
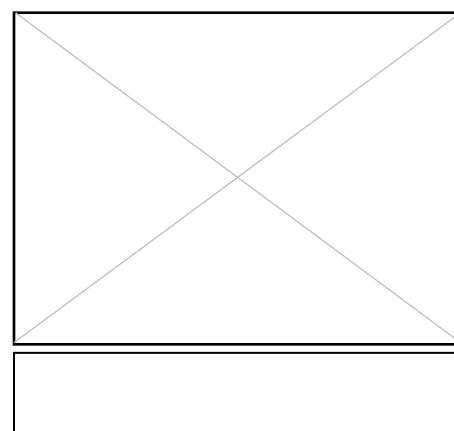
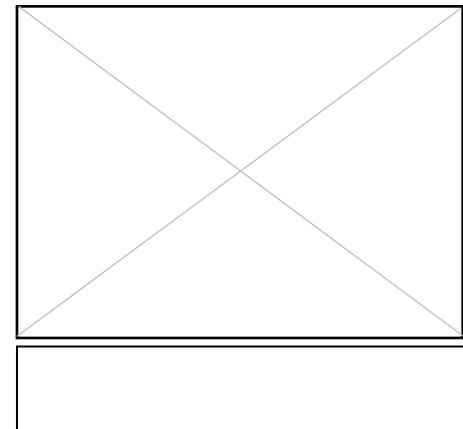
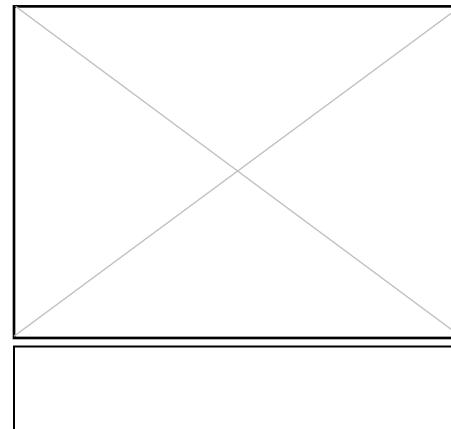
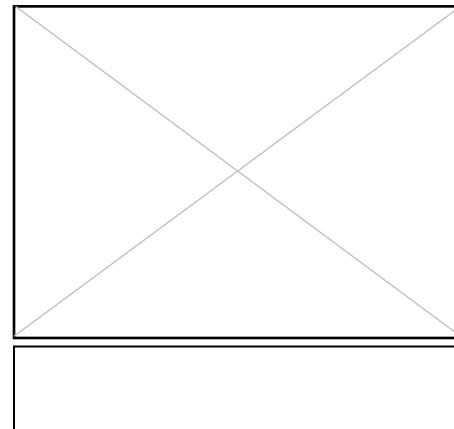
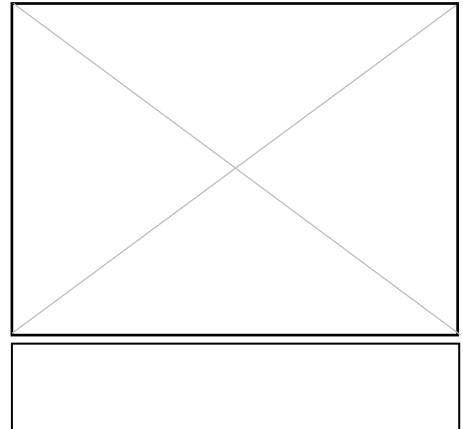
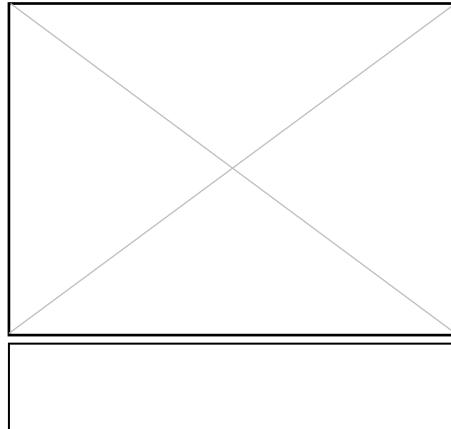
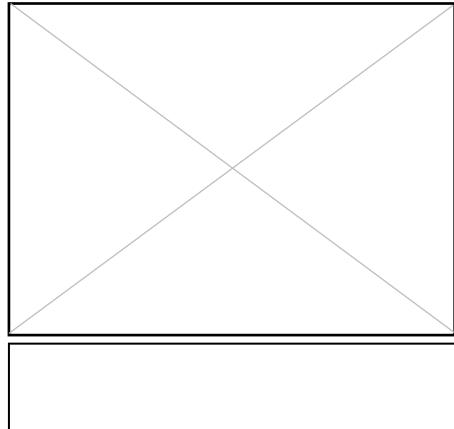
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PROJECT:	Building Number:	CONTRACT NUMBER	



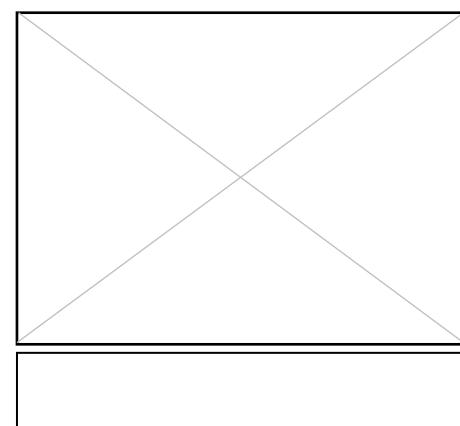
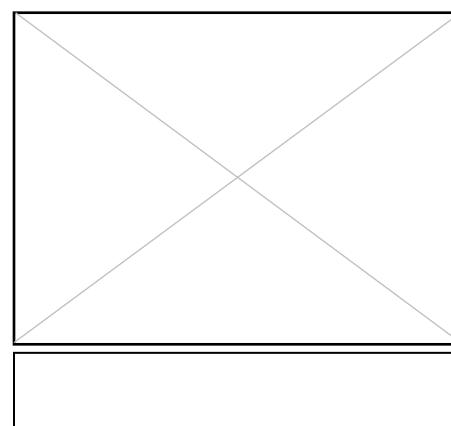
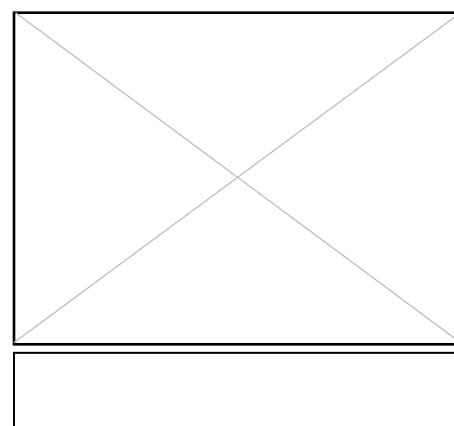
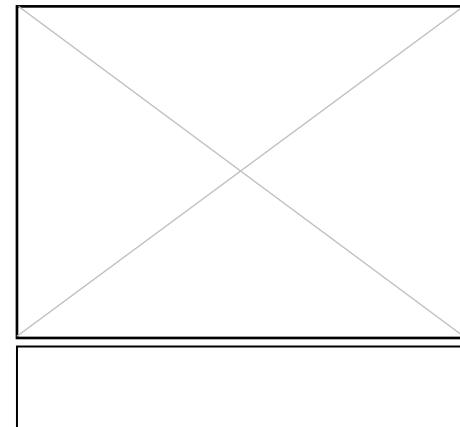
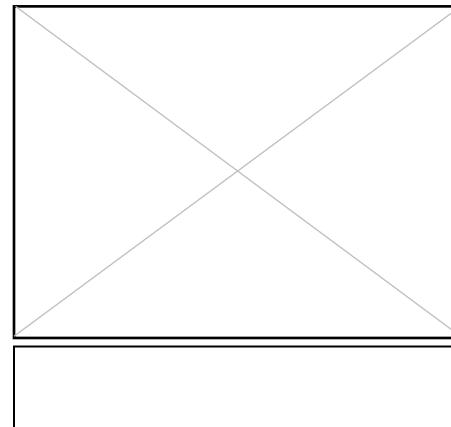
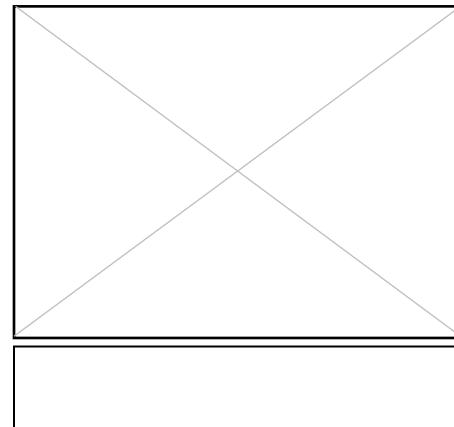
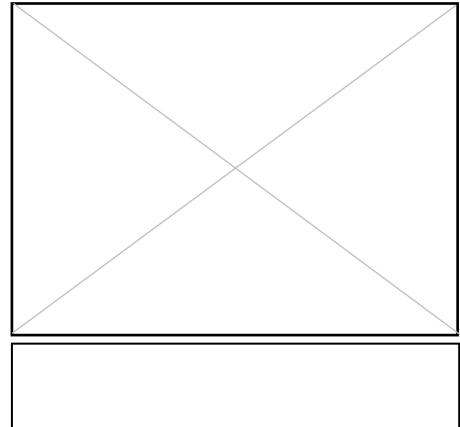
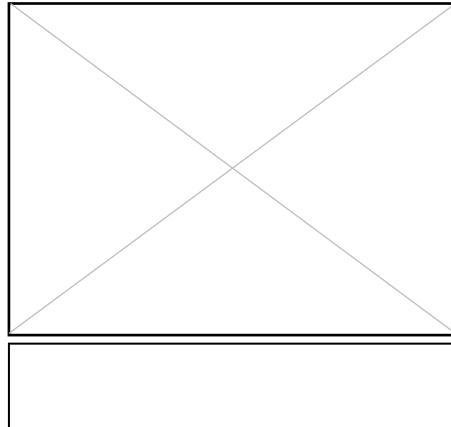
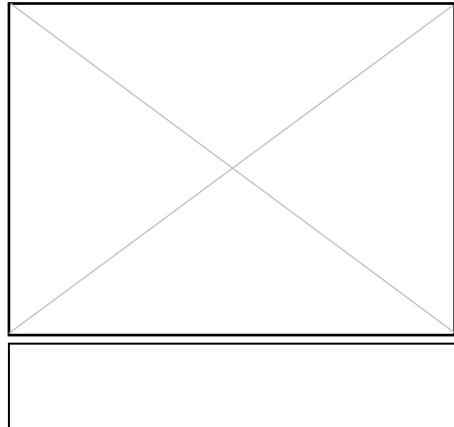
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PROJECT:	CONTRACT NUMBER	



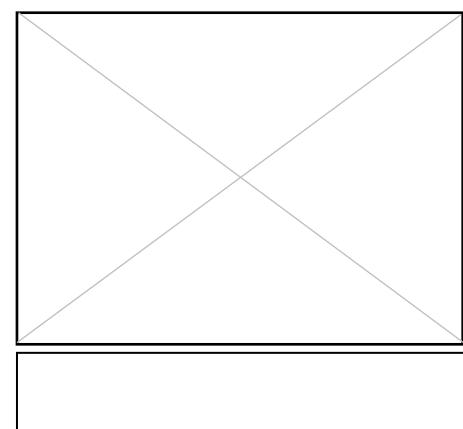
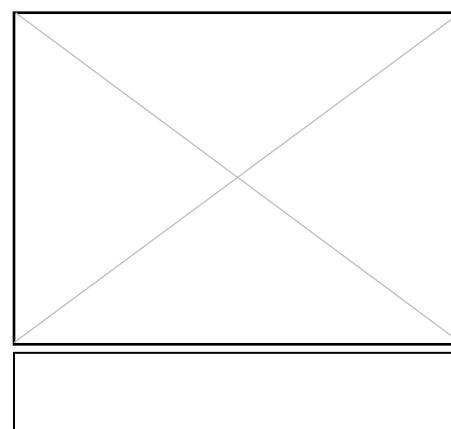
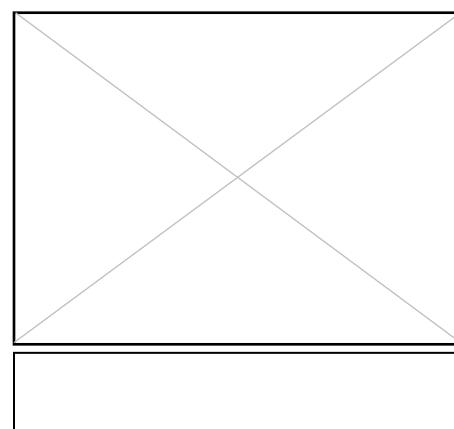
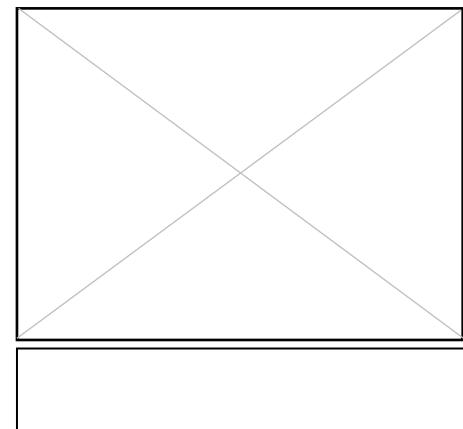
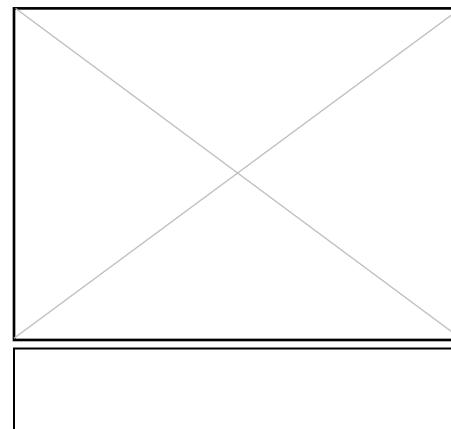
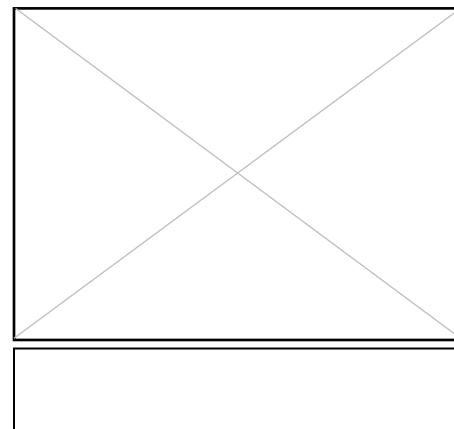
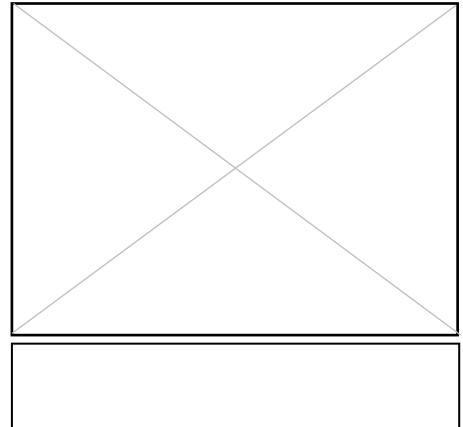
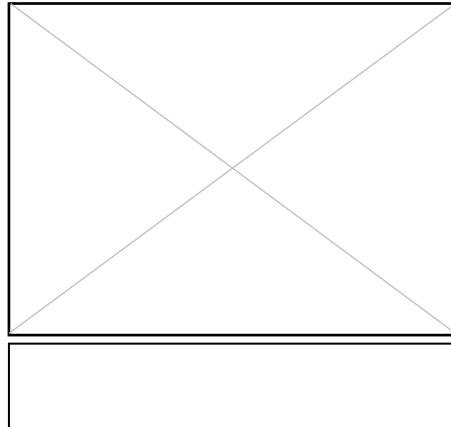
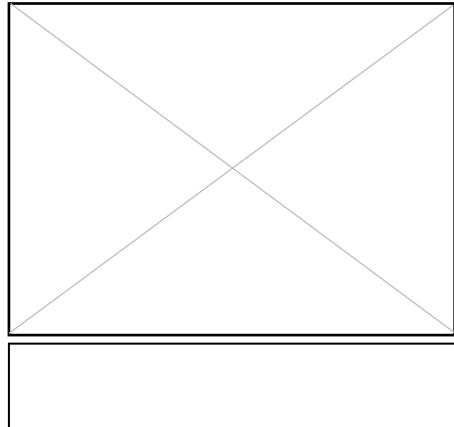
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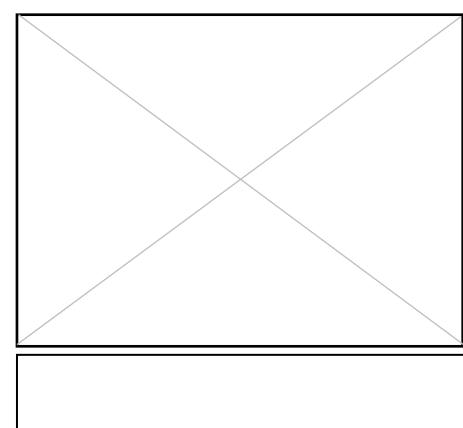
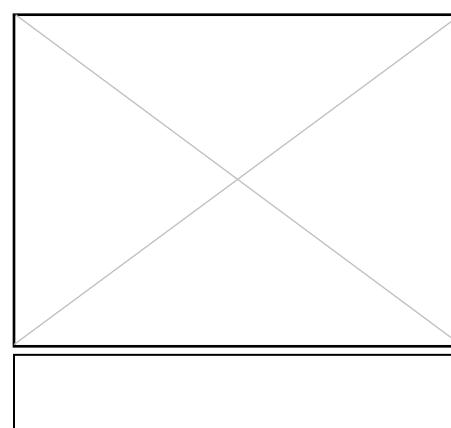
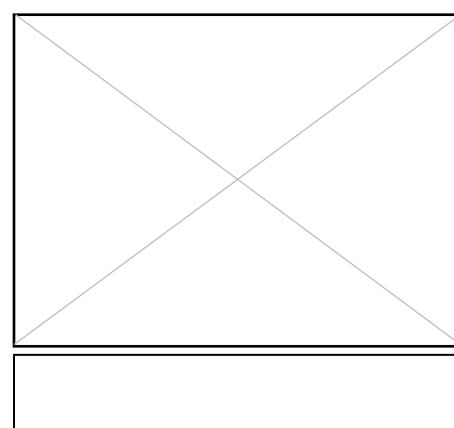
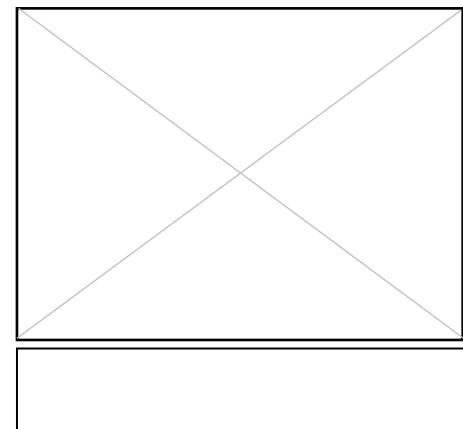
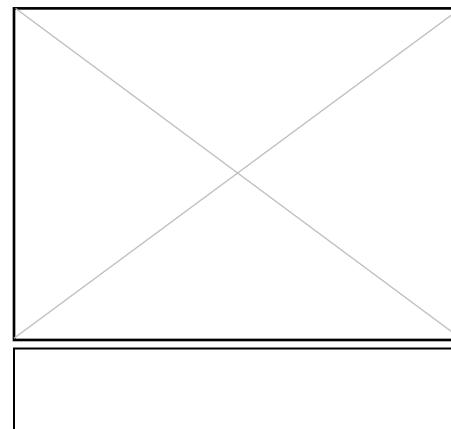
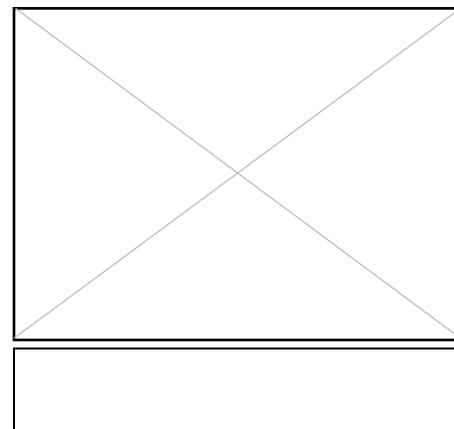
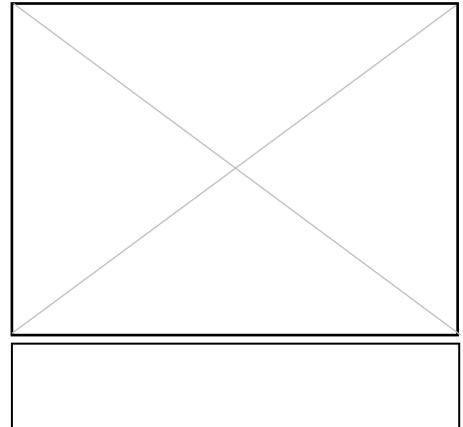
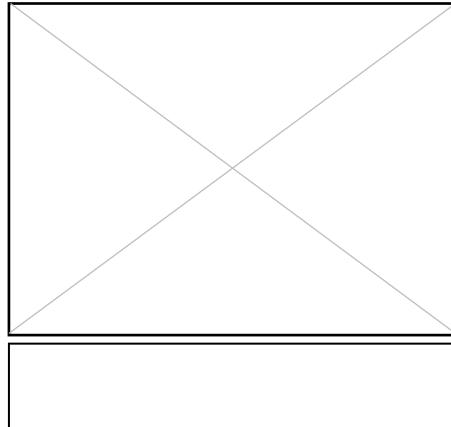
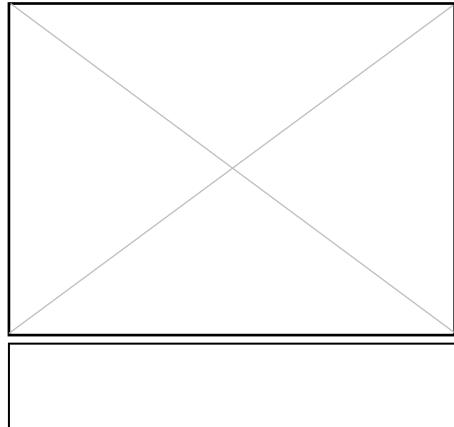
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ard of Certified Safety Profession

upon the recommendation of the Board of Certified Safety Professionals,
by virtue of the authority vested in it, has conferred on

Sherman Shelby Startz Jr.

the credential of

Safety Management Specialist

and has granted the title as evidence of meeting the qualifications and passing
the required examination so long as this credential is not suspended or revoked
and is renewed annually and meets all recertification requirements.

Leslie Stockel

President

Misty Uden

Secretary



February 2, 2018

Date Issued

SMS-963

Credential Number

The digital badge is the official documentation of the certificate.



BCSP | BOARD OF CERTIFIED SAFETY PROFESSIONALS

Having met the applicable requirements, BCSP hereby
authorizes the use of

Safety Management Specialist (SMS)
to
Sherman Shelby Startz Jr.

Effective
02/02/2018

Certificate
SMS-963

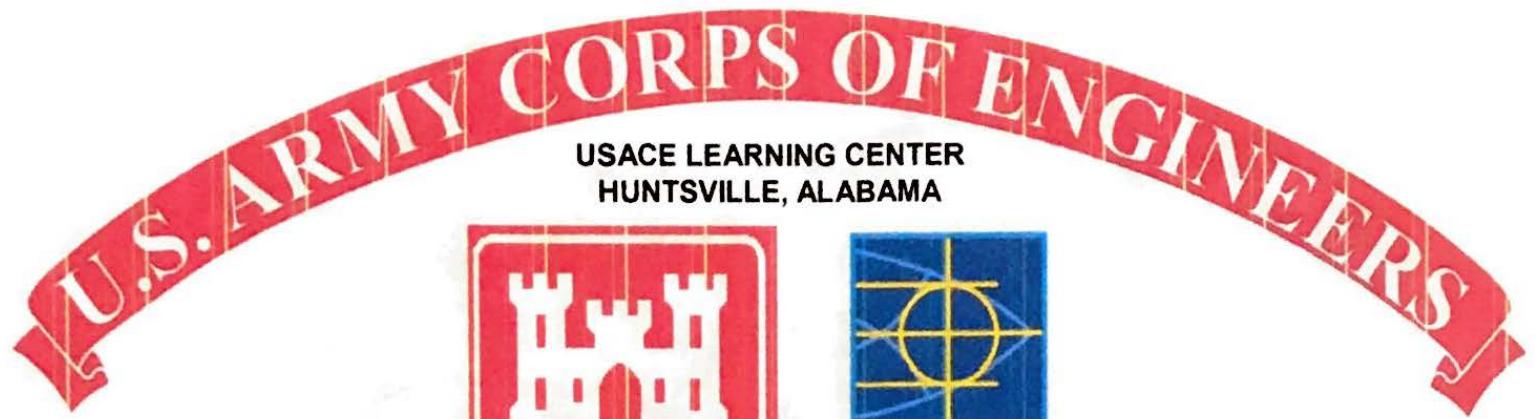
Expires
12/31/2023


Christy Uden
SECRETARY

To verify current status, visit directory.bcsp.org.



BCSP sets and certifies technical competency criteria for safety, health, and environmental practitioners worldwide; enhancing careers, advancing the profession, protecting the public.



CERTIFICATE

S. Shelby Startz
POA-14-19-53808

has completed the Corps of Engineers and Naval Facility Engineering Command Training Course

CONSTRUCTION QUALITY MANAGEMENT FOR CONTRACTORS - #784

Anchorage, Alaska	7-8 February 2019	POA - Alaska District
Location	Training Date(s)	Instructional District/ NAVFAC
Tuan Q. Lai	Tuan.Q.Lai@USACE.Army.mil	907-753-5500
Facilitator/Instructor	Email	Telephone

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AMES.1260618527
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ou=USA, cn=LIVERS CHARLES JAMES 1260618527

CQM-C Manager

Facilitator/Instructor Signature

Gary & Andrew
Director, USACE Learning Center

THIS CERTIFICATE EXPIRES FIVE YEARS FROM DATE OF ISSUE

shelbystartz@outlook.com

From: Sherman Startz
Sent: Monday, September 20, 2021 5:36 PM
To: Thornton, Thomas Mark CIV USARMY CEPOA (USA)
Cc: John.D.Hammett@usace.army.mil
Subject: My contact information

Hello; While I told you I was handling this and it was moving finally a bit, it is far from compliant.

This is just another example of working with incompetence; Jeremy Jones does not understand why a SSHO can not nor should not work for the PM. His safety culture maturity is lacking as is PCL and PMI; there is just nothing there. You know I asked for 4 fire extinguishers and 5 extra pair of Safety Glasses in case someone asked this 41 year seasoned safety person for a pair and I got 2 fire extinguishers and a lecture how "Me!" wont let us buy anything for the Subs. That's from the leadership of PMI.

Early on while working in the office at PCI I was questioning the LOTO on this job. During the demolition of 3706 and 3708 I was asking to see an example of a permit, Fullfords or Ours in use on the Panel Boxes / Breaker Boxes – at no point is anything being done right.

The problem was allowed to get worse and by the time I got on board there were 8 buildings now being done without any LOTO – no tags, no Permit – nothing.

I demanded this start being done right and yet another 2 buildings were gotten in too for demolition; 3446 and 3442.

I continued to express concern to Jeremy who kept saying it is handled and yet it is not, and I was telling him.

After realizing how his intentions were to dictate my role rather than let me be the SSHO, I realized it would not work working for him as an SSHO and told him I wanted to decline the acceptance and do my old job CQCSM; I would not be able to do SSHO with his attitude towards safety and his dictation of my duties and unless we could find a better working organizational line up I would not accept this role; Dennis Parker (who is not qualified and should not be approved) whom I was told was another choice for the position. Instead Jeremy Fired me.

There are still open concerns for improper LOTO in the buildings. There has been some improvements in isolating / placing barriers in hot boxes that were previously not protected and left hot; but there is still not marking of the Breaker Boxes in buildings that are under construction and occupied by the public with no suitable barrier to keep soldiers out.

I have seen some improvement but not to a compliant point. I should have just shut them down – the idiot who fired me does not even understand the violation of a LIFE SAVING RULE and the "knowing and willful misconduct" associated with this or the gross repeated violation that speaks loudly to Neglect. This issue started with AMERICAN HEALTH and SAFETY accepting this non-compliance and allowing it to grow – that mess and what was allowed there is a completely different issue. I strongly feel this is a project everything should have been done to 150% and at best you have a 50% APP, no org chart..... It is pretty poor.

The real concern is the Non- Compliant LOTO. This is an area of Safety of this project that should be rock solid; especially with an occupied by the public.

I hate this has ended like this. There really should be something that protects the SSHO from this sort of behavior.

Respectfully

From: Sherman Startz
Sent: Tuesday, September 21, 2021 8:55 AM
To: Thornton, Thomas Mark CIV USARMY CEPOA (USA); John.D.Hammett@usace.army.mil; David.Prado@usace.army.mil
Cc: POA.ExecutiveOffice@usace.army.mil
Subject: FTW 435 Revitalize Barracks Safety Concerns

On FTW 435 -- areas of open concern.

The Hazard Communication program is non-existent. There is a throw down binder of SDS but it is not job specific and does not meet COE or OSHA standards.

No emergency action plan posting.

No 300 on site or first aid log.

No Traffic Control plan for the worst spot anyone could have chosen for an office.

Most alarming is the LOTO is not being followed at all. I addressed it directly on day 1 with the Competent Person from Fullford Electric; day 2 and day 3. On the beginning of the second full week on the job I demanded Jeremy get involved and he did; but nothing moved after that. I kept telling him day after day nothing is happening and he even told me to just go complete the paperwork myself. I was shocked at his lack of understanding. Then at last weeks meeting hearing the dissertation of Safety Items deficient and knowing he is not supporting me like I needed and in-fact was directing me wrong, I decided enough for me here. This is a very unsettling situation with the construction being open to soldiers and no real barrier to prevent entry into the work site; LOTO needs to be solid on every level including hanging the permit at the box while work is underway; start to finish.

The poorly written APP is lacking an org chart (a critical element that avoids this situation) and was signed off by a CHST OHST. This credentialing does not meet the COE criteria for an approver.

After 2 weeks of filling in for the SSHO, and realizing how much this project was disconnected and seeing how Jeremy was tying my hands, debating what the safety should look like and how it is to be delivered on the job I chose to not take the role; wanting to go back to the position I was hired; CQCSM; requesting the same in an email sent to Jeremy 9-20-2021 in the early morning hours, I instead was fired on the evening of 9-20-2021.

The COE has sent in inspector to check the safety on this job, and the programs I am speaking of "passed" only because a genuine examination of work products was not reviewed (it could not have been because it is not there); especially like an agent or plaintiff attorney would look at it. Just poor work on so many level and it is happening all over. Not genuine safety but smoke and mirrors. I am sure there are some that still take it seriously but this early stage "Prime Contractor" and so many like them do not.

Jeremy Jones will act as if this was about me and respect, when the truth is seeing the conditions of the SMS on the project, and knowing full well he watched this non-compliance and allowed it to get the shape it was in; seeing he "he out smarted the COE" by adding himself as ALT SSHO so the project could be staffed by anyone American Health and Safety could find, and worse the project going week after week with no SSHO; I did loose respect for him. Jeremy Jones interpretation of safety compliance is complicit, negligent and he should not be accepted as even interim SSHO. His motivation is too bottom line influenced; which for a PM is normal but not an SSHO.

Further, Dennis Parker is not an SSHO by no stretch of the imagination and should not be approved.

For a program intended to improve quality of life for soldiers ; the lack of safety oversight on this project is shameful as it relates to COE standards. This project is happening in occupied buildings and there have already been problems with soldiers entering these areas at night and cutting up. Unfortunately, with the evolutions Safety has taken as a result of COVID and restrictions; a time when a true and ethical person should step up their game, knowing they are their oversight, safety is being compromised all over. Process and procedures intended to prevent are not being followed, the system is diluted, it is happening within your organization and the contractors. People are taking advantage.

I could have fixed it if allowed to work freely without an incompetent dictator holding me back. Nevertheless, this will likely result in yet two more potential employers for me in the Fairbanks area, PCL and Fullford Electric. As much as I would like to stay in this area and arena I may not be able to find an employer of job.

Respectfully
S. Shelby Startz; SMS

Certificate Of Service

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

Following is the list of the Parties in the case:

Name & Address	Documents	Method of Service
MSPB: Western Regional Office	SUMMARY and FINAL EVIDENCE PART III	e-Appeal / e-Mail
Charles Eiser Agency Representative	SUMMARY and FINAL EVIDENCE PART III	e-Appeal / e-Mail
Pacific Region Agency Representative	SUMMARY and FINAL EVIDENCE PART III	e-Appeal / e-Mail