

SHERMAN S. STARTZ v. DEPARTMENT OF THE ARMY

Docket # SF-315H-22-0532-I-1

Petition for Review

Summary Page

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

**Docket Number :** SF-315H-22-0532-I-1

**Pleading Title :** Petition for Review

**Filer's Name :** Sherman S. Startz

**Filer's Pleading Role :** Appellant

**Details about the supporting documentation**

N/A

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Petition for Review

Online Interview

1. The Finality Date for your decision is 10/14/2022. This date has passed; Do you know when you received a copy of the initial decision?

No

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2. Your petition for review is untimely.

The Board will consider the merits of your petition only if you establish good cause for the untimely filing.

To establish good cause, you must show that you exercised due diligence or ordinary prudence under the particular circumstances of the case.

To determine whether you have shown good cause, the Board will consider the length of the delay, the reasonableness of your excuse and showing of due diligence, whether you are proceeding without a representative, and whether you have presented evidence of the existence of circumstances beyond your control that affected your ability to comply with the time limits, or of unavoidable casualty or misfortune which similarly shows a causal relationship to your inability to timely file the petition.

If you are claiming that your health has affected your ability to meet filing deadlines, you must show that you suffered from an illness or injury that affected your ability to file on time. If you are making such a claim, you must:

1. Identify the time period during which you suffered from the illness or injury
2. If available, submit medical or other evidence showing that you suffered from the illness or injury during the time since the initial decision was issued; and
3. Explain how the illness injury prevented you from filing your document on time or requesting an extension of time.

Describe the facts and circumstances related to the untimely filing, and your arguments as to why the Board should find good cause.

I was unsure of the dates or even the steps I need to follow. I do not have an attorney. I was told in writing I did not have a case or something along this line, and ultimately all I was really interested in is stopping the theft that is taking place by DPW against the Department of Army. I was exposing this and ultimately some very bad characters which lead to the systematic retaliation against me by David Zrna (one of the thieves) and the Primary JOC Contracting company employees Ben Plumely which all lead to me being terminated unjustly. Then I received an email Survey from MSPB and it is asking me about my experience and it asked what the case was about. I said MSPB issues, but the questions of

EEOC and Whistleblower were also on the questions. At the end of the day, the rules may simple be that I am not protected and it is what is is but the truth is the theft needs to stop. The entire "theft operation" is about to evolve to the next generation with the same Native Corporation presenting themselves as a new company and get re-aligned as a JOC provided ; ALEUT FEDERAL to PATRICK CONSTRUCTORS -- same company and characters but new name. I know this because I worked for PATRICK CONSTRUCTORS and was fired by them when I exposed wrong doing on that DoD Contract on Fort Wainwright. This is all negative and I certainly do not want to be the one to draw negative attention or imply any vulnerability towards Fort Wainwright and especially Colonel Surrey and Sgt Morrelo; they are such fine leaders and so dedicated to the betterment of the troops. I just have not known how to address any of this and honestly never expected this type of treatment as a government employee; it just blows my mind. I really wish someone would at least ask me what is going on. The Government is being charged from a rate schedule submitted -- submittals on items meeting specifications and ultimately inferior products are used. The offset funds are shared within DPW -- this is very real theft.

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3. Do you declare, under the penalty of perjury, that the facts asserted regarding the timeliness of the Petition For Review are true and correct?

Yes

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

Enter Online

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5. Do you want to enter the text in a free form manner or through a guided interview?

Guided

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6. Have you been denied any procedures during your appeal to the MSPB to which you believe you were entitled? Examples of procedures include holding a hearing, submitting evidence, and calling witnesses.

Yes

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7. What procedures were denied and why do you believe you were entitled to them? Did you raise this matter with the judge? Please describe how not having this procedure has harmed you.

I have never been sure of the role I needed to take and time line as a PRO Se.

I recieved a Survey asking me to comment on the experience when I began to realize I may not be presenting my case properly and wanted all aspects considered

MSPB

EEO

Whistle Blower and SO on

This is retaliation associated with THEFT / FRAUD and it needs to stop. People -- Government Managers cant fire people because they are discovering their theft -- thats not right

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8. Do you have any documents or evidence that are important to your appeal that were not filed with the judge before the record closed? If so, you should attach these documents and evidence. (You will be given an opportunity to upload any evidence that you have in electronic form. If you have paper documents you will be given the opportunity to submit them by mail, fax or by personal or commercial delivery)

No

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9. Did the initial or addendum decision incorrectly decide any important facts or fail to consider any important facts that were presented to the judge?

Yes

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10. Describe what important facts were incorrectly decided or were not considered. Explain why that should change the result in your case.

The judge was not made aware of the extent of the theft and how this all related to my unusual and less than acceptable treatment according to the Merit System Principles afforded to all; regardless of time and probationary period and how all of this treatment relates back to the theft which is so important to cover up and the same theft EVERYONE involved knew I would discover (which I did) and ultimately expose (which I am trying to do).

If someone would just ask me and take the time to look -- I could be all wrong, but I really do not think so.

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11. Did the initial or addendum decision apply the wrong law or apply the law incorrectly?

Yes

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12. What law should be applied and how? For example, did the decision fail to properly consider a specific law or regulation or another case that has been decided by a court or by the board? Your explanation should refer to a law, regulation or case. Explain how application of the right law should change the result in your case.

It certainly seems like that;

- 1) You cant retaliate against people because your afraid they will upset your theft operation.
- 2) You cant just steal from the Government and get away with it.
- 3) Seems to me like this is a Federal Employee (DAVID ZRNA) working with and in tandem with Ben Plumely of ALEUT FEDERAL in an effort to get me out of the construction arena and out of my position as a Contract Controls Inspector -- seems like this is a VIOLATION OF CIVIL RIGHTS
- 4) David ZRNA treatment towards me was abusive in nature (be it passive or not) and ultimately appears to have had malice attached to it towards me -- all the way and up to my termination. which was extremely retaliatory and unnecessary

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13. Are there other reasons why the initial or addendum decision was wrong?

Yes

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14. What are those reasons?

This may be the wrong forum for this matter -- I am not an expert -- I am not a problem employee but this cannot be allowed to happen.

1) Firing a person because they are doing there job -- everything I did was within the bounds of my Job Description and I did it very well.

2) The fact I could have been assigned to any contractor working for DPW but was only assigned to ALEUT FEDERAL

a) After I had revealed to David ZRNA my history with PATRICK CONSTRUCTOR (AN ALEUT FEDERAL company) and asked not to be assigned to any ALEUT Project Please.

b) After experienceing great work place stress, and anxiety (PTSD) associated and reached out to the Employee Assistace Professiona, Micheal Patton for adives and suggestions to dealing with this stress and work place concerns.

c) After I met with DAVID ZRNA and TROY STONEKING express ing my stress and concerns about ALEUT and how my anxiety was really woring on me and to please NOT assign me to ALEUT FEDERAL Projects , he still; only assinged me to them -- like I was targeted and set up to fail. Knowing full well any Construction Control Inspector alive would see the poor work being performed, and the iggegual and non comlliant materials being used. Thats why I was not acceptable -- I was actually doing my job unlike my peirs; the same individuals DAVID ZRNA was rewarding for such poor work, all the while those fools never realized if this scamm is discovered it all falls into their lap, they are the layer intended to preevent this

d) Having reviewed the MSPB and PPP's program offered he Army, It really seemed to me this was clearly a MSPB issue with peripheral EEO and Civil Rights issues along with Fraud / Whistle Blower issues -- maybe I am wrong.

During my exit termination Matt Schaffer commented -- you knew you were over qualified and my response was "I was not complaining about that or the money. "

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15. What action (relief or remedy) do you want the Merit Systems Protection Board to order in this case? Why do you believe that you are entitled to this relief or remedy?

Stop the THEFT! It is simply wrong to steal from the government and from the funds intended to better our ARMY and Soldiers -- they already do not have enough -- stealing can not happen and the Col is so committed to his troops. It is sad to see these "Veterans" who are seasoned tenured Federal Employees do such crappy work, have no regard for today's ARMY but are so "entitled" they feel ok to steal. They feel OK to muscle out civilians who are not protected and easily fired. They feel ok forcing people like me to seek justice, all the while knowing full well the very system I hope to rely on will be the same system they are counting on to cause time, delay and ultimately protect them from being caught for the poor conduct and theft. It is sad -- the system is now being used by the Bad Guys as a tool against the good guys. The time lines, the navigation mine field of procedures all works to the thieves benefits.

I want my job or a job with the government -- I did nothing wrong and I am a good employee with integrity and good work habits and ethics.

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

Yes

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

Yes

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## **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: Office of the Clerk of the Board	Petition for Review	e-Appeal / e-Mail
Charles Eiser Agency Representative	Petition for Review	e-Appeal / e-Mail
Pacific Region Agency Representative	Petition for Review	e-Appeal / e-Mail