



# Labor Department rules TVA cooked up cause to fire nuclear whistleblower

[Jamie Satterfield](#), Knoxville News Sentinel Published 1:35 p.m. ET Jan. 3, 2020 | Updated 5:34 p.m. ET Jan. 3, 2020

The U.S. Department of Labor says the Tennessee Valley Authority fired a nuclear engineer who blew the whistle on safety concerns and lied about it.

The Labor Department is ordering TVA to give Beth Wetzel her job back and shell out more than \$200,000 in back pay, lost bonuses and benefits, compensatory damages and legal fees.

TVA said it fired Wetzel for badmouthing supervisor Erin Henderson, but the Labor Department ruled Wetzel properly raised safety concerns about the nuclear program and – when asked by a TVA attorney – gave her “honest” opinion Henderson was too inexperienced for her post and ignored safety complaints.

“(TVA’s) claim it terminated (Wetzel) because she attempted to attack Henderson’s credibility is demonstrably false,” the Labor Department order stated. “Rather, (TVA) terminated (Wetzel) because of the information she provided during (a) chilled work environment investigation, which happened to include her opinions about Henderson.”

TVA says via spokesman Scott Brooks the utility is appealing the ruling.

“TVA disagrees with (the) findings and order and has formally objected to them and requested a final hearing before a Department of Labor Administrative Law Judge,” Brooks wrote. “TVA will proceed in accordance with the rules and regulations governing a Department of Labor Administrative Law Judge proceeding.”



*TVA spokesman Jim Hopson leads a media tour of the new Unit 2 turbine floor Wednesday, Oct. 19, 2016, at the Watts Bar Nuclear Plant. Watts Bar Unit 2 already has provided consumers with more than 500 million kilowatt/hours of carbon-free energy during testing. It joins six other operating TVA nuclear units to supply more than one third of the region's generating capacity, meeting the electric needs of more than 4.5 million homes. (Photo: Paul Efird)*

## **'Candid and truthful opinion'**

Wetzel, 56, began her nuclear engineering career at the Nuclear Regulatory Commission – tasked with oversight of TVA's nuclear power plants - in 1986.

“There weren't a lot of women when I started,” she told Knox News. “There's still not a lot of women.”

TVA hired Wetzel in 2006 as a nuclear regulatory manager. Six years later, Wetzel was promoted and, according to the Labor Department order, drew praise from her boss, Vice President of Regulatory Affairs Joseph Shea, for her work performance.



*Victor McCree with the Nuclear Regulatory Commission (NRC), TVA's COO Bill McCollum, Sen. Lamar Alexander (R-Tenn.) and Bill Ostendorff of the Nuclear Regulatory Commission (NRC), from left, visit the Watts Bar nuclear plant to discuss reactor and nuclear material safety in the U.S. early Monday afternoon. Watts Bar is currently completing work on a second reactor which is the only new reactor under construction in the country. (Photo: Dan Henry / Chattanooga Times Free Press)*

Henderson came to TVA with two years of experience working in the chemistry department at a New Jersey nuclear plant and was elevated to director of regulatory affairs in less than six years at TVA. Wetzel's attorney, Alan R. Kabat, alleged she had "a remarkably fast promotion trajectory" in part because her father was a "good friend" of a TVA executive.

Shea asked Wetzel for her opinion of Henderson's suitability for the director's job shortly before Henderson was promoted.

"(Wetzel) provided her candid and truthful opinion that she did not believe Henderson had enough experience to be successful in that position," the Labor Department order stated. "Nevertheless, Henderson became the Director of Regulatory Affairs in 2016."

In the next two years, Wetzel would file a series of nuclear safety complaints with Henderson and the NRC, including violations of worker fatigue rules, as part of her job, according to the Labor Department.

"(TVA) acknowledges that (Wetzel) was vocal about these issues but advised that the issues had been or were being adequately addressed prior to (Wetzel) raising her concerns," the Labor

Department ruled. “Additionally, multiple employees confirmed that upon Henderson’s arrival the work environment became tense and there was confusion as to Henderson’s expectations.”

## **'Dream job' to termination**

Wetzel “perceived management’s efforts to address safety concerns as inadequate” and feared retaliation from Henderson, so she asked for an assignment with the Nuclear Energy Institute in Washington, D.C., in 2018, the order stated. Shea agreed.

“It was my dream job to be able to work with people in the regulatory issues I care about,” Wetzel said. “It was a great fit for me. My boss there gave me glowing reviews.”

What she didn’t know was that Henderson had filed a complaint herself – claiming Wetzel and other nuclear oversight staffers who had filed safety complaints were creating a “hostile work environment” and being insubordinate, the Labor Department ruling stated.

TVA instructed one of its in-house attorneys to investigate. The Labor Department says Wetzel and the other staffers were told the attorney was investigating a “chilled work environment” complaint – terminology used by the NRC to describe a situation in which employees are afraid to air concerns with bosses.

When the TVA attorney asked Wetzel about the “work environment” under Henderson, the Labor Department order says Wetzel responded she believed Henderson was “too young” and inexperienced for the director’s job and could be “vindictive.”

Wetzel continued her work at the NEI but was summoned back to TVA headquarters in October 2018. She thought she had been asked to return for a performance review and, based on her NEI bosses’ comments, she expected it to be a good one.

It wasn’t.

“(Shea) told me I created a hostile working environment,” she said. “It was a shock. I thought I was going to get a good performance review. Instead, they terminated me without warning.”

She was ordered to turn over her work badge that day. TVA later offered her a “no fault” separation agreement, but she refused to sign and instead filed a complaint with the Labor Department.

“I was never insubordinate but the ones they can’t control they will get them,” she said.

## **Order: TVA termination reason bogus**

The Labor Department has now ruled in Wetzel’s favor and says TVA violated federal whistleblower protection rules.

“Based on the available evidence, (TVA’s) proffered rationale for placing Wetzel on administrative leave and terminating her cannot be supported,” the order stated. “(TVA) admits that it took adverse action against (Wetzel) because of her participation in the (TVA attorney’s) chilled work environment investigation, in which she provided her honest responses to the investigators’ questions.

“While the evidence demonstrates (Wetzel) and Henderson had professional disagreements, no witness who observed their interactions described (Wetzel’s) conduct towards Henderson as insubordinate,” it continued.

“Similarly, although Complainant provided her honest opinion to Shea and the (TVA attorney) about Henderson when asked, there is no indication that (Wetzel) expended any effort to discuss Henderson with others, much less make derogatory comments about Henderson, in an effort to ‘undermine’ her authority,” the order stated.

A hearing date for TVA’s appeal has not yet been set.

Wetzel is the fourth TVA nuclear oversight staffer to [claim retaliation](#) for raising safety concerns in the past year.

**More nuclear woes:** [Regulators: TVA filed 'incomplete and inaccurate' reports on Watts Bar nuclear plant](#)

TVA nuclear oversight managers Melody Babb, Deanna Fultz and Mark Richerson have a pending complaint with the Labor Department. They allege TVA ousted them from their jobs, disbanded an independent whistleblowing program, and publicly humiliated them in an attempt to intimidate and silence whistleblowers.

TVA said in both internal and public announcements the independent whistleblowing program was ineffective and was being scrapped in favor of a new one in which whistleblowers would take their safety complaints to their bosses.

The Labor Department has not yet ruled in that complaint.

Wetzel, who lives with her husband and children in Signal Mountain, Tennessee, says she’s staying financially afloat with part-time work as a nuclear consultant and continuing her fight for vindication.

“When you’re fired from the nuclear industry and you have to write that on a job application, that’s pretty significant,” she said. “I’d really like to get this off my record. I’ll take my job back. I have kids.”