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May 6, 2011

Honorable Eric H. Holder Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

Re: **1) Request for Grand Jury  
Investigation of Alleged  
Criminality in Operation of  
Portsmouth Gaseous Diffusion  
Plant at Piketon, Ohio**

**and**

**2) Request for Action to Claw  
Back Fees to the United States  
Of America that Were Paid Under  
Management Contract for  
Operation of the Portsmouth  
Gaseous Diffusion Plant at  
Piketon, Ohio**

Dear Attorney General Holder:

The above requests are being forwarded to you at the request of Jeffery Walburn, a security guard injured on July 26, 1994, and Charles "Chick" Lawson, a security guard who was the union elected safety officer for the guards' union as well as a Certified Occupational and Safety Investigator who investigated the injury to Jeffery Walburn.

This is based on their investigation and their discovery of extensive documented criminal activity by the Portsmouth Gaseous Diffusion Plant contract management and its staff while it operated the Portsmouth plant. There were various thwarted investigations which reviewed the facts and in discussions said there was a criminal conspiracy and

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*Attorneys at Gerlach & Gerlach accepting cases in:*

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criminal wrongdoing, but these findings were ordered deleted in the official final reports by the undue influence of corporate management.

These security guards have placed in my possession about 900 pages of documents that show and tie together a major criminal conspiracy of a corporate culture of greed to protect the money interests of the corporation and its agents who operated the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio, without required regard to the health and safety of its employees per its contract with the Department of Energy.

The guards agreed to a four hour video sworn statement under oath with 42 exhibits that fully document and detail this criminal conspiracy. A certified copy of the transcript, along with the 42 exhibits, is enclosed for your review to show why you should seek a Grand Jury investigation and also pursue an action for the return of moneys for such illegal activities that were in violation of the contract with the U. S. government.

Names and addresses of those who should be subpoenaed before the Grand Jury who have knowledge of facts to verify the information and what they would testify to is being gathered together and would be provided to assist you upon your request for such. Most of the witnesses would be willing to give testimony as to the truth of the facts to document the criminal conspiracy, but since some are still employees, they will only testify under a subpoena for fear of retaliation. Those who committed acts of criminal conspiracy should also be subpoenaed to explain the actions and to admit or deny or take the fifth not to testify as it may incriminate them.

The best way for you to quickly review the facts of the criminal conspiracy and criminal acts is through a case study of an injury to Jeffery Walburn and the results of an investigation as to his injury by Charles "Chick" Lawson.

The example of the criminal conspiracy efforts to cover up radiation and toxic chemical substance exposures will demonstrate how the corporation, through its management and supervisory staff, reacted to Jeffery Walburn's injury from toxic chemicals and radioactive substances while serving as a security guard at the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio, in Building X-326 at Cell 25-7 that processed the highest level of enrichment up to weapon-grade material of over 97% enrichment on July 26, 1994.

Mr. Walburn was injured when piping was clogged due to uranium turning to a solid and clinging to the walls of the pipe causing what is known as a "**slow cooker**" that throws off high radiation energy neutrons. The management, with no notice to security guards as required by plant safety rules, proceeded to convert it to a gas "**shot the cell**" with a secret mixture of 26 highly corrosive and toxic chemicals that leaked down on Mr. Walburn. His face and hands immediately turned red and were burning, and he was having difficulty breathing and was becoming disoriented. He was taken to the plant dispensary and was treated by placing ice and alcohol on him.

He was then ordered to return to work to finish out his shift as the plant was short of security guards without any concern for the health of Mr. Walburn. After work he then went to his wife's employment to switch cars after his shift and was feeling terrible and spitting up from the mouth his lung tissue. His wife took him to the Emergency Room of Southern Ohio Medical Center where she worked for treatment and he was immediately admitted to the hospital after the doctor called the poison control center and was told to admit that man at once as he was in great danger.

Details of the incident and plant management reaction from the Jeffery Walburn interview are attached from the interview given in the S C & A investigation which is attached as **Exhibit Letter 5**.

The corporate culture of the plant was to cover up exposures and radiation exposures so no injury claims would have to be reported to nuclear regulations regulators and Employee Occupational and Safety authorities.

The plant used these illegal and criminal methods to fight the claim.

- 1) They claimed he was not hurt on the job, and it must have been some chemicals he was exposed to at his home while caring for his pool. He did not have a pool.
- 2) The plant ordered his radiation record for external radiation to be reduced to zero as it might be a "**court case**" **and would not give the chemicals to which he was exposed to his treating physicians.**
- 3) They fought his Workers' Compensation claim and used false information to support the plant's case.
- 4) The plant even created a false log book to prove he was not injured at the plant site.
- 5) The medical records at the dispensary were altered to support the plant position.
- 6) Threats of injury were made to Mr. Walburn and his family if he continued with his claim as well as to Charles O. Lawson, a certified OSHA inspector. SEE attached Affidavit, Exhibit Letter 7. SEE the testimony of other threats and intimidation that were used.
- 7) When Mr. Walburn testified before a United States Senate panel, the plant gave false and misleading information that there was only one badge changed and withheld records to further mislead the Senators of facts as management altered thousands of employee badges to show low or no exposure to radiation full well knowing the information was false.
- 8) The plant deliberately kept dosimetry readings separate from bioassay urine tests so the extent of external and internal exposures would not be connected or added together to show the full extent of radiation doses.
- 9) In a subsequent NIOSH investigation they destroyed records to cover up dosimetry records where they would have a high reading but would record it as zero while the investigators were on the plant site which was contrary to its duty to preserve records.

Another injured security guard, Paul A. Brogdon, making a claim for prostate cancer, found NIOSH would decrease the probability of his prostate cancer from 31.21% probability to 5.74% probability, Exhibit Letter 15. His records are presented to show how false radiation exposures work to deny claims under the Energy Employees Occupational Illness Compensation Program Act and in support of how NIOSH operated is demonstrated in his case as follows:

- 1) Statement of Accepted Facts prepared by the Department of Labor, Exhibit Letter 12.
- 2) NIOSH OCAS phone log reports where he gives them detailed information, and they mostly ignored it and would then reduce his percentage of probability, Exhibit Letter 13.
- 3) Letter from NIOSH to Paul A. Brogdon to answer his questions and concerns. Exhibit Letter 14.

### SUMMARY

Atomic plant workers, known as Cold War Patriots, performed their duties under total secrecy to protect the United States without the knowledge of the hazards of exposure to radiation and toxic chemicals.

The nuclear industry plant management was not held to the same standards and regulations of all other businesses and industries in the United States of America that were designed to protect their workers and our environment from diseases from deadly, silent radiation and toxic chemical substances.

The National Institute of Occupational Safety and Health, known as NIOSH, has been declared to be a "king" by our country and can do no wrong or be challenged by the Court for their use of known false dose reconstruction.

The President of the United States has ordered the government to be transparent, but NIOSH still keeps its methods of dose reconstruction secret which further allows the criminal conspiracy to continue forward.

When you object to a NIOSH dose reconstruction calculation and denial of your cancer claim, the hearing officer, before receiving any testimony and evidence will read the following statement:

"At this time, I would like to say something about the NIOSH dose reconstruction. NIOSH is given full authority under the regulations that govern the act to conduct dose reconstruction use by the Department of Labor to determine the probability that a cancer is related to employment. I am, therefore, not in a position to discuss the way in which NIOSH goes about preparing the dose reconstruction. However, I can discuss issues of a factual nature regarding information to NIOSH but not any challengers to the application of NIOSH methodology."

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My first reaction is you lose your case before it begins and I'm here to take your objections and to enter them into the evidence of record, but as the hearing representative states, I'm not permitted to consider objections to NIOSH's methodology at this time. In my opinion the no challenge secret rule is arbitrary, capricious and unconstitutional.

In my opinion NIOSH generally includes words like they overestimated your radiation exposure and looked at facts in a "claimant friendly manner." These are words designed to falsely indicate to workers that NIOSH did all it could to help workers when, in fact, it is a code for "you lost -- go away."

It appears that a full and complete investigation should be made in the form of a Grand Jury of facts that appear to be of alleged criminal conspiracy activity, false and misleading statements being made to a Senate Panel, and other investigations, evidence of obstruction of justice or other violations of criminal law.

I feel it is my duty as an attorney at law to bring these matters that I have accumulated in representing injured atomic workers to you as our U.S. Attorney General along with the transcript of a four hour deposition of Jeffery Walburn and Charles O. Lawson Jr. with about 900 pages of supporting documents submitted to me.

Those who appeared to have been wrongdoers and witnesses with knowledge of criminal wrongdoing should be subpoenaed before a Grand Jury to preserve evidence of wrongdoing, review the evidence, summon witnesses and subpoena documents.

As a taxpayer and citizen it is also urged that you review management contracts and exercise the right to the U.S. government's right to claw back fees paid to plant operators for failure to follow and meet contractual obligations.

Signed at Portsmouth, Ohio, this 5<sup>th</sup> day of May, 2011.

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Respectfully submitted,

A handwritten signature in cursive script, reading "Franklin T. Gerlach". The signature is written in dark ink and is positioned above the printed name and address.

Franklin T. Gerlach  
Attorney at Law  
And as the Authorized  
Representative of 534  
Claimants Seeking Benefits  
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FTG/jal



Enclosures are made to this letter to give you background information to help you quickly as follows:

Exhibit Gerlach Letter 1: Synopsis of Jeffery Walburn incident used in the video deposition

Exhibit Gerlach Letter 2: Plant Site Map

Exhibit Gerlach Letter 3: Health Hazard Evaluation Report No. 96-0198-2651

Exhibit Gerlach Letter 4: "Slow Cooker" nature

Exhibit Gerlach Letter 5: SC&A Interview Summary

Exhibit Gerlach Letter 6: SC&A Synopsis

Exhibit Gerlach Letter 7: Charles O. Lawson Jr. Affidavit

Exhibit Gerlach Letter 8: Paul A. Brogdon FAB Decision

Exhibit Gerlach Letter 9: The Knoxville News-Sentinel article 11/4/96

Exhibit Gerlach Letter 10: Urinalysis Charts

Exhibit Gerlach Letter 11: 3/5/93 letter to Eugene W Gillespie from Ralph Donnelly

Exhibit Gerlach Letter 12: Paul A. Brogdon Statement of Accepted Facts

Exhibit Gerlach Letter 13: NIOSH OCAS Phone Log Report Paul A. Brogdon

Exhibit Gerlach Letter 14: NIOSH Dose Reconstruction letter 2/5/10 to Paul A. Brogdon

Exhibit Gerlach Letter 15: Paul A. Brogdon chart of Percentage of Causation changes

Also enclosed is the sworn testimony of Jeffery Walburn and Charles Lawson Jr. along with the 42 exhibits to the deposition.