

Conflict or Bias Disclosure Form

Identification

Name of Individual or Corporate Entity: Lavon Rutherford

Name of Employer: NIOSH/OCAS

Today's Date: 1/11/2007

Sites/Facilities addressed on this form: FMPC

Questions to Identify a Conflict or Bias

1. Are you¹ currently engaged in any capacity (paid or unpaid) by the U.S. Department of Energy (DOE)? Check Yes or No.

“Site” and “facility” are defined to include DOE, AWE and other federally-owned or -operated sites. For purposes of brevity, the “other federally-owned or -operated sites” category shall be referred to in this document as “other” sites.

Yes _____, a COB exists and the individual with the COB cannot perform any key Program function for any site. If yes, please provide details about each DOE location (specific site or sites) at which you are currently engaged, a description of your activities for DOE, and whether you are paid or unpaid. Stop.

No proceed to Question 2.

2. Do you, or did you, work either at or for this DOE or Atomic Weapons Employer (AWE) site? Check Yes or No.

“Work” means employment at or for the site, site contractor or site subcontractor that includes management, direction, or implementation of radiation protection and/or health physics program policies, procedures or practices related to atomic weapons activities at the site.

Yes , a COB exists and the individual with the COB cannot perform a key Program function related to this site or sites. Please provide details below about the DOE or AWE site(s) you work/worked at or for. Stop.

I worked in the Radiological Protection Program from May 1989 through February of 2003

No _____, proceed to Question 3.

¹ For purposes of completing this form, “you” refers to an individual or an employer (depending on which party is completing the form).

3. Do you, or did you, work for any of the past or current operators of this site? Check Yes or No.

"Operator" refers to the governmental and/or corporate entities responsible for performing and overseeing day-to-day activities at the site, and includes work, as defined above, performed by the operator's (sub)contractors

Yes _____, provide the names of the past or current operators, the name of the site that the operator did or does administer and the specific times (starting and stopping dates) that you worked, or continue to work, for the operator and proceed to Question 4.

No _____, proceed to Question 6.

4. During the time you worked for that operator, was that operator responsible for this site? Check Yes or No.

Yes _____, proceed to Question 5.

No _____, proceed to Question 6.

5. Did your work for the operator have an impact on this site? Check Yes or No.

"Impact" means that your work involved decision-making authority over management, direction, or implementation of radiation protection and/or health physics program policies, procedures or practices related to atomic weapons activities at the site.

Yes _____, then a COB exists and the individual with the COB cannot perform a key Program function for this site or sites. Please provide details about the nature of the impact your work for the operator had on the site below. Stop.

No _____, proceed to Question 6.

6. Did you work for DOE in the past? Check Yes or No.

"Work for DOE" does not include work, as defined above, for DOE of less than four months' continuous duration as a student intern, graduate fellow or in another primarily educational capacity. It also does not include having received a financial stipend from DOE for graduate study, a fellowship in the context of an established DOE fellowship program intended to support graduate-level work, or receipt of a federal government retirement pension for prior DOE service.

Yes _____, please provide details about each DOE location (specific site or sites) you worked for in the past and a description of your work for DOE (you may use a checklist listing DOE/AWE sites) and then proceed to Question 7.

No _____, proceed to Question 8.

7. Did your work for DOE have an impact on this site? Check Yes or No.

"**Impact**" means that your work involved decision-making authority over management, direction, or implementation of radiation protection and/or health physics program policies, procedures or practices related to atomic weapons activities at the site.

Yes _____, then a COB exists and the individual with the COB cannot perform a key Program function for this site or sites. Please provide details below about the nature of the impact your work for the operator had on the site. Stop.

No _____, then proceed to Question 8.

8. Do you have a familial relationship, or a supervisory or subordinate work relationship with an EEOICPA claimant whose claim involves this site? Check Yes or No.

"*Familial relationship*" encompasses a current spouse, child, parent, sibling or grandparent that worked at or for the site; or any survivors a current spouse, child, parent, sibling or grandparent that are eligible to file claims under the Program.

"*Supervisory or subordinate work relationship*" is one where (a) the individuals in question are/were in the same reporting chain and within two organizational levels of one another; and (b) "**Work**" means employment at or for the site, site contractor or site subcontractor that includes management, direction, or implementation of radiation protection and/or health physics program policies, procedures or practices related to atomic weapons activities at the site.

Yes _____, then a COB exists and the individual with the COB cannot perform a key Program function for this site or sites. Please provide below details about the nature of your relationship with the EEOICPA claimant. Stop.

No _____, then proceed to Question 9.

9. Do you have a familial relationship, or supervisory or subordinate work relationship with anyone who has had an impact related to the site? Check Yes or No.

Yes _____, then proceed to Question 10.

No _____, then proceed to Question 11.

10. If you have a subordinate relationship to someone who has (had) an impact on the site, has a different person been designated to review your job performance as it relates to the site? Check Yes or No.

Yes _____, a COB does not exist. Proceed to Question 11.

No _____, then a COB exists and the individual with the COB cannot perform a key Program function for this site or sites. Please provide more detailed information about your relationship with the person having an impact on the site. Stop.

11. Do or did you have a familial, financial or non-financial professional (e.g., providing expert advice) relationship with any attorney at the time the attorney represented an EEOICPA claimant, DOE or the operator?

Yes _____, then a COB exists and the individual with the COB cannot perform a key Program function for this site or sites. Please provide details about the relationship with the attorney, to include (if applicable) a list of cases for which you assisted the attorney as well as the names of parties on whose behalf you testified or otherwise provided assistance. Stop.

No _____, then a COB does not exist.

Additional Details for Disclosure Questions 1-11

Please specify the number of the question(s) for which you are giving additional details.
