U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 02 October 2006

Case No.: **2006-STA-00004**

In the Matter of:

RICK JACKSON,
Complainant,

v.

CPC LOGISTICS,
Respondent.

Before: WILLIAM S. COLWELL
Administrative Law Judge

Appearances:

For the Complainant:
Rick Jackson, *Pro Se*.

For the Respondent:
John Dowell
Harris Dowell Fisher & Harris, LC
Chesterfield, MI

RECOMMENDED DECISION AND ORDER

Denying the Complainant's Claim

This case arises from a complaint filed under the employee protection provisions of Section 405 of the Surface Transportation Assistance Act of 1982 (the "Act" or "STAA"), 49 U.S.C § 31105, and the implementing regulations promulgated at 29 C.F.R. § 1978. Section 405 of the STAA protects a covered employee from discharge, discipline or discrimination because the employee has engaged in protected activity pertaining to commercial motor vehicle safety and health matters. This matter is before me on the Complainant's request for hearing and objection to findings issued on behalf of the Secretary of Labor by the Regional Administrator of the Department of Labor's Occupational Safety and Health Administration ("OSHA") after investigation of the complaint.

The Complainant in this case was hired by the Respondent as a driver of commercial motor vehicles on May 16, 2005. He was discharged by the Respondent on May 31, 2005. After his discharge, the Complainant alleged in a complaint to OSHA

that his discharge was in retaliation for his questioning of the Respondent's procedures regarding the logging of local stops.

OSHA investigated the Complainant's allegations, and in findings issued November 3, 2005, OSHA dismissed the complaint. With regard to the issue described by the Complainant, OSHA found that it was more likely that the Complainant was discharged for his inability to get along with other drivers. Moreover, OSHA found that the Respondent passed an audit of its drivers' logs and that all but one driver had been logging local driving time. OSHA concluded that the evidence supported the Respondent's contention that the Complainant had been terminated for his inability to get along with his co-drivers and not because of any alleged protected activity.

On November 23, 2005, the Complainant appealed this finding by submitting a letter to the Chief Administrative Law Judge. The case was assigned to me, and on December 2, 2005, I issued a Notice of Hearing and Pre-hearing Order setting a hearing date of March 23, 2006. In response to a request from the Respondent to which the Complainant assented, I postponed the start of the hearing until April 18, 2006. The parties subsequently agreed to another continuance to allow time to complete discovery and submit dispositive motions, and I issued another order postponing the start of the hearing a second time to July 11, 2006.

A hearing was held in this matter in Madison, Wisconsin on July 11, 2006 at which both parties were afforded a full opportunity to present evidence and argument as provided by law and applicable regulation. The Complainant represented himself, and the Respondent was represented by John Dowell of Harris Dowell Fisher & Harris, LC. Testimony was received from Melvin Wilson, Tom Rauschenberger, Terry Rohr, Michael Albano, the Complainant, and Richard Anderson. Transcript ("Tr.") at 3. Ten Complainant's Exhibits ("CX") were admitted into evidence as CX-1 and CX-2, CX-5 and CX-6, CX-8 through CX-12, and CX-15. Tr. at 61, 110, 113-114, 116-118, 120, 122 & 147. At the close of the hearing, I established a schedule for the submission of post-hearing briefs, and both parties submitted such briefs. Tr. at 148.

The findings and conclusions which follow are based on a complete review of the entire record in light of the parties' arguments, applicable statutory provisions and regulations, and pertinent precedent.

SUMMARY OF THE EVIDENCE

Melvin Wilson's Testimony

Melvin Wilson testified that the Complainant was terminated because he "just didn't work out." Tr. at 17. He elaborated:

> [He] had two accidents in three trips. [He] couldn't sleep in the truck. And the other drivers said [he wasn't] conducive to the operation. [He] couldn't

> sleep. They couldn't sleep. And [he], it just didn't work out. It's a team operation.

Tr. at 17. Later in his testimony, he again explained the reasons for the Complainant's dismissal:

> The reason for discharge was [he] wasn't working out. [He] wasn't conducive to a team operation. The drivers were having a hard time sleeping when [he was] driving and [he was] having a hard time sleeping [himself].

Tr. at 19. Later in his testimony, he explained again one final time:

> The reason was [he] just [wasn't] working out. [He] had, like I said, [he] had the two accidents. And [he was] just, some people are set up to run a team operation and some guys just can't. And [he's] one that can't. And when a guy runs a team operation, both guys got to be able to sleep.

Tr. at 20.

Tom Rauschenberger's Testimony

Tom Rauschenberger is an Illinois Department of Transportation compliance officer who investigates and enforces state and federal regulations compliance. Tr. at 54. He testified that the Complainant made a complaint that the Respondent was "not doing logs correctly." Tr. at 55. He testified that, as a result of the complaint, he did an audit of the logs, and he concluded that there were "some minor violations." Tr. at 55.

He elaborated that "[t]hey didn't get a civil penalty or anything" and that he did not know if he "sent them a warning letter or not." Tr. at 55. He said this was because "they had a couple of false logs that were nominal false logs instead of critical false logs." Tr. at 55. He explained that "they were not logging correctly on one part that is not in the regulations." Tr. at 57-58. He said that "[y]ou can only find it by interpretation…And it's not normally looked at by normal people. It's only studied by somebody that does my job." Tr. at 58.

Terry Rohr's Testimony

Terry Rohr was a team driver who went on two runs with the Complainant. Tr. at 63. He testified that he did not recall any disagreements with the Complainant over logging procedures. Tr. at 63. He also testified that he did not recall ever having a conversation with Mel Wilson about problems with the Complainant. Tr. at 69-70.

Michael Albano's Testimony

Michael Albano was another team driver for the Respondent who drove on one run with the Complainant. Tr. at 72. He testified that he did not recall an "issue" with the Complainant regarding logging, but that "[the Complainant] seemed to be, his own opinion about logging." Tr. at 73. He said that he did not "recall any particular except that [the Complainant] always had his own viewpoint in what he wanted to do." Tr. at 73.

Albano testified that he did have conversations with Mel Wilson about the Complainant. Tr. at 75-76. He said that the Complainant "had trouble moving the truck from Point A to Point B," but he did not "know exactly what the problems were." Tr. at 76. He said that the trip "had only been four" days but that the Complainant "drug it out five days." Tr. at 76. He said that there were problems throughout the run with the Complainant taking too long to complete each leg of the journey and provided examples. Tr. at 76-79 & 90.

Albano testified that, although he talked to Mel Wilson about the delays being caused by the Complainant, he did not recall talking to Mel Wilson about any logging dispute. Tr. at 82-83. He testified that he "didn't call Rich Anderson at all." Tr. at 84. He reiterated that "the only performance issue that [he recalled] is that [the Complainant] had trouble staying awake and moving the truck." Tr. at 85. "[The Complainant] ended up adding a couple of hours easily on every day every time he drove," and those were problems that Albano talked to Mel Wilson about. Tr. at 86 & 90.

The Complainant's Testimony

The Complainant testified that on his first day he "noticed that Terry Rohr wasn't logging appropriately" and said something to him about it. Tr. at 97. He testified that he and Rohr discussed the issue and their respective understandings of the correct way to log local stops, and there was "a misconception between [the Complainant] and Mr. Rohr about the logging procedure." Tr. at 97-98. The Complainant testified that he had the same dispute with Albano about the correct logging procedure for local stops. Tr. at 101. He alleges that during this conversation he said that "as far as filing a complaint with the DOT or OSHA or anybody, this is illegal." Tr. at 101.

Later in his testimony, the Complainant said that he "forgot to mention" that, prior to his run with Albano, he "had a conversation with Mel Wilson about these logging procedures being illegal and about filing a complaint with OSHA…if [he] had to do this." Tr. at 102. He testified that Mel Wilson told him that he was "mistaken" about the logging procedure in question. Tr. at 103.

Richard Anderson's Testimony

Richard Anderson is a Division Manager with the Respondent, and prior to that, he was a Regional Manager. Tr. at 131. He testified that the Complainant contacted him on one occasion to report that another driver was "was telling him how to log illegally when it came to local deliveries." Tr. at 137. He testified that he explained to the Complainant the correct way to log local stops and "told him that if anyone asked him to do anything other than what was legal, that he would contact me again." Tr. at 137. He testified that the Complainant never contacted him about the issue again and never stated any intention to contact anyone or take any action regarding the issue. Tr. at 137-138.

Anderson testified that there was no discussion of any logging issues with regard to the Complainant's discharge. Tr. at 138. He testified that he made the decision to discharge the Complainant by "talking to Mel Wilson to see how [the Complainant] was doing on the job." Tr. at 138. He testified that Wilson "explained to me that he was having some issues with [the Complainant] and that "the other drivers were having some complaints about him." Tr. at 138. He testified that he asked Wilson for his opinion as to whether the Complainant "would work out or not," and Wilson told him that "he didn't see an opportunity for [the Complainant] to improve." Tr. at 138-139.

Anderson testified that his decision to terminate the Complainant was based on this conversation and on his concern about the "comfort level of the other drivers" and their ability to get "proper sleep." Tr. at 139-140. Anderson testified that he asked when the Complainant would return from his run to California. Tr. at 139. He then contacted the Complainant "by phone and followed up with a letter letting him know that he was being terminated." Tr. at 139.

The Complainant's Exhibits

The Complainant's exhibits are Tom Rauschenberger's audit report (CX-1), the Complainant's Summary Judgment submission (CX-2), the termination letter sent by Richard Anderson (CX-5), the Secretary's findings on the Complainant's OSHA complaint (CX-6), the Respondent's position statement from that investigation (CX-8), a letter to the Complainant from the Federal Motor Carrier Safety Administration (CX-9), the Respondent's supplemental position statement (CX-10), the Complainant's complaint letter to the Illinois Department of Transportation (CX-11), the deposition of Melvin Wilson (CX-12), and the deposition of Richard Anderson (CX-15).

The deposition testimony of Melvin Wilson contains some relevant testimony about details not covered in his testimony at the hearing. CX-12. First, he confirmed that Terry Rohr had not given him any negative information about the Complainant, and that he had recommended the Complainant's termination based on his two accidents and the information he had received from Michael Albano. CX-12 at 32-33. Although he remembered receiving the general impression from Albano that the Complainant was not "working out," he no longer remembers specifically what Albano told him. CX-12 at

33. Second, he testified at his deposition that he did not recall any conversations with the Complainant about logging procedures. CX-12 at 41& 44. Third, the log audit performed by Rauschenberger found no issues with Rohr's logs, Albano's, or the Complainant's. CX-12 at 49-50. Finally, he explained that he only told Richard Anderson generally that the Complainant "wasn't working out" and "wasn't going to work out" without going into the specifics of why he had reached that conclusion. CX-12 at 51-52.

DISCUSSION

Applicable Law

The employee protection provisions of the Surface Transportation Assistance Act provide in relevant part:

> (a) Prohibitions:
>
> > (1) A person may not discharge an employee or discipline or discriminate against an employee regarding pay, terms, or privileges of employment because:
> >
> > > (A) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial vehicle safety regulation, standard, or order, or has testified or will testify in such a proceeding; ...
> >
> > > (B) the employee refuses to operate a vehicle because:
> >
> > > > (i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health; or
> >
> > > > (ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition.

49 U.S.C. § 31105(a).

The Complainant's *Prima Facie* Case

Claims under the STAA are adjudicated pursuant to the standard articulated in ***McDonnell Douglas Corp. v. Green***, 411 U.S. 792 (1973). Under that framework, the complainant must initially establish a *prima facie* case of retaliatory discharge, which raises an inference that the protected activity was likely the reason for the adverse

action. ***Moon v. Transport Drivers, Inc.***, 836 F.2d 226, 229 (6th Cir. 1987); *see also* ***Texas Dep't of Community Affairs v. Burdine***, 450 U.S. 248, 253 (1981). To establish a *prima facie* case of retaliatory discharge under the Act, the complainant must prove: (1) that he engaged in protected activity under the STAA; (2) that he was the subject of an adverse employment action; and (3) that there was a causal link between his protected activity and the adverse action of the employer. ***Moon***, *supra*.

Protected Activity

Under 49 U.S.C. § 31105 (a)(1)(A), an employee has engaged in protected activity if he or she has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety regulation, standard, or order. A complainant need not objectively prove an actual violation of a vehicle safety regulation to qualify for protection. ***Yellow Freight System, Inc. v. Martin***, 954. F.2d 353, 356-57 (6th Cir. 1992); *see also* ***Lajoie v. Environmental Management Systems, Inc.***, 1990-STA-00031 (Sec'y Oct. 27, 1992). A complainant also need not mention a specific commercial motor vehicle safety standard to be protected under the STAA. ***Nix v. Nehi-R.C. Bottling Co.***, 1984-STA-00001, slip op. at 8-9 (Sec'y July 4, 1984). An employee's threats to notify officials of agencies such as the Department of Transportation or the Federal Motor Carrier Safety Administration may also be protected under the STAA. ***William v. Carretta Trucking, Inc.***, 1994-STA-00007 (Sec'y Feb. 15, 1995).

Such complaints may be oral rather than written. ***Moon v. Transport Drivers, Inc.***, 836 F.2d 226, 227-29 (6th Cir. 1987) (finding that driver had engaged in protected activity under the STAA where driver had made only oral complaints to supervisors). If the internal communications are oral, however, they must be sufficient to give notice that a complaint is being filed. *See* ***Clean Harbors Environmental Services, Inc. v. Herman***, 146 F.3d 12, 22 (1st Cir. 1998) (holding that the complainant's oral complaints were adequate where they made the respondent aware that the complainant was concerned about maintaining regulatory compliance).

Under the STAA, an employee can also engage in protected activity by refusing to operate a vehicle because "the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health" or because "the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's unsafe condition." 49 U.S.C.A. §§ 31105(a)(1)(B)(i)-(ii). These two types of refusal to drive are commonly known as the "actual violation" and "reasonable apprehension" subsections. ***Eash v. Roadway Express, Inc.***, ARB No. 04-036, slip op. at 6 (Sept. 30, 2005), *citing* ***Leach v. Basin Western, Inc.***, ARB No. 02-089, slip op. at 3 (July 31, 2003). Since the Complainant has made no allegation that he ever refused to operate a vehicle, however, these two provisions are inapplicable in this case.

Adverse Employment Action

The employee protection provisions of the Surface Transportation Assistance Act provide that "[a] person may not discharge an employee" for engaging in protected activity under the Act. 49 U.S.C. § 31105(a). In this case, it is undisputed that the Complainant was terminated by the Respondent. Thus, it has been established that he suffered adverse employment action within the meaning of the Act in this case.

Causal Connection

A causal connection between the protected activity and the adverse employment action may be circumstantially established by showing that the employer was aware of the protected activity and that adverse action followed closely thereafter. *See* ***Couty v. Dole***, 886 F.2d 147, 148 (8th Cir. 1989). Thus, close proximity in time can be considered evidence of causation. ***White v. The Osage Tribal Council***, ARB No. 99-120, slip op. at 4 (Aug. 8, 1997). While temporal proximity may be used to establish the causal inference, it is not necessarily dispositive. ***Barber v. Planet Airways, Inc.***, ARB No. 04-056, slip op. at 6 (Apr. 28, 2006). When other, contradictory evidence is present, inferring a causal relationship solely from temporal proximity may be illogical. *Id*. Such contradictory evidence could include evidence of intervening events or of legitimate, nondiscriminatory reasons for the adverse action. *Id*.

Rebutting the Complainant's *Prima Facie* Case

If the Complainant can carry his burden of establishing a *prima facie* case, the burden shifts to the Respondent to rebut that *prima facie* case. The Respondent can do so by articulating, through the introduction of admissible evidence, a legitimate, nondiscriminatory reason for its employment decision. The employer "need not persuade the court that it was actually motivated by the proffered reasons," but the evidence must be sufficient to raise a genuine issue of fact as to whether the employer discriminated against the employee. ***Texas Dep't of Community Affairs v. Burdine***, 450 U.S. 248, 254-255 (1981). "The explanation provided must be legally sufficient to justify a judgment for the [employer]." *Id*. If the Respondent is successful, the *prima facie* case is rebutted, and the complainant must then prove, by a preponderance of the evidence, that the legitimate reason proffered by the respondent was a mere pretext for discrimination. *Id*. at 255-256.

Application to this Case

First, I should note that the Complainant is *pro se*, but he still must carry his burden of production. While a *pro se* party may be held to a lesser standard than legal counsel with regard to matters of procedure, the substantive burden of establishing a *prima facie* case and of rebutting a proffered nondiscriminatory reason can be no less. In this case, that is a burden that the Complainant has not carried.

The Complainant's *Prima Facie* Case

I find that the Complainant has failed to establish a *prima facie* case. His firing establishes undisputed adverse employment action, but he has failed to prove either that he engaged in protected activity or that a causal connection exists between such activity and the adverse employment action.

Protected Activity

Although the Complainant does appear to have brought up an issue about the correct procedure for logging local stops on a few occasions, these incidents do not rise to the level of protected activity under the statute. First, the Complainant testified that he raised the issue with Terry Rohr, but Terry Rohr testified that he recalled no such disagreement. Tr. at 63 & 97-98. I find that the Complainant's contradicted testimony is inadequate to establish this event without some corroboration, but even if such a disagreement did take place, a disagreement with a co-driver about logging procedure is inadequate to put the Respondent on notice that a complaint is being filed. Therefore, as discussed *supra*, this oral disagreement would not rise to the level of protected activity.

Second, the Complainant testified that he had the same disagreement with Michael Albano. Tr. at 101. He alleges that during this conversation he said that "as far as filing a complaint with the DOT or OSHA or anybody, this is illegal," which is not actually a threat to file a complaint but a statement of opinion about the legality of the logging procedure in question. Tr. at 101. Albano testified, however, that he did not recall an "issue" with the Complainant regarding logging, but that "[the Complainant] seemed to be, his own opinion about logging." Tr. at 73. He said that he did not "recall any particular except that [the Complainant] always had his own viewpoint in what he wanted to do." Tr. at 73. Again, I find that the Complainant's contradicted testimony is inadequate to establish this event without some corroboration, but even if such a disagreement did take place, a disagreement with a co-driver about logging procedure is inadequate to put the Respondent on notice that a complaint is being filed. Therefore, this oral disagreement would not rise to the level of protected activity either.

Third, the Complainant testified that he "forgot to mention" that, prior to his run with Albano, he "had a conversation with Mel Wilson about these logging procedures being illegal and about filing a complaint with OSHA…if [he] had to do this." Tr. at 102. Wilson, however, testified at his deposition that he did not recall any conversations with the Complainant about logging procedures. CX-12 at 41& 44. Once again, I find that the Complainant's contradicted testimony is inadequate to establish this event without some corroboration, especially in light of the questionably credible way this event suddenly occurred to the Complainant during his testimony.

Finally, although the Complainant offered no testimony about it, Richard Anderson testified that the Complainant contacted him on one occasion with a concern about the legality of the logging procedure for local stops. He testified that the

Complainant said that another driver was "was telling him how to log illegal deliveries." Tr. at 137. He testified that he explained to the Complainant the correct way to log local stops and "told him that if anyone asked him to do anything other than what was legal, that he would contact me again." Tr. at 137. He testified, however, that the Complainant never contacted him about the issue again and never stated any intention to contact anyone or take any action regarding the issue. Tr. at 137-138.

Since the Complainant did not offer any testimony or other evidence about this conversation, I will accept Anderson's uncontradicted testimony as true. This conversation, however, does not establish that the Complainant engaged in any protected activity. As discussed *supra*, when a complainant makes only oral statements about an issue, those statements must be adequate to put the Respondent on notice that a complaint is being filed. In this conversation, Anderson explicitly invited the Complainant to make such a complaint, and the Complainant chose not to do so. Therefore, I find that the Complainant's statements in this conversation do not rise to the level of protected activity.

Causal Connection

Even if any of the above conversations did qualify as protected activity, the Complainant still would not have established a *prima facie* case because he has not established a causal link between those conversations and his termination. First, the Complainant has failed to offer any evidence that his alleged conversations about logging procedures with Rohr and Albano were ever relayed to Wilson or Anderson, who were the supervisors involved in the termination decision. In fact, Rohr, Wilson, and Albano all testified that no such conversations ever were relayed. Tr. at 69-70 & 82-83; CX-12 at 32-33. Thus, only the Complainant's alleged conversation with Wilson about logging procedures and the conversation described by Anderson need even be examined for a potential causal connection.

The Complainant has offered no direct or circumstantial evidence of any causal link between those two events and his termination except for their temporal proximity. The Complainant's hiring, his firing, and both of these alleged events did take place in a span of only about two weeks, so there is temporal proximity, and as discussed *supra*, close proximity in time between protected activity and adverse employment action can be used to infer a causal connection between the two in some cases. In this case, however, mere temporal proximity is inadequate to establish a causal inference, because there is also evidence of both intervening events and legitimate, nondiscriminatory reasons for the discharge. *See* ***Barber***, *supra*.

The intervening event that occurred between the two conversations identified above and his termination was the Complainant's run to California with Albano. The Complainant was terminated at the conclusion of that run, and it was throughout this trip that Albano reported to Wilson about the Complainant's "trouble moving the truck from Point A to Point B" and his "adding a couple of hours easily on every day every time he drove." Tr. at 76 & 86. It was these calls that Wilson relied on in concluding that the

Complainant was not "working out" and making his recommendation to terminate the Complainant, and it was Wilson's recommendation that Anderson relied on in making his decision to terminate. CX-12 at 32-33; Tr. at 138-139. Since these calls occurred between the alleged protected activity and the termination decision, their intervention undermines any inference based merely on temporal proximity.

In addition to the intervening events, the establishment of legitimate, nondiscriminatory reasons for the adverse activity also undermines any inference based merely on temporal proximity. Wilson testified that his decision was based on the Complainant's two accidents in three trips and on the information about the Complainant's performance he received from Albano. Either a pair of accidents or an inability to work well with team drivers would qualify as a legitimate, nondiscriminatory reason for discharging the Complainant, and the Respondent has offered uncontradicted evidence of both justifications. Tr. at 17, 19-20, 75-79, 85-86, 90 & 138-140; CX-12 at 32-33 & 51-52.

In light of both the intervening events and evidence of legitimate, nondiscriminatory reasons for the Complainant's discharge, I find that mere temporal proximity is inadequate to create an inference of causation. Thus, even if the Complainant had established that he engaged in protected activity, he still would not have established a *prima facie* case.

Rebutting the Complainant's *Prima Facie* Case

Even if the Complainant had established a *prima facie* case, the Respondent introduced adequate evidence to establish legitimate, nondiscriminatory reasons for the discharge, as discussed *supra*. Tr. at 17, 19-20, 75-79, 85-86, 90 & 138-140; CX-12 at 32-33 & 51-52. Such nondiscriminatory reasons would effectively rebut a *prima facie* case and shift the burden back to the Complainant to establish by a preponderance of the evidence that those reasons were mere pretexts for discrimination. The Complainant, however, has offered absolutely no evidence demonstrating that either of these legitimate, nondiscriminatory reasons was a mere pretext for discrimination.

Conclusion

Although it is undisputed that the Complainant suffered adverse employment action when he was terminated on May 31, 2005, the Complainant has failed to establish that he engaged in any protected activity, that such activity had any causal connection to his termination, or that the nondiscriminatory reasons offered by the Respondent were mere pretexts. Because he has failed to carry his burdens of proof under the STAA, the Complainant's claim for relief must be denied.

RECOMMENDED ORDER

The claim of the Complainant, Rick Jackson, against the Respondent, CPC Logistics, is hereby denied.

A

WILLIAM S. COLWELL
Administrative Law Judge

Washington, D.C.
WSC:MAWV

NOTICE OF REVIEW: The administrative law judge's Recommended Decision and Order, along with the Administrative File, will be automatically forwarded for review to the Administrative Review Board, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. See 29 C.F.R. § 1978.109(a); Secretary's Order 1-2002, ¶4.c.(35), 67 Fed. Reg. 64272 (2002).

Within thirty (30) days of the date of issuance of the administrative law judge's Recommended Decision and Order, the parties may file briefs with the Board in support of, or in opposition to, the administrative law judge's decision unless the Board, upon notice to the parties, establishes a different briefing schedule. See 29 C.F.R. § 1978.109(c)(2). All further inquiries and correspondence in this matter should be directed to the Board.