

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**



**WESTINGHOUSE ELECTRIC COMPANY LLC**

**DECISION OF THE HEARING OFFICER**

**Appearances:** Daniel P. Schwarz Esq. Attorney for the Employer

**Nature of Dispute:** RSA 275-E:4 I

**Employer:** Westinghouse Electric Company LLC, 205 Shattuck Way, Newington, NH 03801-7869

**Date of Hearing:** May 20, 2012

**Case No.:** 43234

**BACKGROUND AND STATEMENT OF THE ISSUES**

A Whistleblowers' Complaint was filed with the Department of Labor on February 15, 2012. There were a total of six separate complaints filed by the claimant under this law. The hearing was held on May 22, 2012.

The employer asked that the claim(s) be dismissed because the charges were not covered under New Hampshire law and therefore could not be heard in this forum. The employer also stated that the claimant was making charges under the Collective Bargaining Agreement and this too was not covered by the New Hampshire statute. The claimant was a member of the collective bargaining unit and should have addresses his situation(s) in that forum set up by the parties.

The employer also alleges that the claimant was terminated because of a work situation that he addressed in the established grievance procedure set up in the Collective Bargaining Agreement. The signed Collective Bargaining Agreement sets the standard for all working conditions.

The claimant testified that he needed time to construct documents for his appeal and that he started to file in a different forum. He is seeking additional evidence.

**FINDINGS OF FACT**

It is found by the Hearing Officer that the Whistleblower' Complaint, under the Law of New Hampshire, is not the proper forum to be in. There is a multiple of case law that limits federal jurisdiction complaints and there is also a forum to address Collective Bargaining Complaints.

The claimant has not proven that he is in the proper forum with his complaint.

The Whistleblowers' Complaint is denied because it is not the proper avenue to address the concerns of the claimant.

All other motions by both parties are denied.

**DECISION AND ORDER**

The Whistleblowers' Complaint is invalid and dismissed.

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Thomas F. Hardiman  
Hearing Officer

Date of Decision: June 13, 2012

Original: Claimant  
cc: Employer

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TFH/all