

Addendum III



September 22, 2011

Document History

Rev.	Date	Author	Remarks
1.0	September 22, 2011	Walter Tuvell	Final draft

Related Documents

Author	Date	Title
Walter Tuvell	August 18, 2011 (version 1.0)	<i>Claims Of Corporate And Legal Misconduct</i> , in two Parts: <i>Part I (Acts Of Fritz Knabe); Part II (Acts of Dan Feldman, HR, Legal)</i> . — Referenced as “original (two-Part) Complaint”
Walter Tuvell	August 28, 2011 (Version 1.0)	<i>Claims Of Corporate And Legal Misconduct, Addendum I.</i>
Walter Tuvell	September 4, 2011 (Version 1.0)	<i>Claims Of Corporate And Legal Misconduct, Addendum II.</i>

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42 Executive Summary — Addendum III

This document is Addendum III to my original two-Part Complaint plus Addenda I-II.

Hereinafter, the unqualified term “Complaint” includes the original two Parts, plus Addenda I-III, unless otherwise specified.

42.1 List Of Particulars

- Continuing/additional counts of violation of ADA, with cover-up and concealment, but now with an additional allegation of attempted “constructive dismissal”.
- **Violation of Public Policy (under Massachusetts Law).**¹⁴⁹ I’ve recently become aware of the following line of argument. I informed Dan about the yelling-based-on-known-falsity incident, and complained to him about it (email, Appendix I.a, Wednesday, June 8; phone, Section 6.1, Thursday, June 9). Thus, I *immediately informed and escalated* the yelling incident to the attention of management (and later, on Friday, June 10, to the attention of HR). Thereby, I became a “whistleblower” about an (alleged-)illegal incident (noting that the known-falsity of Fritz’s public yelling entails illegal defamation). On Friday, June 10, Dan swiftly *retaliated* upon me based upon the yelling incident (including my whistleblowing), by unilaterally *demoting* me (“undesirable reassignment”, see Part I, p. 129, fn. 13). As has been stated many times in this Complaint, that action of demotion/retaliation — as well as its “ratification” by IBM, via the incompetent “investigation” of Lisa Due (and her “upline manager”,¹⁵⁰ Appendix W) — was contrary to IBM Law (BCG/C&A Contract). The legal line of argument I’ve recently become aware of is this: that adverse job action (demotion/retaliation) was actually a *violation of Massachusetts law*, because it amounts to a *violation of public policy*. Namely, the “public policy” in question derives from the written terms of IBM Law (BCG Contract) itself.¹⁵¹ Specifically: IBM Law (BCG Contract) both (i) *requires* employees to report (“whistleblow”) illegal conduct (defamation, in my case), and (ii) *promises* employees they will not be retaliated upon therefor. Addendum I, Section 37.¹⁵² To permit IBM to commit such demotion/retaliation would therefore violate well-defined, clearly established public policy, upon two distinct legal theories: companies should not be permitted to punish (demote, retaliate) employees for either (i) *reporting illegal behavior* (in my case, I mere submitted an internal complaint within the company), or (ii) *performing acts that the company itself requires to be performed(!)*.
- **IIED vs. Workers’ Comp (under Massachusetts Law).**¹⁵³ In general (that is, absent extraordinary circumstances), the tort of IIED is not actionable in an employment context (against either employer or other employees), being preempted by the

149· I refrain from including actual legal citations here (“I am not a lawyer”).

150· That “upline manager” is, I believe, Pat O’Malley.

151· *Even if* IBM Law (BCG Contract) doesn’t rise to the *legal level* of “contract-in-the-sense-of-contract-law”, it certainly does amount to an “internal-IBM-law-requirement” — which suffices here.

152· In Addendum I, section 37, concerning *non-optionality (requirement)* of filing a report, I should also have pointed to IBM’s Corporate Trust and Compliance internal website, and especially the page included herein at Appendix RR.

153· I refrain from including actual legal citations here (“I am not a lawyer”).

Workers' Compensation Act (WCA). However, two extraordinary circumstances are indeed present in my case, and taken together these prove that IBM is indeed liable for IIED:

- Case law in Massachusetts holds that the Workers' Comp exemption is applicable only in cases where the wrongdoers act within the scope of their employment, *furthering* the legitimate interests of the employer. In my case, the wrongdoers were acting *contrary* to the legitimate interests of the employer (because illegal acts cannot further the legitimate interests of IBM, such as those beginning with the Fritz/Dan defamation/demotion, followed by all the HR breach of BCG Contract [to which we may add contrariety to all the IBM-internal promises/guarantees afforded by the BCG]). Therefore, the Workers' Comp exemption does not apply.
- The next question is whether actionability is available against individual workers, or against IBM itself. There, the answer hinges upon on whether IBM "ratified" the actions of the employees (if not, then liability lies with the employees; if so, then liability lies with IBM). The answer is clear: authorized representative of IBM have *steadfastly "ratified"* all illicit actions to date, via such vehicles as: Dan's demotion based upon Fritz's defamation; Lisa Due's (non-)finding of "insufficient facts"; Russell Mandel's requirement that I must return to abusive work environment; etc.

43 Typos, Etc.

- Passim: Throughout this Complaint, I've struggled to find a "good name" for the wrong I've been subjected to: workplace bullying/harassment/retaliation, IIED, abuse/hostile environment, etc. Just recently I learned of the existence of a very good name for it: *Intentional Infliction of Hostile Work Environment (IIHWE)*, coined on p. 479 of the seminal legal scholarship on the subject: David C. Yamada, *The Phenomenon of "Workplace Bullying" and the Need for Status-Blind Hostile Work Environment Protection*, Georgetown Law Journal, vol. 88, 2000, pp. 475-536.
- Part I, p. 18, top: "It became to bed" should read "It became so bad".
- Part I, p. 84, top: "Date: 06/04/2011 10:26 AM" should be added to the email header.
- Part I, Appendix H: When Fritz originally sent his email of 06/08/2011 05:09 PM, it contained both numbered-paragraphs and bulleted-paragraphs. Unfortunately, Lotus Notes didn't export those markings (they were "metadata" insofar as Notes was concerned, not "data"). Since those intended markings are referenced later in the email-chain, they should be restored, according to the following scheme:

Here is the ...

1. Use turbo build ...
 - We will do this ...
 - Although we want ...
 - If this test ...

2. Use turbo build ...
 - The disk log machinery ...
 - Ideally this test ...
 3. Use turbo build ...
 - We will rerun ...
 4. Use debug build ...
 5. Repeat all of ...
- While we're on the subject of Appendix H: Note that its two emails dated 06/10/2011 10:01 PM and 06/10/2011 6:00 PM state that *all* the tests Fritz wanted done, *did* get done in a *timely manner* (as I reported in my weekly report for that week, Appendix A.dd). That is, *not only* the "PerfBar debug" tests that I did overnight on June 7 (and reported on June 8, which Fritz yelled at me about, falsely claiming he expected me to have done "WaltBar turbo" tests), *but also* the "WaltBar turbo" tests (and Steve's analysis of them), were finished on June 9-10. Since Fritz needed Steve's analysis only for a customer meeting on June 20, *everything* Fritz wanted done, did get done — proving yet again Fritz had *no reason to yell at me*, and there was *no reason to demote me*.¹⁵⁴
- Part II, Section 13, pp. 13-16: Here's another thing I keep forgetting to explicitly write down. Dan required me to write a detailed day-by-day schedule/plan. But for several weeks he couldn't/didn't explain to me what he meant, or give me an example. Eventually (after giving me bogus "examples" from Ashish and Felix), he supplied me with his own constructed example (p. 15, top). The point I want to raise here is that the example he constructed was "content-free": it was merely an trivial-estimate-of-days — hence, *neither detailed nor day-by-day*, as he had required of me. Proving yet again that what he wanted me to do was so *impossible* that he himself could not accomplish his own order (which he had several weeks to think about, yet he wanted me to do it in a single day).
- Part II, p. 18, bot: "you treatment" should read "your treatment".
- Part II, p. 23, fn. 87: The "tongue-in-cheek" comment was not intended in the sense of jocularly, but was quite serious. Victims of bullying (workplace or otherwise) are indeed at risk of suicide, as we in Massachusetts are all too aware (e.g., the Phoebe Prince case in a high-school context, and there are plenty of studies showing suicide is rampant in abusive workplace environments too).
- p. 26, mid → ■ Part II, p. 24, top: Regarding point (iv), "withdrawing a previously issued apology": it should additionally be mentioned that the whole idea for the apology was mine, and mine alone (not Dan's; Section 18), therefore it was solely my prerogative to withdraw it if I wanted to (though I didn't do so).
- Part II, Section 20 (pp. 25-27 and Appendix AA): Since Garth was the only third-party privy to the "lazy" scandal emails, it is very relevant to know what Garth thought about it, and/or communicated to others about it. Certainly, he's never said anything to me. What has he said to Dan? If nothing, then what is Dan com-

¹⁵⁴ In other words, this proves yet again that I did do all the work I was supposed to do, "with quality, on time", and communicated everything adequately. I should have pointed this out explicitly in the narrative of Sections 6/6.1, but under the deadline pressure of writing Part I, I neglected to do so.

plaining about? (Rhetorical question: it's already obvious he's complaining only for blackballing purposes.)

- Addendum I, p. 9, fn. 218: There was an open question about whether the language "on leave of absence" includes "STD" — we know it does insofar as "normal language" is concerned, but the question was about "IBM language". The answer is "Yes". Appendix SS. ¹²⁸ see Add. IV, p. 5, bot
- Addendum II, p. 9, top: Concerning Super-Legality (IBM "holds itself to a higher standard than *any law* requires"): Of course, the BCG already prohibits retaliation against whistle-blowers (without using the term "whistle-blowers"), but additional attention/citation should be given to various whistle-blower laws. See <http://en.wikipedia.org/wiki/Whistleblower>, http://en.wikipedia.org/wiki/Whistleblower_protection_in_United_States. For example, New Jersey's Conscientious Employee Protection Act (N.J.S.A. 34:19-3) prohibits employers from taking retaliatory action against an employee who: "Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy, or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law ..." — such as I did, with the (illegal) defamations of Fritz and/or Dan.
- Addendum II, p. 9, fn. 147: "OvaW" should read "OVaW".

44 Denial Of VPN Access

On Tuesday, September 6, I discovered my Netezza Internet VPN access to the Netezza network had been disabled. Appendix TT.

When I asked Russell Mandel about this, he said the reason was because I was out on STD status. If true, then that amounts to an additional charge of violating the ADA. However, that explanation makes no sense. Why would anyone out on STD leave be denied VPN access? There is no business reason to do that. For that matter, is everyone out on STD denied VPN access, or was I singled out for special treatment?

Instead of "denied access because of STD leave", I believe the real reason is continuing harassment/bullying/IIED/etc., via added exclusion/isolationism/ostracism/etc.

45 Russell Mandel: Continued Anti-ADA Behavior

Russell Mandel (undoubtedly in conspiracy with others) continues his campaigns of harassment, with additional/continuing counts of:

- Denial-of-access (above-and-beyond the above-mentioned denial of Netezza VPN access), now revoking my IBM badge physical access to IBM buildings. Appendix UU.
- Delay-of-justice (continuing refusal to "discuss"/process my C&A complaint with me, despite the explicit C&A policy supporting employees "on leave" [including STD; Section 43 and Appendix SS]).

- Refusal to grant me “(reasonable) workplace accommodation” (to escape Dan & Co.’s abusive/bullying workplace).

All of these are indisputably “adverse job actions”, because they all actively prevent me from being a normal/regular/full-fledged IBM employee (for example, preventing me from keeping up-to-date on technical developments). And all are indisputably based on “disability” (the first two explicitly based on STD leave status). Therefore, all are abridgments of the ADA.

46 Russell Mandel: Lack Of Due Process

I discovered Russell hasn’t even sent copies of my Complaint to the principals in this dispute (Fritz, Dan, etc.). Appendix VV.

In other words, Russell is acting completely *ex parte*, placing himself as a third-party line-of-communication in this dispute (apparently, the *sole* line-of-communication, see following sub-section). But he himself is already one of the accused. Therefore the whole line of conduct of this “investigation” is compromised, and cannot be afforded any credence whatsoever.

After all, this kind of totally incompetent “investigation” has already been seen, in the case of Lisa Due (Part II, Section 15). Given that experience, how can Russell Mandel be trusted with the required responsibility/authority? To understand even the basics of my case? To faithfully represent my allegations to the accused? To ask the right questions to the accused, to get proper responses from them? To communicate those responses back to me correctly? To go back-and-forth until all issues are framed properly? To weigh stories/evidence, without bias? To arrive at a right/just conclusion/decision/judgment?

Answer: He can’t.

46.1 Constructive Discharge

Additionally, it is to be noted Russell’s refusal to “discuss”/progress my C&A Complaint until “after I return from STD” is a transparent attempt at “constructive discharge”,¹⁵⁵ and of cover-up/concealment.

For, I am *never* going to be “recovered” from my physical/mental disability, because I will *never* be able to return to the known-abuse environment of Dan & Co. Therefore, I will either (i) have to resign or (ii) be fired — unless that abusive stance by Russell is abandoned.

46.2 Corporate Trust And Compliance Office; Cover-Up

As previously discussed, I took my case to Corporate Open Door — but was denied. In fact, neither the Corporate Open Door process, nor the Confidentially Speaking process, bothered even *responding* to me (not even *acknowledging receipt of my complaint*). Not exactly what you’d expect from “IBM Values”. Which is why I also submitted this Complaint to the IBM Corporate Chief Trust and Compliance Officer, Richard Kaplan. Appendix WW.

add space char

155· Roughly speaking, “constructive discharge” means “employer ‘forces’ employee to resign”.

But Russell Mandel intervened, and now claimed (for the first time) he is the “sole” investigator, and ordering me not to write to anybody else about the matter. In other words: we can be pretty sure there’s a major cover-up in process at this point.

47 Workplace Bullying References

Prior to beginning this whole Complaint in June, I thought I was “alone”. I knew of “blackballing” from my previous personal experience, but I thought that was a “one-off” by a very unethical employer — I had no idea the phenomena of “blackballing”, abusive/retaliatory workplace, workplace-bullying, etc., were actually well-known and wide-spread.

My first inkling (apart from my own previous experience) was the Reader’s Digest article that was brought to my attention (Complaint, Part I, Related Documents). And that led me to Cynthia Shapiro’s *Corporate Confidential* book.

Since then, I’ve continued researching the whole matter. Fortunately, the Internet has led me to many references and contacts. Here are a few:

- <http://en.wikipedia.org/wiki/Bullying>; http://en.wikipedia.org/wiki/Workplace_bullying
- <http://www.workplacebullying.com>; <http://www.bullybusters.org>
- <http://www.kickbully.com> (see list of websites at the end)
- <http://www.bullyfreeatwork.com>
- <http://www.bmartin.cc/pubs/00BRjocm.html>; <http://www.bmartin.cc/pubs/07bullying.html>
- <http://www.overcomebullying.org>
- <http://www.leymann.se/English/frame.html> (somewhat dated)

What does this mean? It means that we (the oppressed) no longer need to suffer in silence, or depend on “folk lore”, or rely on the “tender mercies of judges/juries” (for those who need to take their disputes to the legal system). Thanks to the work of qualified academics and officials, we now have access to *expert witnesses*. Their expertise/testimony can be brought to bear on the issues of this Complaint — hopefully eradicating the scourge of “blackballing”/IIHWE (by whatever name) once and for all.

APPENDICES — Addendum III

RR Non-Optionality Of Reporting

The screenshot shows a Mozilla Firefox browser window displaying the IBM Corporate Trust and Compliance website. The address bar shows the URL <https://w3-03.ibm.com/ibm/trustandcompliance/>. The page title is "IBM Corporate Trust and Compliance | Reporting a concern or possible violation". The website has a blue header with the "w3" logo and the text "IBM Corporate Trust and Compliance". A search bar is present with the text "Search w3". Below the header, there is a navigation menu with links: "w3 Home", "BluePages", "HelpNow", and "Feedback". The main content area is titled "Reporting a concern or possible violation" and includes a date "9 June 2011". The page is divided into three columns. The left column contains a sidebar with links: "IBM Corporate Trust and Compliance", "About compliance", "Compliance organization", "Business conduct guidelines and corporate policies", "Government compliance", "Reporting a concern or possible violation", "Other compliance links", "Trust and Compliance Quarterly Magazine", "Integrity leadership podcast series", and "Integrity postcard series". The middle column contains the main content, which includes the heading "Reporting a concern or possible violation", a subheading "Concerns and appeals", and a paragraph: "When something matters to you, it matters to IBM. Concerns and Appeals programs enable you to bring your company-related concerns to management's attention. For more information, [read on](#)." Below this is another subheading "How to report suspected violations" and a paragraph: "If you know of an unlawful or unethical situation, you must immediately tell IBM whatever you know or have heard about it; you can do so in one of several ways. Contacting your manager is the best place to start, but you can also contact IBM counsel, use the 'Confidentially Speaking' program which lets you raise your concern anonymously, if you choose, or 'Open Door' to higher management. IBM will promptly review your report of unlawful or unethical conduct. To submit your concern or suspected violation via the Confidentially Speaking program or the Open Door program, please use the Concerns and Appeals w3 form, available on the [Concerns and Appeals w3](#) website. For a printable one-page summary on how to report concerns or possible violations, [click here](#)." The right column contains a green box with the text "Translate the page with n.fluent", a link "Read this important disclaimer prior to using this tool", and a "Select Language" dropdown menu. The browser window shows the status bar at the bottom with the text "Done".

SS STD Is Leave Of Absence

►On the webpage shown below, the link “IBM disability benefits” leads directly to the documents governing STD and LTD.◄

The screenshot shows a web browser window titled "You and IBM: Leaves of absence | Health-related leaves - Mozilla Firefox: IBM Edition". The address bar shows the URL http://w3-01.ibm.com/hr/us/benefits/loa/health_related_leaves. The page header includes a navigation bar with links like "w3 career and life", "Topic library", "Event checklists", "Forms and tools", "Contacts", and "Calendar". The main content area is titled "Leaves of absence" and "Health-related leaves". It states "Updated on 15 October 2010" and provides a link to "Leaves of absence >". The text explains that IBM offers several programs to cover health-related issues. A list of links is provided: [IBM disability benefits](#), [Long-term disability benefits](#), [Maternity-related time off](#), [Family and Medical Leave Act \(FMLA\)](#), and [San Francisco Sick Leave Ordinance](#). A sidebar on the left lists various leave types, including "Leaves of absence", "Apply for leave", "Educational leave", "Family and Medical Leave Act", "Retirement Bridge", "Military service", "Personal leaves of absence", "Maternity-related time off", "Parental leave", "Health-related leaves", "San Francisco Sick Leave Ordinance", "Peace Corps or VISTA leaves", "California family leave", "New Jersey family leave", "Skills for Growth LOA", "Service & earnings credit", and "Deferral maximizer contributions". A "Related information" box on the right contains a link to "Employee checklists". The page footer shows "Done" and a status bar.

TT Email Chain: Denial Of VPN Access (September 6-7)

■ From: Help Desk <helpdesk@netezza.com>
To: Walter Tuvell/Marlborough/IBM@IBMUS
Date: 09/06/2011 05:03 PM
Subject: Your request has been logged with request id ##42504##

This is an acknowledgement mail for your request. Your request has been created with id 42504. The title of the request is : Re: Netezza Domain Password
Reminder : Your Password Expires in 15 days. The status of the request can be tracked at <https://helpdesk.netezza.com/WorkOrder.do?woMode=viewWO&woID=42504> .

►The above email was an auto-reply (without human intervention) to a trouble-ticket I submitted.◄

■ From: Walter Tuvell/Marlborough/IBM
To: Help Desk <helpdesk@netezza.com>
Date: 09/07/2011 10:26 AM
Subject: Re: Your request has been logged with request id ##42504##

Hi, folks. I still can't access the Netezza VPN via Juniper Network Connect (I'm temporarily working at home, on medical leave), and therefore I can't access the webpage cited below to track the status of my help ticket. But I can access the IBM VPN, and Lotus Notes, so could you let me know by email what the status is?

►The above email (to a human) was never replied to. All previous emails I'd sent to helpdesk were responded to, by Jay Griffin or Mark Gutierrez.◄

■ From: Walter Tuvell
To: Russell Mandel
Date: 09/07/2011 11:31 AM
Subject: Fw: Your request has been logged with request id ##42504##

I can't login to Netezza, and the helpdesk isn't responding to my request for help. (I got an automated response, but humans aren't responding.)

Am I now being blocked/blacklisted (in addition to being blackballed)?

■ From: Russell Mandel
To: Walter Tuvell
Date: 09/07/2011 01:22 PM

Subject: Re: Fw: Your request has been logged with request id ##42504##

While you are out on STD, you have no need to access heritage Netezza systems. Once you return to work, it will be easy to return your access.

■ From: Walter Tuvell
To: Russell Mandel
Date: 09/07/2011 01:48 PM
Subject: Fw: Your request has been logged with request id ##42504##

This is crazy, and I object strenuously. I'm (supposedly) an employee in good standing, and as such I demand my regular access rights be returned to me.

I DO have a need to access Netezza. I'm constantly studying, both online (Internet, Netezza [wiki, for example], etc.) and offline (books, programs on laptop, etc.). There is nothing wrong with my brain, and you know it, hence I'm fully capable of profiting from brain-work. It's only the abusive attack that Dan & others (such as you) have subjected me to that have forced me to go on STD.

You cannot point to any IBM policy that prohibits employees on-leave from their normal access rights (as with denial-of-access to C&A, it runs afoul of the ADA). Can you show me the list of other people on-leave who you've denied access to?

But, of course, we know on-leave isn't the real reason for denial-of-access, is it? The real reason is to bully/harass/abuse/IIED/etc. me. (And don't give me any BS about being "afraid I'll steal company IP", I'm no spy.)

Obviously, this incident will go into Addendum III.

UU Email Chain: Denial Of Physical Badge Access (September 13-14)

■ From: Walter Tuvell
To: RUSSELL E MANDEL
Date: 09/13/2011 02:20 PM
Subject: No building access?

So, it seems my IBM badge won't get me into IBM buildings anymore, right?

■ From: RUSSELL E MANDEL
To: Walter Tuvell
Date: 09/14/2011 10:02 AM
Subject: Re: No building access?

You are out on STD. Therefore, you don't need access to IBM facilities since you aren't working. It is easy to return access once you return from STD.

■ From: Walter Tuvell
To: Russell Mandel
Date: 9/14/2011 10:43 AM
Subject: Re: No building access?

Again, you are wrong, and this is harassment. I went to an IBM location yesterday to visit a friend, and my badge didn't work, so I embarrassingly had to phone him to get me in. It also seems I no longer have IBM VPN access to certain w3 sites (in addition to the previously noted lack of Netezza VPN access). Rather than make me guess, why don't you just point me to the policy document that states what people with "disability leave" are prohibited to do? The reason is clear: There is no such policy. And there is no legitimate business reason being served for excluding me. In particular, it would obviously IMPROVE my health if I had the VPN & building accesses restored. I'm being excluded solely in retaliation for my C&A action, not because of the STD at all.

To repeat yet again: My ONE AND ONLY "disability" is that I am legitimately/provably physically/mentally unable to work in the abuse environment I am currently assigned to (Dan Feldman & Co.). I did not have this "disability" when I was hired, it commenced precisely when I initiated my C&A action on June 10, and culminated at my meeting with Dan on Aug 3. My medical/psychological/intellectual condition is perfect, except for that. My medical/psychological health-care providers agree with me: They DO NOT WANT me to return to that abusive environment, because to do so is deleterious to my physical/mental health. I have repeatedly demanded a "workplace accommodation" (per ADA, as well as simple humanity/decency) to be removed from that abuse environment (preferably by firing the evil-doers), and you/IBM have repeatedly refused, insisting that I must remain in that very abusive situation.

You've even insisted that I must return to that abuse, BEFORE you will even process ("discuss with me") my C&A, even you KNOW I CANNOT do that without endangering my health, and even though the C&A policy itself EXPLICITLY states that the full C&A process is available to me while I'm "on leave" (which phrase DOES include STD, as I discovered on w3). That is obviously abusive in and of itself.

All this is in complete violation/breach of the BCG Contract (because the BCG "includes by reference" the terms of the C&A program).

I hereby reinstate my demand that I be accorded my rights, as stated above.

VV Email Chain: Lack Of Due Process (September 9)

■ From: Walter Tuvell
To: Daniel Feldman
Date: 09/09/2011 07:38 AM
Subject: STD check-in

Please acknowledge.

■ From: Daniel Feldman
To: Walter Tuvell
Date: 09/09/2011 07:50 AM
Subject: Re: STD check-in

Thanks for checking in. I hope your recovery is going well.

■ From: Walter Tuvell
To: Daniel Feldman
Date: 09/09/2011 08:08 AM
Subject: Re: STD check-in

You're joking, of course, because Russ Mandel has told you the reason I'm out on STD, right?

■ From: Daniel Feldman
To: Walter Tuvell
Date: 09/09/2011 10:43 AM
Subject: Re: STD check-in

No, I am sincere. Russ Mandel and I have not discussed the reason for your STD. I did receive notice today that it has been extended. Please do continue to check-in weekly.

■ From: Walter Tuvell
To: Daniel Feldman
Date: 09/09/2011 11:23 AM
Subject: Re: STD check-in

OK, maybe you didn't "discuss" it with Mandel, but why haven't you read it for yourself? Complaint, Part II, Section 26, p. 33.

■ From: Dan Feldman
To: Walter Tuvell
Date: 09/09/2011 11:53 AM
Subject: STD check-in

Russ is dealing with the complaint. I haven't seen it. This is the way IBM partitions the work on these matters. My role is limited to providing Russ any support he asks for (i.e., answering his questions as he does his research) and communicating with you about the sorts of day-to-day things that people managers at IBM are expected to communicate about.

WW Email Chain: Corporate Trust And Compliance Office (September 21-22)

■ From: Walter Tuvell
To: Richard Kaplan
Date: 09/21/2011 10:37 AM
Subject: There's a cancer growing on IBM

Richard, I am hereby filing a formal report/complaint directly to you, in your official role as Chief Trust & Compliance Office (attached, in 4 PDFs).

I have already filed this complaint with HR & C&A, and it is currently "in process" there. I write "in process" in quotes, because Russell Mandel (presumably in conspiracy with many others) is obviously stonewalling it, and it not to be trusted.

I have also tried filing this complaint with the Corporate Open Door process, and with the Confidentially Speaking process. However, neither of those icons of trust even bothered to respond to me. (It will be interesting to see if you do.)

I have only today discovered the existence of the CTCO as a "court of last resort", so that's why I am writing to you now.

In brief, "there's a cancer growing on IBM" (pace John Dean), and the time is rapidly growing short for fixing it.

►*Attachments omitted (Complaint, Parts I-II and Addenda I-II).*◄

■ From: Russell Mandel
To: Walter Tuvell
Date: 09/22/2011 09:02 AM
Subject: ►*Subject omitted.*◄

Your e-mail to IBM's Chief Trust and Compliance Office has been forward to me for review. The concerns you raise in your e-mail are the same as those which are cur-

rently being investigated by me. I will continue to be the individual responsible for investigating your concerns on behalf of IBM. All correspondence regarding your concerns should be sent only to me as I will be your sole point of contact for this investigation. IBM expects your cooperation with this requirement as this investigation continues.

■ From: Walter Tuvell
To: Russell Mandel
Date: 09/22/2011 11:16 AM
Subject: Re: ►*Subject omitted.*◄

OK.