

Fitzgerald's Lawyers to Sue U.S.



By
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Lawyers for A. Ernest Fitzgerald will go to court soon demanding the government pay more than \$100,000 in fees resulting from their successful three-year and nine-month battle to have the Air Force cost expert returned to duty.

Fitzgerald's Grade 17 slot was abolished by the Air Force after he rocked Capitol Hill, and embarrassed Pentagon officials, by testifying that there was a \$2 billion cost overrun in the C-5A aircraft contract.

The civil servant was restored to his \$36,000 post late last year. During the 45-month legal grind, Fitzgerald's name became synonymous with bureaucratic boatrocking. Some viewed him as a hero, others a troublemaker.

A battery of volunteer attorneys from the American Civil Liberties Union fought the case. They argued that Fitzgerald's firing was punitive, and intended as a warning to other po-

tential "whistle-blowers" in government.

The Air Force steadfastly maintained that the dismissal was a routine Reduction-in-Force for economy reasons and had nothing to do with a bureaucratic vendetta.

Fitzgerald's case finally came to the Civil Service Commission—the government's central personnel and administrative agency—last year. CSC decided that Fitzgerald had not been fired in "retaliation for his testimony" before a Senate group, but that the dismissal resulted from "other purely personal reasons" and was contrary to merit service regulations.

In the course of his fight, Fitzgerald won from the Civil Service Commission an agreement to hold the first public hearings ever granted by the government in internal dispute cases.

Although CSC did order Fitzgerald restored with back pay, it denied his request for an award of costs, attorneys' fees and damages. Fitzgerald's attorneys argued that such money is frequently ordered by courts. Federal officials said they could not recall, however, the government ever awarding such costs (other than back pay) in adverse action disputes with employees.

The exact amount of the

award Fitzgerald's lawyers will seek from U.S. District Court is still undecided. But the ACLU has estimated that "reasonable fees" attorneys could expect for the time spent in the Fitzgerald case would be "at least" \$100,000, and that would not include other fees or possible damages.

The Houseboat: Atomic Energy Commission has the green light to pay an unusual real estate tab: \$129 that it cost an employee to get his houseboat settled.

The worker transferred from Las Vegas to Bethesda for the AEC, which agreed to pay costs associated with his new residence in this area. Since most people live in houses, the government normally routinely picks up certain fees associated with the purchase of a home.

This employee, however, decided to settle on a houseboat. When he billed the AEC for \$129 for a "marine survey" (necessary for the financing of such a craft) AEC's accountants scratched their heads and bucked the case over to the General Accounting Office. GAO said houseboat or house, the man had a right to choose his own dwelling and approved the payment, which is much cheaper to the government than

most such resettlement transactions.

Civil servants in a similar financial boat can refer to GAO decision B-180099 to make their case.

J. Stanly Lewis, vice president of the National Association of Letter Carriers, is recovering from a heart ailment at Cafritz Memorial Hospital. He hopes to be back home sometime this week and should be off the job—if he follows doctors' orders—until late April.

Summer Jobs: Military District of Washington has set an April 15 deadline on applications for a number of summer jobs here for trades helpers and laborers. Call OX 7-0335.

D.C. Police Department wants a Grade 5 supervisory equipment operator, to work rotating tours of duty. Call 626-2561.

Retiree Raises: I goofed Friday in a rundown of retiree cost-of-living raises, giving them credit for one they didn't get. There was a 4.8 per cent boost in July, 1972, a 6.1 per cent raise last July and a 5.5 per cent increase this January. If living costs hold at their present level for two additional months, the next COL raise would be 4.6 per cent effective July 1, and show up in checks mailed for August delivery.