



## U.S. OFFICE OF SPECIAL COUNSEL

1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

### Analysis of Disclosures, Agency Investigation and Report, Whistleblower Comments, and Comments of the Special Counsel

OSC File No. DI-04-0887

#### Summary

The disclosures in this matter were made by Arthur Fields, Food Inspector. Mr. Fields has worked as a food inspector for the U.S. Department of Agriculture (USDA), Food Safety and Inspection Service for 15 years, and has been stationed at the Pilgrim's Pride Plant, Marshville, North Carolina, for 14 years. Mr. Fields alleged that two food inspectors who work alongside him on the day shift perform their job duties in a negligent manner, thereby creating a danger to public health. Specifically, he alleged that Dianne Martin frequently falls asleep on the job and Clarice Marsh regularly listens to music on her headphones, dances, and converses with other employees. He maintained that, as a result of their behavior, both inspectors allow several chickens to pass their station every day without an adequate inspection. Mr. Fields stated that he informed his supervisor, Dr. Anthony Casacalenda, Supervisory Veterinary Medical Officer and Inspector-In-Charge, of this situation, yet Dr. Casacalenda did not take any steps to correct the problem.

The USDA investigated Mr. Fields's allegations and substantiated them in part. The investigation substantiated Mr. Fields's allegation that Ms. Martin falls asleep at work, but it did not substantiate his allegations concerning Ms. Marsh or Dr. Casacalenda.

#### The Whistleblower's Disclosures

According to Mr. Fields, the Marshville Pilgrim's Pride Plant processes approximately 140,000 chickens per day. Mr. Fields stated that these chickens are inspected by eight USDA food inspectors working two shifts – four on the day shift, and four on the evening shift. Hence, each inspector is responsible for inspecting approximately 17,500 chickens during their daily 8-hour shift. Mr. Fields explained that, before each chicken arrives at the inspection station, it is sliced open and its viscera are placed on a tray. Both the chicken and the tray containing its viscera are then placed on a fast-moving conveyor belt. Mr. Fields advised that, as each chicken approaches the inspector's station, the inspector is supposed to examine the viscera and then open the bird along the pre-existing cut and examine the body cavity for any evidence of tumors, fecal contamination, or other indications of disease. When an inspector discovers evidence of disease, he or she is supposed to pull the diseased chicken from the line.

Mr. Fields reported that two of the food inspectors on the day shift perform their job duties in a negligent manner. First, he alleged that Ms. Martin falls asleep for brief intervals at least ten times per day. He stated that she generally remains asleep for approximately two or three minutes each time this occurs. According to Mr. Fields, whenever Ms. Martin wakes up

from one of her catnaps, she does not stop the line in order to inspect the chickens she missed nor does she notify anyone that chickens have passed her station without being inspected. Mr. Fields estimated that, as a result, several hundred chickens pass by Ms. Martin's station everyday without being inspected.

Mr. Fields also alleged that a second inspector, Clarice Marsh, regularly wastes time dancing, listening to music on her headphones, and conversing with other employees, rather than inspecting chickens. Specifically, he stated that he often sees her conversing with quality control personnel and other employees who work for the plant. Mr. Fields stated that Ms. Marsh generally engages in this type of behavior at the beginning of the day and allows hundreds of chickens to pass by her station uninspected during the first hour of most workdays.

Mr. Fields stated that he informed his supervisor, Dr. Casacalenda, of Ms. Martin's and Ms. Marsh's misconduct, yet Dr. Casacalenda has not taken any steps to correct the situation.

### **Department of Agriculture Investigation and Report**

According to the agency report, an agency investigator conducted an on-site investigation from April 12, 2004, to April 15, 2004. The investigator interviewed all of the food inspectors who work the day shift: Mr. Fields, Ms. Martin, Ms. Marsh, Joseph Morris, and Wanda Chambers, as well as Dr. Casacalenda and several plant employees.

The investigation substantiated Mr. Fields's allegation that Ms. Martin falls asleep on the job. The report states that the agency was already aware of this situation when it received OSC's March 3, 2004, letter referring Mr. Fields's allegations. On January 29, 2004, at Dr. Casacalenda's request, the Raleigh, North Carolina District Office addressed the problem by submitting a request for disciplinary action to the Labor and Employee Relations Division (LERD), Employee Relations Branch (ERB). In response, LERD, ERB issued Ms. Martin a notice of Proposed Suspension of one pay period on February 23, 2004. The investigator found that Ms. Martin continued to fall asleep on the line, even after she received the proposed suspension. In addition to Mr. Fields, two food inspectors and six plant employees stated that they have observed Ms. Martin asleep on the line. Ms. Martin denied ever falling asleep at work, but admitted that she sometimes closes her eyes for 15 to 20 seconds, and, in doing so, probably misses inspecting some chickens. She agreed to contact a sleep clinic for testing. The report states that the District Office placed Ms. Martin on administrative leave pending medical documentation on the issue.

According to the agency report, the investigation did not substantiate the allegation that Ms. Marsh listens to music and dances while working. Ms. Marsh admitted that she brings a CD player to work, but maintained that she only listens to music at break time. Other inspectors stated that Ms. Marsh wears a headset on the line and does move around a lot; however, with the exception of Mr. Fields, none of the inspectors claimed that she is negligent in performing her inspection duties.

Lastly, the investigation did not substantiate Mr. Fields's allegation that Dr. Casacalenda did not respond appropriately when Mr. Fields informed him of his concerns about Ms. Martin's and Ms. Marsh's job performance. As discussed above, the investigator found that, unbeknownst to Mr. Fields, Dr. Casacalenda had, in fact, pursued disciplinary action against Ms. Martin for sleeping on the line. In reference to Ms. Marsh, the report states that Dr. Casacalenda's decision not to pursue disciplinary action was justified, as the investigation did not find sufficient evidence that she had engaged in any misconduct.

### **The Whistleblower's Comments**

Mr. Fields submitted comments on the agency report. He expressed gratitude to OSC for referring his allegations to the head of the agency for investigation, and he reported that, as a result of the investigation, employee performance had improved. Mr. Fields nevertheless expressed dissatisfaction with the agency's findings regarding Ms. Marsh. He maintained that the other employees who were interviewed about her behavior covered up her misconduct out of their feelings of personal loyalty to her.

### **Conclusion**

Based on the representations made in the agency report and Mr. Fields's comments, I have determined that the agency report contains all of the information required by statute and the findings appear to be reasonable.