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Southern Unit Is Told To Pay \$2 Million To Whistleblower

By a WALL STREET JOURNAL Staff Reporter

ATLANTA — An administrative-law judge ruled that Southern Co.'s Georgia Power unit pay \$250,000 in compensatory damages plus about \$1.75 million in back pay to a whistleblower.

The Labor Department judge also ruled that Georgia Power reinstate the whistleblower, Marvin B. Hobby, in a comparable job and pay his attorneys' fees.

James Peters, a Georgia Power spokesman, said the company is appealing the decision to a Department of Labor administrative-review board, which will review the judge's decision.

Michael Kohn, an attorney for Mr. Hobby, said the decision is the largest award for compensatory damages ever made in a federal environmental whistleblower case and the largest for back pay.

In his decision Sept. 17, Judge Daniel A. Sarno Jr. said the compensatory-damage award was higher than other cases because of, among other things, Mr. Hobby's high-level position, his unemployment and underemployment for over eight years, his inability to find any work within the nuclear industry, and the emotional stress endured.

In 1990, Mr. Hobby was fired from his post as a general manager at Georgia Power after he raised safety concerns in an internal memo about management oversight at the utility's nuclear-power plants. He later filed suit against the utility, alleging retaliation, and took his concerns to the Nuclear Regulatory Commission.

Georgia Power maintained that Mr. Hobby lost his job as part of a normal downsizing, not retaliation. However, the labor secretary rejected that assertion, saying Mr. Hobby was the only manager at that level affected.