

Exhibit 3

In order to be successful in the USDA Agricultural Research Service, every research scientist needs laboratory space, qualified technical help, and sufficient funding to pursue scientific studies. I started out with each of these resources in 2004. But, by August 2010, all of these essential resources (my laboratory, my technical help, and my research funding), had been decreased, delayed, or denied.

- My laboratory space was decreased (page 2)
- My trained technical help was removed (page 3)
- My authority to spend my research funds was denied (pages 4 – 6)

My employer methodically created working conditions that were so difficult, unpleasant, and intolerable (from discrimination, retaliation, and harassment) that a prudent person of normal sensitivity, exercising ordinary common sense, would leave work.

Cynthia Bower
Appeals Hearing (Docket # B 10 2533)
October 2010

My laboratory space was unfairly decreased

The following is an email I sent to my supervisor (and ARS administrators) documenting that Dr. Pantoja had deliberately decreased my laboratory space from 200 sq ft of independent lab in Fairbanks to 45 sq ft of benchtop space in a shared lab in Kodiak. This change impacted my entire research program.

Subject: Mid-year Review (23 April 2010)
From: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>
Date: Fri, 23 Apr 2010 16:36:38 -0600
To: "Pantoja, Alberto" <Alberto.Pantoja@ars.usda.gov>
CC: "Hammond, Andrew" <Andrew.Hammond@ars.usda.gov>, "Matteri, Robert" <Robert.Matteri@ars.usda.gov>, "Whalen, Maureen" <Maureen.Whalen@ars.usda.gov>

Alberto,

This email is to document that we met today (23 April 2010 @1:30) to discuss my mid-year review. I provided you with an overview of my current accomplishments in advance and asked for feedback at our meeting. You provided none.

I also sent you a list of questions (in advance), which I hoped we could discuss. However, your responses were not adequate. For example, you absolutely refused to acknowledge that my actual lab space would be decreasing from 200 sq ft of independent lab in Fairbanks to 45 sq ft of benchtop space in a shared lab in Kodiak. It is unreasonable to believe that this change will not impact my research program.

My future travel requests (submitted to you, as requested on February 12th), were also not adequately addressed. I was told merely to submit them all now with no regard for my travel priorities and no guarantee of approval for any specific request.

I also was not told whether my current technician would continue to draw salary from the Aquaculture program's funding, and therefore continue to work on my research this summer here in Fairbanks. It's true that you are the fundholder and therefore have the authority to reassign her to another program (such as IPM). However, I believe we can both agree that losing my trained technician while waiting for the 2011 ARMPs budget to be approved would be highly detrimental to my research program.

ARS has placed you in a position to severely damage my research program by withholding resources such as space, technical support, and funding. As always, your presence at my mid-year review represents a serious conflict of interest, since I named you as a respondent in all of my (as yet unresolved) EEO complaints. After such an unsuccessful interaction today, I could not in good conscience sign the midyear-review paperwork.

Cindy

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Cynthia Bower
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My trained technical help was removed

Prior to relocation to Kodiak, I provided technical and administrative supervision for a GS-5 Student and a GS-7 Biological Science Technician (although 20% of the technician's time was diverted from my lab by my supervisor for a non-research collateral duty assignment for the Unit). On June 5th, 2010, all trained technical support was withdrawn by ARS when I was transferred from Fairbanks to Kodiak Island. This was just another demonstration of discrimination by my supervisor, since my co-worker (Peter Bechtel) retained both of his trained, Ph.D.-level laboratory personnel during the transfer. In fact, Dr. Bechtel was allowed to "bend the rules" and extend his post-doc (Ted Wu) for six months beyond the maximum 4-year appointment, to continue writing research results and to assist with equipment set-up in Kodiak. Dr. Bechtel's other Ph.D. employee was hired as a post-doc in Kodiak, to ensure research continuity in his laboratory's new location. However, despite my numerous requests to Dr. Pantoja, (asking if my technician would be allowed to continue working for my program in Fairbanks through August 2010), Dr. Pantoja commandeered the other 80% of my trained technician's time, by reassigning her to his own research program on June 4th. His suggestion was that I hire temporary (untrained) technical help when I arrived in Kodiak.

This information can all be substantiated through subpoena of ARS administrative personnel and their email records.

Cynthia Bower
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Email thread showing that my authority to spend my research funds was denied

From: Bower, Cindy
Sent: Thursday, February 18, 2010 7:31 AM
To: Pantoja, Alberto
Cc: Bechtel, Peter
Subject: Amendment of Gasification SCA (# 58-5341-8-411)

Alberto,
As requested, here is a justification (with supporting documents) for amending the gasification SCA with Andy Soria.

Justification:
Specific Cooperative Agreement # 58-5341-8-411 (Gasification of Salmon Processing Waste to Power Greenhouses in Alaska) was initially to be funded at a level of \$25,000 per year for two years (\$50,000 total). Although the title still retains the project's original research intent (powering greenhouses in Alaska), the funding was reduced to \$25,000 for one year, with a corresponding decrease in the scope of work, (see attached SCA_58-5341-8-411.pdf).

The current gasification SCA is active until August 31st 2010, although the work has been completed and all of the objectives have been fulfilled, (see attached AnnualReport_1_Soria.doc). However, despite the original greenhouse-based title, neither of the SCA's two manuscripts describes how this research project can extend the growing season of greenhouses in rural Alaska. Dr. Andy Soria (the SCA's PI) has spent all of the \$25,000 allocated to the project to complete his obligations under the original SCA.

There is an opportunity for Dr. Soria to write an applied publication based on his gasification research. I am proposing that a one-time addition of \$2,500 from my current allocated research, travel, or supplies budget now be transferred to the gasification project. This will result in a peer-reviewed publication that offers a practical design for utilizing gasification technology to extend the growing season of rural greenhouses in Alaska. Dr. Soria has indicated that \$2,500 will enable him to deliver the paper addressing application of the gasification project to energy needs in rural Alaska.

I believe funding Dr. Soria's request represents an excellent use of ARS funds and provides a big bang for the bucks. The practical publication will have relevance to many small and remote native Alaska villages. This project does not require new funding as the money is already in my research budget. Furthermore, no new SCA objectives are required, since a simple application component can be added to an existing objective.

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Infusing \$2,500 into the current gasification SCA will result in a publication that can be used by administrative personnel who are interested in applying this technology to heat greenhouses in rural communities.

I hope you will consider my request.

Cindy

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From: Pantoja, Alberto
Sent: Monday, February 22, 2010 8:53 AM
To: Bower, Cindy
Cc: Bechtel, Peter; alberto.pantoja@ars.usda.gov; Janis Contento (Janis.Contento@ARS.USDA.GOV)
Subject: RE: Amendment of Gasification SCA (# 58-5341-8-411)

Cindy

Soria is max out in matching funds and cannot receive additional funds at this time. The proposed work can be completed in next phase; he will be in a position to receive new funds in July 2010.

alberto

Subject: RE: Amendment of Gasification SCA (# 58-5341-8-411)
From: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>
Date: Mon, February 22, 2010 9:25 am
To: "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV>
Cc: "Bechtel, Peter" <Peter.Bechteler@ARS.USDA.GOV>
"Contento, Janis" <Janis.Contento@ARS.USDA.GOV>

Alberto,
Your letter implies that \$2,500 funding will be made available to Andy

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Soria from my research budget in July 2010. If that is not what you meant, please send me a clarification. The matching contribution will again be: 1) Dr. Soria's salary and benefits during his work on this project; 2) Space, computer and library resources through his UAF department (SNRAS); 3) Supplies, as needed, to complete the design and finalize the publication.

I have already submitted a justification for the final phase of this project. Do you require any additional information or can I assume that a \$2,500 check will be deposited in Dr. Soria's SCA in July 2010. Please let me know.

Thanks.

Cindy

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On Feb 22, 2010, at 4:27 PM, bower@sfos.uaf.edu wrote:

Hi Andy,
It looks like Alberto is going to delay (i.e. deny) funding for the paper. He mentioned July, but this is a well-known tactic for delaying his real response, (which I now recognize will be "never"). I'm sorry.

I'm still looking into other options, but since eventually all the approvals go through Alberto, it's a safe bet that he'll stop all progress no matter what I try. (Note to self: it doesn't pay to file an EEO complaint against your boss.) I just wanted to let you know how poorly my attempts have been going. I hope things are better down in Palmer.

Take care,

Cindy