

## **Exhibit 4**

The following documents demonstrate that I was a highly successful research scientist in the ARS, and my "voluntary resignation" was not caused by the quality or quantity of my work.

- Performance Appraisals (showing "Superior" work quality) for the 2008 and 2009 rating cycles. (pages 2 – 3)
- Accomplishment Statements (showing an elevated quantity of work) for the 2008 and 2009 rating cycles. (pages 4 – 7)
- Emails to my supervisor following my 2008 and 2009 Performance Appraisals, and noting my supervisor's Conflict of Interest in handling my appraisals, (pages 8 – 10)
- Emails to my supervisor regarding my 2010 mid-year review, (pages 11 – 14)

United States Department of Agriculture  
Performance Appraisal

1 Social Security No. [REDACTED]	2 Position Number 1PA030	3 Pay Plan GS	4 Occup. Series 1382
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5 Name (Last, First, Middle Initial) BOWER, CYNTHIA K.		6 Grade/Step or Pay Level 12/05	7 Appraisal Period From 01/01/2008 To 09/30/2008	
8 Official Position Title RESEARCH FOOD TECHNOLOGIST		9 Organization Structure Code 03 50 53 5341 05 00 00 00		
10 Duty Station 02-0770-090 FAIRBANKS, AK	11 Funding Unit	12 Agency Use	13 NFC Use	

**Instructions**

Blocks 1 through 10, completed by NFC, should be reviewed and, if necessary, corrected.  
Block 11. Enter funding unit number.  
Block 14. Enter brief description of performance elements.  
Block 15A. Check performance elements identified as critical.  
Blocks 15B, 15C, 15D. Rate actual performance by entering 2 for critical elements and 1 for non-critical elements in appropriate column.

Blocks 15E, 15F, 15G. Enter total of each column.  
Block 15H. Enter total from 15E, 15F, and 15G.  
Block 16A. Check off the correct summary rating described in decisions table (16B).  
Blocks 17 through 22. Self-explanatory.

14 Performance Elements	15A Critical Element	15B Exceeds Fully Successful	15C Meets Fully Successful	15D Does Not Meet Fully Successful
1) Conceives, plans and conducts research for CRIS 5341-31410-003-00D	✓	2		
2) Reports research results	✓	2		
3) Resource management	✓		2	
4) Represents agency; program development; personal development			1	
5)				
6)				
7)				
8)				
9)				
10)				

16B Decision Table (check off Summary Rating in block 16A)

Rating of Outstanding if 15E equals 15H.  
Rating of Unacceptable if any critical element is rated in 15D.  
Rating of Superior if no element is rated in 15D; 15F is greater than zero; and 15E is greater than 15F.  
Rating of Marginal if 15G is greater than 15E, and no critical element is rated in 15D.  
Rating of Fully Successful if none of the above apply.

*PA  
P225  
12/19/08*

15E Exceeds 4	15F Meets 3	15G Does Not Meet
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15H Enter total 15E + 15F + 15G = 15H 7
---

16A Summary Rating (See Decision Table in 16B)

- Outstanding
- Superior
- Fully Successful
- Marginal
- Unacceptable

17 Employee - Standards of Conduct and Ethical Responsibilities (Check off appropriate boxes)

- a I have a copy of the Governmentwide standards of ethical conduct and any USDA and agency supplemental regulations governing conduct.  YES  NO
- b I attended the required annual ethics training.  YES  NO

18 Employee's signature | Date | If employee did not sign, state reason.

*Cynthia Bower*

11/5/08

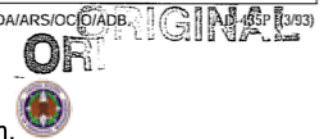
(Instructions for resolutions of disputes are on the reverse of employee copy.)

19 Supervisor's Signature <i>[Signature]</i>	Date 11-XI-08	20 Reviewer's Signature <i>[Signature]</i>	Date 10/27/08
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21 Approving Official's or Funding Unit Manager's Signature (optional) | Date

Original - NFC Processing Copy

This form was electronically produced by USDA/ARS/IOCC/OADB. ORIGINAL (10/03)



**United States Department of Agriculture  
Performance Appraisal**

1 Social Security No. [REDACTED]	2 Position Number 1PA030	3 Pay Plan GS	4 Occup. Series 1382
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5 Name (Last, First, Middle Initial) BOWER, CYNTHIA K.		6 Grade/Step or Pay Level 12/05	7 Appraisal Period From 10/01/2008 To 09/30/2009	
8 Official Position Title RESEARCH FOOD TECHNOLOGIST		9 Organization Structure Code 03 50 53 5341 05 00 00 00		
10 Duty Station 02-0770-090 FAIRBANKS, AK	11 Funding Unit	12 Agency Use	13 NFC Use	

**Instructions**

Blocks 1 through 10, completed by NFC, should be reviewed and, if necessary, corrected.  
 Block 11. Enter funding unit number.  
 Block 14. Enter brief description of performance elements.  
 Block 15A. Check performance elements identified as critical.  
 Blocks 15B, 15C, 15D. Rate actual performance by entering 2 for critical elements and 1 for non-critical elements in appropriate column.  
 Blocks 15E, 15F, 15G. Enter total of each column.  
 Block 15H. Enter total from 15E, 15F, and 15G.  
 Block 16A. Check off the correct summary rating described in decisions table (16B).  
 Blocks 17 through 22. Self-explanatory.

14 Performance Elements	15A Critical Element	15B Exceeds Fully Successful	15C Meets Fully Successful	15D Does Not Meet Fully Successful
1) Conceives, plans and conducts research for CRIS 5341-31410-003-00D	✓	2		
2) Reports research results	✓	2		
3) Resource management	✓		2	
4) Represents agency; program development; personal development		1		
5)				
6)				
7)				
8)				
9)				
10)				

16B <u>Decision Table (check off Summary Rating in block 16A)</u>  Rating of Outstanding if 15E equals 15H. Rating of Unacceptable if any critical element is rated in 15D. Rating of Superior if no element is rated in 15D; 15F is greater than zero; and 15E is greater than 15F. Rating of Marginal if 15G is greater than 15E, and no critical element is rated in 15D. Rating of Fully Successful if none of the above apply.	15E Exceeds 5	15F Meets 2	15G Does Not Meet 0
	15H Enter total 15E + 15F + 15G = 15H		15H

17 Employee - <u>Standards of Conduct and Ethical Responsibilities</u> (Check off appropriate boxes) a I have a copy of the Governmentwide standards of ethical conduct and any USDA and agency supplemental regulations governing conduct. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO b I attended the required annual ethics training. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	16A <u>Summary Rating (See Decision Table in 16B)</u>  <input type="checkbox"/> Outstanding <input checked="" type="checkbox"/> Superior <input type="checkbox"/> Fully Successful <input type="checkbox"/> Marginal <input type="checkbox"/> Unacceptable
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18 Employee's signature <i>Cynthia Bower</i> Date 11/12/09 If employee did not sign, state reason.	19 Supervisor's Signature <i>[Signature]</i> Date 12-1-09	20 Reviewer's Signature <i>[Signature]</i> Date 11/29/09
21 Approving Official's or Funding Unit Manager's Signature (optional) _____ Date _____		

## **ELEMENT 1: CONCEIVES, PLANS, AND CONDUCTS RESEARCH**

### **Subobjective 1.8 *Develop high-quality, value-added products from salmon***

- 1.) Concluded study on gasification of salmon processing waste with Oklahoma collaborators. Research was presented nationally (AOCS, May 2008), and a manuscript is in review. This project laid the groundwork for introducing an energy-generating technology into rural Alaska.
- 2.) Initiated gasification of salmon processing waste with Alaska collaborators. This research optimizes conditions of pyrolysis for heating greenhouses in rural Alaska, thereby allowing remote fishing villages access to inexpensive greenhouse foods.
- 3.) Evaluated four new drying methods for discarded pollock skins. Fish skins are valuable for gelatin production, but utilizing Alaska's supply is currently not cost-effective due to transportation expenses. Collaboration with PFRU (ARS, Albany, CA) was established for gelatin gel and film testing.

### **Subobjective 2.4 *Investigate new technologies for stabilization of by-products***

- 1.) Completed a study that provides several successful methods for preserving high protein fish byproducts through ensilage and fermentation. The research was presented nationally (AOCS, May 2008), and a manuscript was accepted for publication.

#### **2.4 a: *Examine smoke-processing as a technology to reduce salmon oil oxidation***

- 1.) Completed an innovative project that protects PUFA-rich salmon oil from oxidation. This oil preservation technology enables room temperature transportation of oils without addition of costly antioxidants. Research was presented nationally (IFT, June 2008), and a manuscript is in review.
- 2.) Spoke with Office of Technology Transfer (PWA Albany, CA) concerning applications for smoked oils. Pursuing possible (non-funded) collaboration with food science professor and her culinary student to develop food products.

#### **2.4 b: *Characterize smoked salmon tissue for stable silage***

- 1.) Completed data collection on stability of smoked salmon tissue. This material has a naturally low pH and thus does not require extensive acidification for preservation. An abstract was submitted to Aquaculture America's annual meeting, (Feb, 2009) and a manuscript is currently in preparation.
- 2.) Initiated smoked silage production (with and without lactic acid bacteria) for evaluation as antioxidants and palatability enhancers in aquaculture feeding trials.
- 3.) Successfully produced a high-protein smoked salmon "cracker" that is shelf-stable, PUFA-rich, contains vitamin E and has antioxidant activity.

#### **2.4 c: *Collaborate with FITC on accelerated fish compost project***

- 1.) Continued salmon composting project (Marine Compost Accelerated for Coastal Climates) with co-investigators (University of Alaska Fairbanks in Kodiak, AK).
- 2.) Invited to collaborate on "Implementation and Evaluation of Carbon Sources for Fish Waste Composting" with co-investigators from University of Alaska Fairbanks.

#### **2.4 d: *Evaluate agricultural discards as a carbohydrate source for fermenting fish***

- 1.) Completed study that evaluated potatoes as the sole carbohydrate source for lactic acid bacteria fermentation of salmon byproducts. Traditional sources of fermentable sugars (cane and beets) are not grown in Alaska. Adapting the process to local agricultural wastes will make fermentation of fish cost-effective. Research was presented at AAAS (Sep, 2008) and a manuscript is in preparation.





- 2.) Completed data collection for a second potato-fish study to evaluate the utility of smoking salmon byproducts to destroy enzyme activity prior to introducing potatoes and lactic acid bacteria. A manuscript is in preparation.

## **ELEMENT 2: REPORTS RESEARCH RESULTS**

### ***Manuscripts Published or Accepted in 2008***

- 1.) Bower CK, and Hietala KA. 2008. Acidification methods for stabilization and storage of salmon by-products. J. Aquatic Food Product Tech. *In press*
- 2.) Bechtel PJ, Morey A, Oliveira ACM, Wu TH, Plante S, and Bower CK. 2008. Chemical and nutritional properties of Pacific Ocean Perch (*Sebastes alutus*) whole fish and by-products. J. Food Processing and Preservation (*accepted 2007*)

### ***Manuscripts Submitted for Publication in 2008***

- 1.) Bower CK, Hietala KA., Oliveira, A.C.M. and Wu, T.H. Stabilizing oils from smoked pink salmon (*Oncorhynchus gorbuscha*). J. Food Sci.
- 2.) Bower CK, Malemute, C.M., and Bechtel, P.J. Changes in endogenous protease activity prior to spawning in Pink Salmon (*Oncorhynchus gorbuscha*) byproducts. J. Aquatic Food Product Tech.
- 3.) Wu TH, Bechtel PJ, and Bower CK. 2008. Effects of storage time and temperature on the quality of raw and processed fish meal from pink salmon (*Oncorhynchus gorbuscha*) heads and viscera. J. Animal Feed Sci. and Technol.
- 4.) Rowland SL, Bower CK, Patil KN, Mireles DeWitt CA. Updraft gasification of salmon processing waste. J Food Sci.
- 5.) Avena-Bustillos RJ, McHugh TH, Pan Z, Olson DA, Olsen CW, Chiou B, Bower CK, Bechtel PJ, and Pantoja A. Dehydration of Alaskan pollock skins for ultrasound gelatin extraction. J. Food Engineering

## **ELEMENT 3: RESOURCE MANAGEMENT**

- 1, 2, 3, 4.) Collaborated with local safety committee, promoted efficient use of resources, met with RL monthly for verbal update until activity rescinded (5/15/08), and kept a written acting delegation of authority on file when away from duty station
- 5.) Continuing fourth year as ARS liaison to UAF Safety Committee
- 6.) Demonstrated a superior awareness of EO/CR policies and responsibilities
- 7.) Actively attempted to discourage unlawful discrimination within ARS

## **ELEMENT 4: REPRESENTS PROGRAM & PERSONAL DEVELOPMENT**

- 1, 2.) Collaborated with WRRC researchers (PFRU: pollock skin desiccation) and made four presentations to scientific peers (Aquaculture America, American Oil Chemists' Society, Institute of Food Technologists and AAAS-Arctic Division) and two to customer groups (ComFish and UAF Food Safety/Food Preservation class)
- 3.) Reviewed for J Aquatic Food Product Tech, J Food Sci., and Food Hydrocolloids
- 4.) Independently completed two hours of safety videos from SARU safety video library, and regularly attended SARU's (optional) "brown-bag" safety trainings
- 5.) In response to workplace conflict within SARU, I engaged in a self-study program (27.5 credit hours in AgLearn), focusing on Communication (14 hrs), Leadership (8.5 hrs) and Teambuilding (5 hrs). This was in addition to the unit-wide required training (7 hrs) in EEO, Ethics, and Conflict Resolution.



## **ELEMENT 1: CONCEIVES, PLANS, AND CONDUCTS RESEARCH**

### **Milestone 1.8 Develop high-quality, value-added products from salmon**

- 1.) Gasification of salmon processing waste (SCA 58-5341-8-411).  
This research optimizes conditions of pyrolysis for heating greenhouses, to allow remote Alaskan fishing villages access to inexpensively grown foods.
- 2.) Collaboration with University of Maine (NFCA 58-5341-9-164).  
This project utilizes antioxidant-rich, smoke-processed salmon oils (developed in my lab) for developing nutritious new food products.
- 3.) Initiated two new NFCAs for on-site stabilization of salmon processing wastes using lactic acid bacterial fermentation techniques (NFCA No. 58-5341-9-370N - Kenai River Seafood, and NFCA No. 58-5341-9-371N – Alaska General Seafoods).

### **Milestone 2.4 Investigate new technologies for stabilization of by-products**

#### **2.4 a: Evaluate desiccation methods for stabilizing pollock skins during storage**

Fish skins were stabilized to increase cost effectiveness of transport prior to gelatin production. Collaborated with PFRU (ARS, Albany, CA) for gelatin gel and film testing. Research presented (Log # 235202), and manuscript written (Log #246751).

#### **2.4 b: Characterize smoked salmon tissue for stable silage**

- 1.) Smoked salmon tissue was stabilized after oil extraction for use in foods (e.g. PUFA-rich, high-protein crackers with Vit E and antioxidant activity) and aquaculture feeds. Research was presented nationally (Log #229756, #235061), internationally (Log #239757) and a manuscript was written (Log # 246753).
- 2.) Local agricultural wastes were used to promote lactic acid bacteria fermentation of salmon byproducts. Research was presented nationally (Log # 235063) and a manuscript (Log #246611) and proceedings (Log # 237469) were written.
- 3.) Silages prepared from smoked pink salmon, with and without lactic acid bacteria, were evaluated as growth stimulants in aquaculture feeds in collaboration with Oceanic Institute (Hawaii).

#### **2.4 c: Continue collaborations with fish compost project**

Continued salmon composting project (Marine Compost Accelerated for Coastal Climates) with co-investigators (University of Alaska Fairbanks in Kodiak, AK). Research was presented (Log #235980 and 242379) and a proceedings was written.

**CRIS 5-yr plan:** Actively participated in new CRIS write-up (2009-2014), which was approved in OSQR with a project score among the highest in its panel group (according to Aquaculture NPL, Jeff Silverstein)

## **ELEMENT 2: REPORTS RESEARCH RESULTS**

### ***Manuscripts Published or Accepted in 2009***

- 1) Bower CK, Hietala KA., Oliveira, ACM. & Wu, TH. 2009. Stabilizing oils from smoked pink salmon (*Oncorhynchus gorboscha*). J. Food Sci. 74(3):C248-C257 [Log # 232357]
- 2) Bower CK, Hietala KA. 2008. Acidification methods for stabilization and storage of salmon by-products. J. Aquatic Food Product Technol. 17:459-478. [Log # 218749]
- 3) Bower CK, Malemute, CM. & Bechtel, PJ. 2010. Changes in endogenous protease activity prior to spawning in Pink Salmon (*Oncorhynchus gorboscha*) byproducts. J. Food Biochem. *In press* [Log # 232265]
- 4) Wu TH, Bechtel PJ, & Bower CK. 2008. Effects of delayed processing of pink salmon



(*Oncorhynchus gorbuscha*) byproducts on fishmeal quality. J. Aquatic Food Product Technology. *In press* [Log # 220728]

- 5) Rowland SL, Bower CK, Patil KN, & Mireles-DeWitt CA. 2010. Updraft gasification of salmon processing waste. J Food Sci. *In press* [Log # 232358]
- 6) Bower CK, Hietala, KA & DeLaca TC. 2010. Stabilizing pink salmon (*Oncorhynchus gorbuscha*) byproducts through modified silage processes. In: Proceedings of a Sustainable Future: Fish Processing Byproducts Conference, Portland, OR. 25-26<sup>th</sup> Feb 2009. *in press* [Log # 237469]

#### **Manuscripts to be submitted in 2009**

- 1) Bower CK, Avena-Bustillos RJ, Hietala KA, Bilbao-Sainz C, Olsen CW, & McHugh TH  
Dehydration of pollock skins prior to gelatin production. J. Food Sci. (Log #246751)
- 2) Bower CK, & Hietala KA, Stabilizing smoked salmon tissue after extraction of oil.  
J. Food Sci. (Log #246753)
- 3) Bower CK, Hietala KA & Delaca TC. Fermentation of pink salmon (*Oncorhynchus gorbuscha*) using potatoes as a carbohydrate source. J Food Biochem (Log #246611)

#### **ELEMENT 3: RESOURCE MANAGEMENT**

- 1, 2, 3, 4.) Collaborated with safety committee, promoted efficient use of resources, met with RL whenever requested and delegated authority as needed
- 5.) Invited to be a judge for the Association for Women in Science (AWIS) District science fair (March 2009)
- 6.) Continued to discourage unlawful discrimination in an attempt to align the Agency with US laws and EEO regulations
- 7.) Facilitated training and development of supervised employees through (optional) opportunities to assist CRIS research at a level sufficient to justify authorship

#### **ELEMENT 4: REPRESENTS PROGRAM & PERSONAL DEVELOPMENT**

- 1.) Completed all required trainings
- 2.) Represented Agency by delivering 6 research presentations to scientific peers (Log # 229756, 232265, 235061, 235063, 235202, 235762) and 3 presentations to customer groups (ComFish in Kodiak, Apr. 2009), Alaska Food Expo (Soldotna, June 2009) and Chena Hot Springs Renewable Energy Fair (Aug 2009).
- 3.) Collaborated with WRRRC researchers [Log # 229756 and Log #246751]
- 4.) Continued Program Development through cooperative research programs (3 NFCA's and 1 SCA) with university partners and stakeholders as a prerequisite for establishing future CRADAs
- 5.) Provided peer-reviewer services for three different journals (J Aquatic Food Products Technol, J Food Sci, and Food Hydrocolloids)
- 6.) Invited as a speaker for Aquaculture America (March 1-5, 2010, San Diego, CA)
- 7.) Continued Personal Development by attending leadership training (May 2009)
- 8.) Invited to be a session moderator during the Pacific Fisheries Technologist's annual meeting in Portland, OR (Feb 23-25)
- 9.) Invited to be a session moderator for the Sustainable Byproducts symposium in Portland, OR (Feb 25-26)



From: "Bower, Cindy" <Cindy.Bower@ARS.USDA.GOV>  
Subject: Performance Appraisal  
Date: Wed, November 5, 2008 7:18 pm  
To: "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV>  
Cc: "Matteri, Robert" <Robert.Matteri@ARS.USDA.GOV>,"Contento, Janis"  
<Janis.Contento@ARS.USDA.GOV>,"McLellan, Don" <Don.McLellan@ARS.USDA.GOV>

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Alberto,

This email is to confirm that we met today to discuss my annual Performance Appraisal. I have arrived at the conclusion that communication between us is best conducted through written forums, since you were unable to directly address any of my queries on your first (or second) attempts. Communication is an essential skill in leadership and it has been a source of great frustration that so many of our interactions place the burden of communication on me in order to advance the discussion and achieve understanding (e.g. I must restate concepts in multiple ways, as well as redirect conversations away from tangents and back to the main topic).

In a July 18th email to you, as a follow-up to my mid-year review, I confirmed that I had provided all the information you requested and then had asked for feedback concerning any deficiencies in my performance. You had supplied none. I then had asked for your comments concerning issues that would prevent me from achieving an "Exceeds" rating. You gave no suggestions. Consequently, I am disappointed in the performance appraisal rating you gave me today, specifically Elements 3 and 4.

I believe that my extra accomplishments in Element 3 (Resource Management) are understandable and have clear value to the ARS locally as well as nationally. We simply disagree, so I will not address that issue here. However, it concerns me that my extra accomplishments in Element 4 (Represents Program and Personal Development) did not register as worthwhile (i.e. counting towards a rating of Exceeds). In my 2008 Performance Plan I was required to give one presentation to scientific peers, (I gave four) and one to customer groups, (I gave two). I surmise that these activities are not valued by you or the ARS. I noted that I had reviewed manuscripts for three different journals this year, but you indicated that reviewing manuscripts was part of my assigned duties. (We both checked my performance plan and did not find it, yet you insisted that it was implied in the language that was present.) I also expended great effort (using personal time) to take 27.5 credit hours of AgLearn courses that were directly relevant to our ARS Unit. However, my efforts in this area were also discounted. I then (repeatedly) asked for suggestions concerning how I might exceed in Element 4, and you (repeatedly) responded by giving examples of how I could exceed in Element 1 by contributing to the upcoming OSQR project review process for aquaculture (NP 106). I was eventually successful in having you list two methods for exceeding in Element 4: organize a symposium, or become an editor for a journal. I believe there must be other ways to demonstrate an Exceeds and I am disappointed that you chose to withhold that information from me twice, (July 18th at the mid-year review and again today when I repeated my request).

According to P&P 418.3 (ARS Performance Appraisal System), it is your job to provide "objective measures" for gauging my performance. Objective measures include:

- quality - how well a thing is done
- quantity - how much or how many
- timeliness - how fast or by when
- method - following procedures, policies, technical requirements
- monetary savings in human resources and time

It is my hope that my upcoming performance plan will provide such measures so that the knowledge of how I can exceed Fully Successful will not be a secret that you share only with favored scientists in your Unit.



Finally, it was genuinely disturbing today when you indicated that you saw no conflict of interest in serving as the Rating Official on my performance appraisal (with Dr. Matteri serving as the Reviewing Official), even though I have filed a formal EEO complaint with the USDA listing both you and Dr. Matteri by name. I was also distraught to discover that you had scheduled annual-appraisal appointments to be held today for every female Cat 1 (research) scientist in the unit, even though all the male scientists had received their appraisals (without appointments) several days earlier. Your disparate treatment of the men and women in our unit continues to be a major source of stress for me.

Sincerely,  
Cindy

Cindy Bower  
Research Food Technologist  
USDA Agricultural Research Service  
PO Box 757200  
Fairbanks, AK 99775-7200  
Phone: (907) 474-6732

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**Attachments:**

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From: "Bower, Cindy" <Cindy.Bower@ars.usda.gov>  
Subject: Annual Appraisal (Review)  
Date: Thu, November 12, 2009 4:57 pm  
To: "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV>  
Cc: "Contento, Janis" <Janis.Contento@ARS.USDA.GOV>

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Alberto,

This is to recount our conversation during my annual appraisal with Janis Contento in attendance (11/12/09 at 4:00pm):

- You served as Rating Official and rated me as not exceeding in Element 3.
- You stated that the rating was a direct result of my having violated my technician's performance plan by allowing her to be a co-author on my papers
- I disagreed by pointing out that I was fulfilling Element 3 (a "critical" element) of my own performance plan that states: "Facilitates training and development of supervised employees".
- Since no list describing the limits of "training and development" was provided at our 9/25/09 (08:00am) meeting, I assumed that allowing my technician the "option" of serving as a co-author was not forbidden, as long as I filled out the justification paperwork (which I did).

Naturally, I regard this as retaliation against me for opposing discrimination in this unit.

I also would like to point out (as I have done every year since filing an EEO complaint) that it was a clear case of Conflict of Interest for you (a respondent in my EEO complaint) to serve as the Rating official on my annual appraisal, since retaliation against me would be a predictable outcome.

If you disagree, I welcome an explanations for your actions.

            
Cindy

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**Attachments:**

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**Subject: Mid-year Review (23 April 2010)**

**Date:** Friday, April 23, 2010 11:53 AM

**From:** Bower, Cindy <Cindy.Bower@ars.usda.gov>

**To:** "Pantoja, Alberto" <Alberto.Pantoja@ARS.USDA.GOV>

**Cc:** "Contento, Janis" <Janis.Contento@ARS.USDA.GOV>

<<Bower\_MidYearReview.pdf>>

Alberto,

To save time at my mid-year review today (Friday, April 23rd at 1:30pm), I have attached an overview of my current accomplishments (Oct 2009 - Apr 2010). Despite the disruption associated with relocating the aquaculture program to Kodiak Island, I believe that I have used my time productively and am on-track to exceed in every element this year. If you do not agree, I hope you'll be prepared to provide suggestions describing how I can exceed in the elements that you feel are being neglected.

I have also included a list of questions, which I hope you will have time to answer today.

See you at 1:30.

---

Cindy

Cindy Bower, Ph.D.

USDA Agricultural Research Service

PO Box 757200

Fairbanks, AK 99775-7200

Phone: (907) 474-6732

Email: [Cindy.Bower@ars.usda.gov](mailto:Cindy.Bower@ars.usda.gov) <mailto:Cindy.Bower@ars.usda.gov> ,

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**Element Number 1 - PLANS AND CONDUCTS PERSONAL AND TEAM RESEARCH**

➤ Successfully meeting Subobjective 1.3 milestones

(Develop technologies for utilizing seafood-processing byproducts as human food ingredients)

- Bower – Enhancing the strength of fish-skin gelatin without additives, with characterization of physical properties and application to food products
- Avena-Bustillos – physical properties and antibacterial activity of micro-emulsion fish-skin gelatin films
- Chiou – dynamic vapor sorption studies on salmon and pollock gelatin films dried above and below gelation temperature

➤ Successfully meeting Subobjective 2.3 milestones

(Technologies for stabilizing fish-processing wastes for intermediate-term storage)

- Bower –Low temperature stabilization technologies to preserve salmon discards in cool climates, and to utilize the stabilized material as bait or aquaculture feeds

**Element Number 2 – REPORTS RESEARCH RESULTS**

- Bower –Two peer-reviewed publications are anticipated for ARIS entry by Sept 2010, (i.e. one publication for each CRIS milestone listed above)

**Element Number 3 – TECHNOLOGY TRANSFER, ADVISORY & CONSULTING**

- Continued food science collaboration (NFCA 58-5341-9-164) with University of Maine professor Denise Skonberg and her culinary student to develop a cheese containing antioxidant-rich smoke-processed salmon oils.
- ComFish (fisheries trade show to demonstrate alternate uses for fish byproducts and seek collaborators from the fishing industry), April 15-17, 2010 in Kodiak, AK.
- Seafood Conference (presenting research to scientific peers), May 10-14, 2010 in Anchorage, AK.

**Element Number 4 – PROFESSIONAL COMMUNICATIONS, SUPERVISION & EEO**

- Invited to review a NOAA grant proposal
- Continued to review manuscripts for J Food Biochemistry, Food Hydrocolloids, and J Aquatic Food Product Tech.
- Served as a judge for the Association for Women In Science (AWIS), Interior Alaska Science Fair (March 26, 2010)
- Provided pollock skins and served as a resource for a 7th grade student who conducted an experiment for the science fair using fish byproducts

**Element Number 5 – RESOURCE, SECURITY, SHEM**

- According to the established SHEM committee rotation plan, I will be the SHEM representative from SARU's Kodiak location.

### **Individual Development Plan**

- Two trainings were approved on my IDP. However, at my annual Performance Appraisal I was told that budgetary constraints would prevent me from attending both of the training sessions. Consequently, I selected one (the Federally Employed Women National Training Program) and submitted my SF-182 request on January 4<sup>th</sup>, 2010. [This training has still not been approved by my supervisor through AgLearn.] Are you planning to approve it?

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### **Questions**

- 1) Are you still trying to locate more lab space in Kodiak, or has my space allotment officially been decreased from 200 sq ft to 45 sq ft of benchtop in a shared lab?
  - 2) If I wait until the 2011 ARMPs is approved, will I be able to recruit a tech at a higher GS level?
  - 3) Will my new tech be permanent?
  - 4) Is the Aquaculture budget paying Katie's salary until January 2011? If yes, then I'd like her to continue working for aquaculture (in Fairbanks). She is highly trained and can complete two studies over the summer. Available lab space for her and a few small pieces of equipment has been located at UAF. I submitted this plan on February 12<sup>th</sup>, but have not yet received a reply to my email.
  - 5) I submitted my future travel requests on February 12<sup>th</sup>, but I have never received a reply. Can I assume that all travel has been approved?
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**Subject: Mid-year Review (23 April 2010)**

**Date:** Friday, April 23, 2010 2:36 PM

**From:** Bower, Cindy <Cindy.Bower@ars.usda.gov>

**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.

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Cindy

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