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Jury awards Anchorage man \$3.5M in wrongful termination lawsuit

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Paul Blakeslee was awarded \$3.5 million in a whistleblower retaliation lawsuit.

MARC LESTER — Anchorage Daily News

Even after a jury awarded nearly \$3.5 million to longtime Alaskan Paul Blakeslee this week, finding in his favor in a wrongful termination lawsuit, the 76-year-old Anchorage resident said he is still not ready to retire.

"I enjoyed working. It's hard to put the old horse out to pasture, so to speak," Blakeslee said Friday. "I miss work. I miss my friends."

Besides, Blakeslee said, the lawsuit against his former employer -- which fired him in 2008 while he was trying to expose what he asserted was a supervisor's shady dealings -- was never about the money. Blakeslee wanted vindication, and it appears he has now gotten it.

Five years ago, Blakeslee managed 40-some workers for Shaw Environment and Infrastructure, under contract at the time for more than \$100 million to maintain facilities at Fort Richardson and Fort Wainwright, according to Blakeslee, his attorneys and the complaint he filed in federal court. Blakeslee learned that Shaw's Alaska project manager owned one-third of another private company that was leasing about \$2 million in equipment to Shaw,

often without competitive bidding, and that Shaw then billed the military bases for the expense, the lawyers and the complaint say.

Blakeslee said the project manager found out about a letter Blakeslee was writing to the company's CEO. According to Blakeslee's complaint, the project manager made a comment about Blakeslee's age and said he "might want to go out in a blaze of glory." Blakeslee then told the project manager, his supervisor, he had no intention of retiring, and the man threatened to lay off Blakeslee, the complaint says.

"You're spending money, and that's not your money, that's the taxpayers' money. That was always drilled into me," Blakeslee said. "Evidently this jackass thought it was his money to have. He was a slick one."

That was on a Friday, Blakeslee said. The following Monday, Blakeslee's supervisors fired him and later said they were eliminating his position to save money.

Lawyers for Shaw argued in court that the termination was a separate decision from Blakeslee's accusations against the project manager, whom the company subsequently fired. The jury should not punish the company as a whole for the project manager's actions, Shaw's lawyers said.

Getting let go gave him a terrible feeling, Blakeslee said. "I'd never been let go from a job in my life."

Blakeslee had dropped out of school at age 16 to work on a Pennsylvania hog farm, so he could take care of his widowed sister and her five young children. He would eventually go on to become an electrician's mate in the Navy and, later, an electric power production specialist in the Air Force. Blakeslee worked for about 30 years on Adak Island, in the Aleutian Chain 1,200 miles from Anchorage, running its power station, he said. A while after the Navy closed the base at Adak, Blakeslee went to work for Shaw at Fort Richardson, he said. His workers respected him and were his friends, he said.

More than a week after his termination, Blakeslee sent the letter to the Shaw executives and the project manager was ultimately fired, Blakeslee said. But the company did nothing to reinstate his job.

"The thing that really got me is that their code of conduct said, if someone does not report a wrongdoing, a conflict of interest, they will be fired," Blakeslee said. "I reported it. Now, there's other people who went along with it, knew about it and didn't report it, and they all got promoted."

A company representative told Blakeslee he could file a claim if he wanted. So he sued Shaw, now owned by multinational conglomerate Chicago Bridge and Iron, in October 2009 for wrongful termination and age discrimination.

At the conclusion of a 12-day civil trial, the jury returned from deliberations Tuesday with its verdict: Shaw was wrong to fire Blakeslee, and they did so as retaliation against the whistleblower, the jury said. The jurors awarded Blakeslee \$445,574 in lost wages and \$486,458 in non-economic damages for his emotional distress. The jury also said Blakeslee was entitled to punitive damages -- designed to deter the company and others from future wrongdoing -- and returned to deliberations.

Matt Singer, one of Blakeslee's lawyers, told the jury it was time to hold the company accountable.

"You get to stand up to the powerful. You get to stand up, not just for Mr. Blakeslee, but for everybody and say this kind of conduct is not acceptable," Singer said.

In his statement to the jurors, Sean Halloran, a lawyer for Shaw, said the company was not liable for the behavior of a "couple bad apples."

"Shaw is a company that has tried to do the right thing," Halloran said. "Shaw is a company that does not need to be sent a big message, 'You need to go out and change your ways.' If something happened to Mr. Blakeslee that is Shaw's fault, Mr. Blakeslee is being compensated."

The jury returned the next day, announcing an award of \$2.5 million in punitive damages for Blakeslee. The septuagenarian said he expects the defendants to appeal, and he is not counting on seeing the money any time soon. An appeals court could still slash the award amount.

"I probably won't get it all, but I've got four kids. And I'm 76 and my wife is 81. There's not enough time left for me to spend it," Blakeslee said. "Charity, my kids, you know. I'm not interested in money, I was just interested in vindication."

"I wouldn't have cared if I got a dollar. It wouldn't have made any difference to me."

In a written statement, a spokeswoman for Chicago Bridge and Iron, which recently acquired Shaw, said the company does not comment on ongoing litigation.

"However, I can tell you the company is firmly committed to a workplace free from any form of discrimination or retaliation," said Gentry Brann, the company's vice president of communications and marketing.

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