

Negative comments to security clearance investigator back \$200K defamation verdict

By: Virginia Lawyers Weekly January 29, 2007

An employee of defendant N.E.W. told a government security clearance investigator that plaintiff had "conflicts with her coworkers" because she did not always get to work on time, and had a different work style. She further stated that plaintiff had difficulty with the work hours and left the company for a job that "was more flexible."

Plaintiff had an unblemished work record, was "competent and reliable," had no reprimands, received two salary increases and a bonus, and left for higher paying job. Statements presented a problem for issuance of high level security clearance, and remained in plaintiff's permanent file.

Defense contended: We did not say it; if we did it is true; and even if untrue, the remarks will not harm you.

Type of Action: Defamation

Injuries Alleged: Damage to reputation; potential loss of high level security clearance

Name of Case: Butler v. N.E.W. Service Cos., Inc.

Court: Fairfax Circuit

Case No.: CL-2005-3784

Tried Before: Jury

Name of Judge: Dennis J. Smith

Special Damages: N/A

Verdict/Settlement: Verdict

Amount: \$50,000, compensatory; \$150,000, punitive

Verdict Date: January 10, 2007

Demand: \$50,000 prior to filing; \$95,000 prior to trial

Offer: None

Experts: Sharon Bohlman (HR and government contracting)

Insurer: Unknown

Plaintiff's Attorneys: Benjamin J. Trichilo, Michael S. Horwatt, Allyson Kitchell

[07-T-010]

