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## Big bucks for 3 fired at MOT

### Whistleblowing claims sway jury

By H. G. Meyer  
Journal staff writer

After blowing a whistle on water pollution and on-the-job drug use at the Military Ocean Terminal in the early 1990s, three men were fired in retaliation, a jury found last week.

The plaintiffs in the case, Michael Coscia, Ernest Oh and Clifford Walker, were awarded nearly \$400,000 in damages in the lawsuit against Pyro Installations, their former employer, which was contracted by the U.S. Army to oversee water and sanitary sewer operations at the base from 1986 until last fall.

Before being hired by Pyro in 1996, the men worked for the Army under supervisors Donald Tuscano and Richard Tuczynski, according to court documents. Both Tuscano and Tuczynski were also hired by Pyro at the same time.

Alan Krumboltz, a lawyer for the plaintiffs, said his clients repeatedly complained to the Army about the alleged illegal drug habits of Tuscano and Tuczynski, and raised the same issues with Pyro when it took over the operation.

The Army, Krumboltz said, did not follow up on the complaints, Krumboltz said.

"They did nothing, but at least they didn't retaliate," he said.

When Pyro came on board, Krumboltz

## \$400G award for 3 MOT 'whistleblowers'

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said, the supervisors found an opportunity for retribution against the complaints and had the three men fired.

Coscia and Oh were dismissed within two months of Pyro's arrival, he said, and Walker was let go in 1997. Tuczynski was later dismissed after marijuana was found in his locker, said Pyro president George Sethna.

The plaintiffs also said they had for years pointed out the various sanitary and environmental lapses in the base's water and sewer system to the Army.

They testified that poorly treated sewage was pouring into New York Harbor from the base, that laboratory samples had been tampered with to affect water quality tests and that chlorine levels in the drinking water were not being checked. Tuscano and Tuczynski were supervisors for the Army during that time period.

While Pyro did not receive any criticism for its water and sewage processing, Tuscano and Tuczynski used their new employers as an opportunity to get revenge on the plaintiffs, Krumboltz said.

The Army was unavailable for comment on the allegations. When the Bayonne Municipal Utilities Authority took over the base's water and sewer operations last fall, "there was a lot of mainte-

nance work to catch up on," said Stephen Gallo, the MUA executive director.

Oh, a Korean-American, and Walker, who is black, also sued claiming ethnic and racial discrimination, respectively. Sethna, Pyro's president, dismissed the claims, saying, "We don't mistreat anyone here."

The lawyer for Pyro, Michael Kopelman, said the charges were without merit and pledged to file an appeal. Two of the three men were fired during a 90-day probationary period that began when they signed on with Pyro, he said.

"They could be fired for any reason or for no reason — but not for valid whistleblowing," he said.

Coscia, he added, had been found off base by an Army inspector and had ripped up a citation in his face. Oh was frequently tardy in his first few months, he said. Walker, let go in 1997, was caught wearing a concealed tape recorder. After meeting he was called into after a fight on the job, Kopelman said.

But Krumboltz rejected the claims, saying that Coscia had gone out for a brief bite of lunch, Oh was stuck behind "an extraordinarily long freight train" one morning, and Walker was simply protecting himself during a period of harassment.