

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellate Case No.: 2012-206406

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APPEAL FROM ADMINISTRATIVE LAW COURT

SC Court of Appeals

The Honorable Deborah Brooks Durden

Docket No.: 10-ALJ-22-0938-AP

Nucor Corporation, ...Appellant,

v.

South Carolina Department of Employment
and Workforce, and Kim A. Legette, ... Respondents.

RECORD ON APPEAL, VOLUME 2

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INDEX

Orders / Judgments / Decrees/ Decisions

1.	Court of Appeals Order Reinstating Appeal dated June 6, 2012.....	1
2.	Court of Appeals Order Dismissing Appeal dated March 23, 2012	2
3.	SCDEW Appellate Panel Decision No. 2011-P-2740 dated December 9, 2011	4
4.	Court of Appeals Order Dismissing Appeal dated October 13, 2011.....	8
5.	Appeal Tribunal Decision No. 2011-A-15157 dated August 18, 2011	11
6.	Order of Administrative Law Court dated May 24, 2011.....	13
7.	SCDEW Appellate Panel Decision No. 2010-C-2253 dated November 19, 2010.....	20

Pleadings / Motions / Briefs / Notices of Appeal

8.	Nucor Reply to Opposition for Rehearing dated April 23, 2012.....	24
9.	Legette Opposition to Nucor's Petition dated April 17, 2012	35
10.	SCDEW Opposition to Nucor's Petition dated April 16, 2012	38
11.	Nucor Petition for Rehearing and Rehearing <i>En Banc</i> dated April 9, 2012	41
12.	Nucor's Reply Brief on Appealability dated February 24, 2012	76
13.	Legette Memorandum on Appealability dated February 13, 2012	91
14.	SCDEW Memorandum on Appealability dated February 13, 2012.....	102
15.	Nucor Memorandum on Appealability dated February 13, 2012.....	113
16.	Nucor's Notice of Appeal to Court of Appeals dated January 9, 2012	181
17.	Nucor Brief to SCDEW Appellate Panel dated November 30, 2011	190
18.	Legette Brief to SCDEW Appellate Panel dated November 30, 2011.....	202

19.	Legette Reply to Return to Motion to Dismiss dated September 10, 2011	235
20.	SCDEW Response to Motion to Dismiss dated September 6, 2011	241
21.	Nucor Return to Motion to Dismiss dated September 2, 2011	243
22.	Legette Motion to Dismiss appeal to Court of Appeals dated August 23, 2011	259
23.	Legette appeal to Appellate Panel dated August 22, 2011	276
24.	Amended Notice of Appeal to Court of Appeals dated July 5, 2011	278
25.	Notice of Appeal to Court of Appeals dated June 22, 2011	287
26.	SCDEW Return to Motion for Hearing/Oral Argument dated June 10, 2011	296
27.	Nucor Motion for Hearing / Oral Argument dated June 2, 2011	300
28.	Respondent Legette <i>pro se</i> Reply	303
29.	Appellant Nucor Reply Brief to ALC dated April 4, 2011	307
30.	Respondent Legette <i>pro se</i> Brief to ALC dated March 21, 2011	320
31.	Respondent SCDEW Brief to ALC dated March 21, 2011	326
32.	Appellant Nucor Brief to ALC dated February 17, 2011	336
33.	Nucor Petition for Judicial Review to ALC dated December 14, 2010	366

Transcripts / Record on Appeal from Prior Appeal / Exhibits

34.	Transcript of Appeal Tribunal Hearing No. 10129-15740 dated August 15, 2011	371
35.	Supplement to ALC Record on Appeal labeled Supplement 1-26 dated March 21, 2011	541
36.	SCDEW Record on Appeal to ALC dated January 24, 2011	569

Other Materials

37.	ALC letter dated April 4, 2012	852
38.	Ralephata letter dated March 28, 2012 (without duplicative attachments)	853

39.	Court of Appeals letter dated February 2, 2012.....	857
40.	ALC Email dated June 14, 2011	858
41.	SCDEW letter to Nucor Counsel dated June 7, 2011	859

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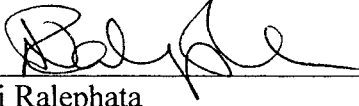
v.

South Carolina Department of Employment
and Workforce, and Kim A. Legette, ... Respondents.

CERTIFICATE OF COUNSEL

210. Counsel for Appellant certifies that the Record on Appeal complies with SCACR

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NUCOR CORPORATION

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT &
WORKFORCE**

Columbia, South Carolina

Transcript of Testimony

Before

Matthew Brown, Administrative Hearing Officer

Kim A. Legette) CLAIMANT
517 Laurel Ridge Road)
North Charleston, SC 29418)
Claimant SSN: xxx-xx-8079)

Nucor Corp.) LIABLE EMPLOYER
c/o Human Resources)
P. O. Box 2259)
Mt. Pleasant, SC 29465)

PLACE OF HEARING: **SC Department of Employment & Workforce**
176 Lockwood Boulevard
Charleston, SC

HEARING DATE: **August 15, 2011**

APPEARANCES:

For Claimant: **In Person**
Attorney

For Employer: **Four Witnesses**
Attorney

TESTIFYING WITNESSES

CLAIMANT:

Kim A. Legette
Ann E. Mjaatvedt, Esq.

EMPLOYER WITNESSES:

Linda Starr, Payroll Benefits Administrator
Chris Gypin, Vice President of Operations, Representing Accudiagnostics
Margaretta Grimm, Adult Nurse Practitioner
Meleah Reynolds, Human Resources Supervisor
Nosizi Ralephata, Esq.

1 Before: Matthew Brown, Administrative Hearing Officer

2 **HEARING OFFICER'S PREAMBLE.**

3 **ALL WITNESSES SWORN.**

4 HEARING OFFICER: And the record to reflect all testifying witnesses did
5 answer in the affirmative and they are now considered duly sworn in. Do either of
6 the parties have any questions about the issues or procedures of this hearing before
7 I go on any further?

8 EMPLOYER ATTORNEY: I do. I just wanted to find out how we are going to
9 proceed with this hearing since we already have most of the exhibits in the prior
10 record on appeal and we are going to be relying on those exhibits and the
11 testimony because that does form the basis of our arguments on appeal to the
12 Administrative Law Court and to the Court of Appeals.

13 HEARING OFFICER: What I want to do is just to establish minimally how we
14 got here. I have a copy of the Appellate Panel Decision that was appealed by the
15 employer and I have...I'm going to go ahead and introduce this as Agency Exhibit
16 #1 if you want to take a look at that, it is merely a print out of that initial Appellate
17 Panel Decision. Do either of the attorneys have any objections to me entering that
18 document into evidence?

19 CLAIMANT ATTORNEY: No objection.

20 EMPLOYER ATTORNEY: No objection.

21 HEARING OFFICER: For the record, I have a 3 page exhibit; it is the Appellate
22 Panel Decision mailed on November 19, 2010, Decision No. 2010-C-2253 on
23 Appeal No. 10377-11778. It's going to be marked as Agency Exhibit 1 and
24 entered into evidence without any objections as Agency Exhibit #1. What I have
25 now is the complete record from the prior hearing, the hearing back in July 2010,
26 both those books and I would like to offer those into evidence as Agency Exhibit
27 #2. Do either Miss Mjaatvedt or Miss Ralephata have any objections to that?

1 EMPLOYER ATTORNEY: Not on my side.

2 CLAIMANT ATTORNEY: No objection.

3 HEARING OFFICER: For the record I have a large document, two...Part 1 and
4 Part 2 of the record of appeal from the prior hearing, it's going to be marked as
5 Agency Exhibit #2, both of these Part 1 and Part 2 are going to constitute Agency
6 Exhibit #2 and entered into evidence without any objections as Agency Exhibit #2.
7 And I also have the Order from the Administrative Law Court which I showed
8 them here and I would like to offer that into evidence.

9 EMPLOYER ATTORNEY: No objections on my part.

10 CLAIMANT ATTORNEY: No objections.

11 HEARING OFFICER: For the record, I have a 7 page document, it's the State of
12 South Carolina Administrative Law Court Order regarding the issue before the
13 Court on the employer's appeal from the Appellate Panel Decision dated May 24,
14 2011, it's going to be marked as Agency Exhibit #3 and entered into evidence
15 without any objections as Agency Exhibit #3. Miss Starr I believe you are going to
16 be the employer's primary spokesperson today?

17 EMPLOYER WITNESS-1: Yes, that's correct.

18 HEARING OFFICER: I need you state and spell your first and last name for the
19 record, ma'am.

20 EMPLOYER WITNESS-1: Linda Starr, L-I-N-D-A S-T-A-R-R.

21 HEARING OFFICER: And what was your position with Nucor?

22 EMPLOYER WITNESS-1: Payroll Benefits Administrator.

23 CLAIMANT ATTORNEY: Can we...can I raise an objection that we were
24 going to put that on the record please?

1 HEARING OFFICER: Absolutely. I did want to note that prior to the hearing
2 Miss Mjaatvedt made a Motion to have all of the employer witnesses sequestered
3 except for the individual that was going to be testifying at the time. The employer
4 witness, Miss Ralephata, objects to that and I did deny the Motion to sequester the
5 employer witnesses. I did want to get that on record and Miss Mjaatvedt did have
6 an issue with that so if you want say anything regarding that before we move
7 further with Miss Starr's testimony, I'll allow you to do that.

8 CLAIMANT ATTORNEY: I would, and the reason I bring this objection is I
9 think it's important that each of these witnesses testifies separately and not hear the
10 preceding testimony because this is, even though it is on remand, the part of the
11 Judge's Order is that this was remanded to consider the issue, you know, whether
12 the Omega is a certified lab and make findings of fact, so each of these witnesses
13 still are a factual witness despite the fact there's a record before this is a factual
14 hearing to establish facts and I think it's important that each witness give their
15 testimony without hearing the testimony of the preceding witness.

16 HEARING OFFICER: And did you have a response to that, Miss Ralephata?

17 EMPLOYER ATTORNEY: I think my objection stands and the reason that I
18 object is we have the same documents that have been offered, it's the same
19 testimony, the issue of Omega's certification is basically something that pertains to
20 the documents that were already submitted and is the subject of prior testimony at
21 the initial hearing back in July so there is not going to be really any new testimony
22 or new evidence with regards to that issue either.

23 HEARING OFFICER: Okay and, I'm sorry, a response?

24 CLAIMANT ATTORNEY: I have a response to that, that's apparently the
25 employer's position that's not necessarily ours. We have additional documents we
26 will be submitting them. The testimony may be different based on what's
27 happened before, so there are new facts that may come out in this hearing at least
28 from the claimant's point of view.

1 HEARING OFFICER: Okay and we do have your request on record Miss
2 Mjaatvedt, but I am going to deny it...I'm going to allow these...the witnesses just
3 to remain in the hearing room while the other employer witnesses do give their
4 testimony.

5 CLAIMANT ATTORNEY: Thank you.

6 HEARING OFFICER: Anything else regarding that issue before I move and take
7 testimony?

8 CLAIMANT ATTORNEY: No.

9 HEARING OFFICER: Miss Starr, I think I was asking you what Miss Leggette's
10 last position with Nucor was.

11 EMPLOYER WITNESS-1: Miss Leggette was employed with Nucor Steel
12 Berkeley from August 24, 1998 to April 22, 2010, her title or position was Cold
13 Mill Scheduler, she was randomly selected for a drug test and provided a hair
14 sample on April 6, 2010. The sample tested positive for marijuana at 1.25
15 picograms per milligram.

16 HEARING OFFICER: And does the company have a policy precluding the use
17 of illegal drugs?

18 EMPLOYER WITNESS-1: That is correct, we have a policy on file and Miss
19 Leggette has signed and dated that.

20 HEARING OFFICER: Has that policy been communicated to Miss Leggette.

21 EMPLOYER WITNESS-1: That's correct.

22 HEARING OFFICER: Okay and did she provide a specimen?

23 EMPLOYER WITNESS-1: That's correct, yes.

1 HEARING OFFICER: Was that specimen collected and labeled by a licensed
2 health care professional or another individual authorized by state or federal law?

3 EMPLOYER WITNESS-1: Yes, Nurse Practitioner, Margaretta Grimm.

4 HEARING OFFICER: When the sample was collected was it sealed in the
5 presence of Miss Legette?

6 EMPLOYER WITNESS-1: That's correct.

7 CLAIMANT ATTORNEY: I'm going to object based on hearsay. It's not
8 clear that she has any first-hand knowledge of the drug collection.

9 HEARING OFFICER: Okay, noted. Overruled, I'm going to allow her to finish,
10 she's the primary spokesman for the employer, so I do note your objection here.
11 To the best of your knowledge did Miss Legette sign a document indicating the
12 specimen was hers?

13 EMPLOYER WITNESS-1: That's correct.

14 HEARING OFFICER: Were the tests performed by a laboratory certified by the
15 United States Department of Health and Human Services, The College of
16 American Pathologists or the State Law Enforcement Division?

17 EMPLOYER WITNESS-1: That's correct.

18 HEARING OFFICER: Which of these three options was the laboratory certified
19 by?

20 EMPLOYER WITNESS-1: The National Institute on Drug Abuse and also The
21 College of American Pathologists.

22 HEARING OFFICER: Do you have documentation that shows Omega
23 Laboratories was certified by The College of American Pathologists in April 2010
24 where the last specimen was tested?

1 EMPLOYER WITNESS-1: We do and I have that information here. Can I
2 present that as...?

3 HEARING OFFICER: And is this the original and these the copies, I assume?

4 EMPLOYER WITNESS-1: That's correct and Miss Grimm can provide
5 testimony about that shortly. That lab also does hold four other certifications
6 that...with the documents.

7 HEARING OFFICER: Now this is the...so this was the NIDA...which of
8 these...?

9 EMPLOYER WITNESS-1: That information has The Department of Health
10 and Human Services watermark along with the NIDA information, although NIDA
11 no longer exists, it is certified now as Department of Health and Human Services
12 certified, so therefore they are one in the same. NIDA is now assumed under the
13 Health and Human Services and the reorganization. There is also a notification
14 there for a CLIA I.D. number. CLIA is the body that certifies the laboratories.

15 HEARING OFFICER: Take a look at these documents please. The original on
16 top and copies I believe for...

17 EMPLOYER WITNESS-1: This certification was originally entered into the
18 record upon our first hearing. We're again presenting this information because it
19 does show a more true watermark...it is though the exact document when that
20 document was entered into record...it may not have shown the watermark this
21 clearly.

22 HEARING OFFICER: Do you have any objections?

23 CLAIMANT ATTORNEY: I'm going to object to this document, it does not
24 give any indication that it's part of the SAMHSA certification. HHS has a number
25 of departments and a number of different certifications so this document...I'm
26 objecting based on this document is not what the employer is stating that it is.

1 EMPLOYER WITNESS-1: SAMHSA...

2 HEARING OFFICER: Let me ask you a question or two okay, Miss Starr? This
3 is what was presented at the hearing in July 2010?

4 EMPLOYER WITNESS-1: That's correct, but it had been probably reproduced
5 probably also even faxed and we're going to speak with Mr. Gypin today regarding
6 that. He would have had the direct communication from Omega Labs, so he can
7 verify to this authenticity.

8 CLAIMANT ATTORNEY: I'm going to redo my request to sequester, I think
9 becoming clear why we need to sequester the witnesses.

10 HEARING OFFICER: Do you have a response to that?

11 EMPLOYER ATTORNEY: I think we need some clarification on the CLIA
12 issue in HHS certification and the SAMHSA certification and I think that's
13 something that our witness, Chris Gypin, that's his area of practice, but having said
14 that I have an Affidavit of the same certificate from Omega Labs showing that this
15 is the certificate that they had at the time of the hearing back in July of 2010 and
16 that we see the HHS issued certificate and CLIA is an agency of HHS, just like
17 SAMHSA is...

18 HEARING OFFICER: Right, but is there proof that SAMSHA...SAMHSA,
19 however you want to say it, that they have accredited Omega?

20 EMPLOYER ATTORNEY: Okay that's where the confusion comes in because
21 SAMHSA would not accredit for Omega because SAMSHA is only limited to
22 testing urine specimens and that's CLIA on the HHS website and the information
23 that you can get and we have a document we can give into evidence, CLIA on the
24 other hand is the Department of the HHS, that tests urine specimens and would be
25 the department that would be authorized to test for toxicology [UNCLEAR] final
26 test. SAMSHA looks at urine specimens for federal workplace regulation
27 including the Department of Transportation and when you look at the order and the
28 agency [UNCLEAR] they actually explain that NIDA was subsumed into HHS so

1 now NIDA certification is referred as HHS certification or SAMSHA, so it does
2 have to be SAMSHA certification, it is HHS certification and I think that's part of
3 what has led to the confusion on this issue.

4 CLAIMANT ATTORNEY: I'd like to address that if we're going to do that
5 and I'd actually like to...it might get rid of some of the confusion, I'd like to move
6 to that you take judicial notice that for one that the statute clearly requires that it be
7 NIDA, College of American Pathologists or SLED and that SAMHSA certified is
8 now not...NIDA certified has now become SAMHSA certified and that's what the
9 statute calls for...

10 HEARING OFFICER: Okay.

11 CLAIMANT ATTORNEY: and I would like to go ahead and request that you
12 take judicial notice of federal register listing all of the SAMHSA certified
13 laboratories...

14 HEARING OFFICER: All right.

15 CLAIMANT ATTORNEY: during the time of the test.

16 HEARING OFFICER: I want to address this certificate...

17 EMPLOYER WITNESS: And I will object to that and I would like to have that
18 objection noted and [UNCLEAR].

19 HEARING OFFICER: I want to address the certificate of compliance personally.
20 I'm going to give you the original back I'm going to give you the copy...

21 CLAIMANT ATTORNEY: And our objection is not about the quality of the
22 copy of the prior records, it's that this certificate is not what they're holding it up
23 to be...it does not indicate SAMHSA certification, watermark or no watermark.

24 HEARING OFFICER: I'm noting your objections, Miss Mjaatvedt, for the
25 record I am going to overrule it and allow this document into evidence. For the

1 record I have a copy of Certificate of Compliance for the Centers for Medicare and
2 Medicaid Services for Omega Laboratories effective date July 1, 2009, the
3 expiration date of June 30, 2011, it's going to be marked as Employer Exhibit #1
4 entered into evidence over the objection of the claimant's attorney, although that
5 objection will certainly be noted and considered in the future.

6 EMPLOYER ATTORNEY: May I address an issue that was placed by
7 claimant's lawyer with regard to SAMHSA or ...

8 HEARING OFFICER: I have some documents in front of me that I want to
9 address real quick and I printed these out today. It's a federal register for the
10 Department of Health and Human Services from April 2010, April 2, 2010 and
11 May 14, 2010, specifically and I printed out as a matter of course generally the
12 Appeal Tribunal will check sources to determine whether a lab is certified and so
13 this not out...this has been done before. So I did print this out today and I can
14 certainly print it out again, but let me present that to you, it's the April and this is
15 the May, 2010 and I'd like to offer that into evidence as Agency Exhibit #4.

16 CLAIMANT ATTORNEY: No objection.

17 EMPLOYER ATTORNEY: No objection at all.

18 HEARING OFFICER: For the record I have print outs from the April 2, 2010,
19 federal register from the Department of Health and Human Services that is 3 pages
20 in length and I have the May 14, 2010, print out for current lists of laboratory
21 treatment and standards to engage in urine drug testing for federal agencies. These
22 two documents together are going to be marked as Agency Exhibit #4 and entered
23 into evidence without any objections as Agency Exhibit #4. Miss Starr, talk to me
24 about CLIA a little bit...what makes you think that it...or how does it fall under
25 the statutes?

26 EMPLOYER ATTORNEY: If I may object, I think that's something that's
27 more the expertise of our...

28 HEARING OFFICER: All right.

1 EMPLOYER ATTORNEY: witness, Mr. Gypin and he can testify more precise
2 because he gives them the information...

3 CLAIMANT ATTORNEY: I...

4 HEARING OFFICER: Um...

5 CLAIMANT ATTORNEY: I'm objecting to her testimony based on that she's
6 testifying about things without knowledge and now when it suits employer's
7 counsel, she's objecting to her testimony...her own witnesses testimony.

8 HEARING OFFICER: Do you have any direct, personal, first-hand knowledge
9 as to the issues or circumstances surrounding Miss Legette's separation?

10 EMPLOYER WITNESS-1: I have the information that was e-mailed to us by
11 Chris, which was in direct reference to whether or not this lab is certified and that
12 e-mail...we'll be happy to present that as evidence. I'm not an expert on CLIA or
13 such as that, but I have done research and obviously I can answer, you know,
14 questions as needed. We are again going back to the certification and such as that
15 and does get very confusing, but Chris definitely is much more of an expert and so
16 as our attorney does see, then I would like to be allowed to ask some questions of
17 that in specific.

18 HEARING OFFICER: Okay, well you can ask Mr. Gypin, that part of the roll as
19 the primary spokesperson...we're not going to allow you to question your attorney.
20 Was that something that you wanted to do?

21 EMPLOYER WITNESS-1: No, I wanted to let it be expressed on record that
22 I'm not an expert on CLIA and such as that, but I do have the information from
23 Chris and he was requested by our company to forward information regarding
24 Omega and what information that is available on their website and also that he had
25 acquired. I believe that we have the certification, I believe the information that we
26 have is accurate and correct, I do not believe that the lab was not a not certified lab.
27 I believe it was fully certified and remains being so.

1 HEARING OFFICER: Anything else, Miss Starr?

2 EMPLOYER WITNESS-1: No.

3 HEARING OFFICER: Do you have any questions you'd like to ask Miss Starr?

4 EMPLOYER ATTORNEY: Can you explain how you got information
5 regarding certification?

6 EMPLOYER WITNESS-1: Yes, there was an e-mail that was received from
7 Chris Gypin on July 9, 2010, which was forwarded to him by Robert Smaltz of
8 Omega Labs in which it was regarding the accreditations and history of Omega
9 Labs itself. That lists not only its credentials but also has certifications and then
10 the website itself also includes information regarding those certifications.

11 EMPLOYER ATTORNEY: And those documents were e-mailed directly to
12 you and you were the keeper of those documents?

13 EMPLOYER WITNESS-1: That's correct, Chris Gypin would have been the
14 person that received that e-mail and then it was forwarded on to our company,
15 correct:

16 EMPLOYER ATTORNEY: And you keep those documents in the ordinary
17 course of business and you are the one who's responsible for their storage and
18 upkeep at Nucor?

19 EMPLOYER WITNESS-1: That's correct, yes.

20 EMPLOYER ATTORNEY: And you are familiar with those documents you've
21 re reviewed them personally and you're familiar with them?

22 EMPLOYER WITNESS-1: That's right and I do have that information here.
23 We have the certifications that we'd already presented earlier on the, I believe it
24 was the July hearing, and that information but Chris Gypin is here today to

1 acknowledge that yes, in fact, that e-mail was sent from him and the information
2 on that e-mail as I have said, it was correct and he would attest to that also.

3 EMPLOYER ATTORNEY: Any did you have any questions for Chris Gypin
4 relating to the CLIA certification that you wanted to ask today?

5 CLAIMANT ATTORNEY: Objection...it's not time for her to ask questions of
6 her other witnesses.

7 HEARING OFFICER: Do you have any other questions for your...

8 EMPLOYER ATTORNEY: Not at this time.

9 HEARING OFFICER: Do you have any questions you want to ask Miss Starr?

10 CLAIMANT ATTORNEY: Yes, I do have a question. So it is still your
11 position that this certification they provided you shows that they are SAMHSA
12 certified and/or College of American Pathologist certified laboratory?

13 EMPLOYER WITNESS-1: This is information is showing the Department of
14 Health and Human Services watermark and [UNCLEAR] there's also a CLIA
15 number there regarding SAMHSA and the fact that those two agencies have
16 merged.

17 CLAIMANT ATTORNEY: It says something about SAMHSA on that...on
18 that certificate you put in as Employer's Exhibit #1?

19 EMPLOYER ATTORNEY: Objection.

20 CLAIMANT ATTORNEY: She testified...I guess I'll let you...

21 HEARING OFFICER: Just please answer the question.

22 EMPLOYER WITNESS-1: There isn't any specific information about
23 SAMHSA on this certificate.

- 1 CLAIMANT ATTORNEY: I have no further questions for Miss Starr.
- 2 HEARING OFFICER: Does the employer have any preference as to order of the
3 witnesses between the three?
- 4 EMPLOYER ATTORNEY: I think we would like to have Mr. Gypin testify
5 next since we are on the issue of certification...
- 6 HEARING OFFICER: Mr. Gypin, can I get you to please state and spell your
7 first and last name for the record and try to project a little bit.
- 8 EMPLOYER WITNESS-2: Christopher Gypin, C-H-R-I-S-T-O-P-H-E-R
9 Gypin, G-Y-P-I-N.
- 10 HEARING OFFICER: And are you employed by Nucor?
- 11 EMPLOYER WITNESS-2: No.
- 12 HEARING OFFICER: Who do you work for?
- 13 EMPLOYER WITNESS-2: Accudiagnostics of North Charleston.
- 14 HEARING OFFICER: What is your position at Accudiagnostics?
- 15 EMPLOYER WITNESS-2: I am the Vice President of Operations.
- 16 HEARING OFFICER: What is the nature of the business at Accudiagnostics?
- 17 EMPLOYER WITNESS-2: We perform drug and alcohol screenings and we
18 also manage as a third-party administrator of drug and alcohol programs.
- 19 HEARING OFFICER: What is the involvement of Accudiagnostics in this case?

1 EMPLOYER WITNESS-2: We manage the random selection process for
2 Nucor and we also provide the avenue to submit samples and to report samples
3 back to Nucor.

4 HEARING OFFICER: When you say you provide the avenue, can you elaborate
5 that?

6 EMPLOYER WITNESS-2: The safety department in Nucor collects the
7 samples, they send them to a lab that we have contracted with, Omega
8 Laboratories, Omega sends us the results and we in turn send the results to Nucor.

9 HEARING OFFICER: So does Accudiagnostics actually do the physical testing?

10 EMPLOYER WITNESS-2: No, Omega Labs does the testing.

11 HEARING OFFICER: What is your involvement here? You were in the last
12 hearing is that correct?

13 EMPLOYER WITNESS-2: Yes, I was.

14 HEARING OFFICER: Okay.

15 EMPLOYER WITNESS-2: There was an issue brought up regarding
16 SAMHSA certification. SAMHSA...the certification process at SAMHSA only
17 deals with federally mandated urine specimens. SAMHSA provides no other
18 certifications for no other types of tests.

19 HEARING OFFICER: Can you repeat that...just federal...federal...

20 EMPLOYER WITNESS-2: Federally mandated urine testing. Federally
21 mandated employees or those workers that are overseen by the Department of
22 Transportation having safety, critical specialties...mariners, truck drivers, pilots,
23 those are just examples of people who are currently mandated to have DOT urine
24 screens. SAMHSA oversees that program and they only certify those labs which
25 perform urine testing on urine samples. So in this case, a SAMHSA certification

1 would not be applicable because the sample...because it's not a urine sample and
2 it's not a federally mandated [UNCLEAR] population. The other thing that needed
3 to be clarified was that the Department of Health and Humans Services was created
4 both NIDA and SAMHSA was rolled into that and laboratory certification process
5 was given to the overall department...Department of Health and Human Services
6 and that's where the CLIA, which is the Clinical Lab Improvement Amendments
7 certification comes into play.

8 HEARING OFFICER: Can you elaborate on CLIA for me please and why that's
9 relevant?

10 EMPLOYER WITNESS-2: There was an amendment to the bill who's termed
11 CLIA88 because it was passed in 1988, which stood for Clinical Laboratory
12 Improvement Amendment and within that bill there was a number of different
13 specifications that laboratories had to follow. CLIA also certifies medical
14 laboratories, dealing with human specimens and things like that, so to have a CLIA
15 certificate issued by the Department of Health and Human Services is a
16 certification to operate a clinical reference lab. So a couple of things that were
17 brought up with previous...

18 HEARING OFFICER: Well wouldn't that put...wouldn't that put Omega, if it's
19 CLIA, would that put them on the federal register for...?

20 EMPLOYER WITNESS-2: The federal register owned deals with SAMHSA
21 and federally mandated urine tests and I think this section known as CFR49, if I'm
22 not mistaken, but it's only specific to federally mandated urine tests. There are no
23 other federal things listed on the federal register. All other testing, you know, even
24 urine testing for non-federal employees fall under everything else.

25 HEARING OFFICER: Now as it pertains to the South Carolina statute, that
26 clearly outlines specific requirements, how do you...how does that...CLIA fall
27 under the statute?

28 EMPLOYER WITNESS-2: CLIA is issued by the Department of Health and
29 Human Services and the certifications from NIDA and...were absorbed into the

1 Department of Health and Human Services, so NIDA doesn't do any certification
2 at all. SAMHSA does certifications as only for urine specimens under the federal
3 mandate.

4 HEARING OFFICER: So I mean I'm just trying to clarify here... so is it your
5 testimony that CLIA falls under the statute because SAMHSA is only for federally
6 mandated urine tests, or is it because of the Health and Human Services?

7 EMPLOYER WITNESS-2: I think I'm trying to clarify that SAMHSA has no
8 bearing on this issue at all because it's not a federally mandated urine test. So
9 whether it's...for this particular test, it's not going to ever get SAMHSA certified
10 unless they change the law. There's no SAMHSA certification for hair drug
11 testing. So I guess that's...I'm trying to clarify that there is no SAMHSA
12 certification for this type of test, nor is there a SAMHSA certification for anything
13 other than federally mandated urine tests and that Omega is certified through
14 CLIA...who has a CLIA certificate through the Department of Health and Human
15 Services which absorbed responsibility for the National Institute of Drug Abuse.

16 HEARING OFFICER: Is Omega certified through State Law Enforcement
17 Division?

18 EMPLOYER WITNESS-2: No.

19 HEARING OFFICER: What about The College of American Pathologists?

20 EMPLOYER WITNESS-2: No and that's for urine testing as well. The
21 certification process done by NIDA was absorbed by the Department of Health and
22 Human Services who now issues the CLIA certificates.

23 HEARING OFFICER: Anything else, Mr. Gypin?

24 EMPLOYER WITNESS-2: If that's clear to you, that would be the only...

25 HEARING OFFICER: Miss Ralephata do you have any questions you'd like to
26 ask Mr. Gypin?

1 EMPLOYER ATTORNEY: Yes.

2 HEARING OFFICER: I'm going to ask you to also try not to lead the witnesses
3 if you don't mind.

4 EMPLOYER ATTORNEY: I wanted to introduce an exhibit, would that be
5 appropriate with...at this time?

6 HEARING OFFICER: I don't have any problems with it.

7 CLAIMANT ATTORNEY: If she can introduce the witness that would be no
8 problem until I see the...obviously until I see the document...

9 EMPLOYER ATTORNEY: Yeah, I'm going to show it to you first. I'm going
10 to show this to you, Miss Mjaatvedt, I'm sorry. This is the draw out from the HHS
11 website that I printed today...I have [UNCLEAR].

12 CLAIMANT ATTORNEY: I don't see how that's going to be in the record.

13 HEARING OFFICER: Um...

14 EMPLOYER ATTORNEY: I have a smaller version if you need it...

15 CLAIMANT ATTORNEY: I think we would need one because I need one to
16 take home with me.

17 EMPLOYER ATTORNEY: I have...I have...

18 HEARING OFFICER: Do you have that, that would be great if you don't mind
19 leaving those.

20 EMPLOYER ATTORNEY: And I'll give the one to you.

21 CLAIMANT ATTORNEY: I mean I have to object right now, there's no
22 foundation through the witness for...I'm not sure how she's going to put in this

1 exhibit...not talking about the big size, but the exhibit itself. I have not heard a
2 foundation of...to this exhibit, so I can object until that's explained.

3 HEARING OFFICER: Do you have...can you do that?

4 EMPLOYER ATTORNEY: Okay. Mr. Gypin, are you familiar with the
5 Department of Health and Human Services website?

6 EMPLOYER WITNESS-2: Yes.

7 EMPLOYER ATTORNEY: And do you frequently go on that website?

8 EMPLOYER WITNESS-2: Not frequently.

9 HEARING OFFICER: I'd like to remind everybody to try to speak up, we're in
10 a big room and there's...

11 EMPLOYER WITNESS-2: Not frequently, no, infrequently.

12 EMPLOYER ATTORNEY: Okay. Do you recall the last time you looked at
13 the website?

14 EMPLOYER WITNESS-2: It was today in preparation for this.

15 EMPLOYER ATTORNEY: Okay. If you look at this exhibit, is this something
16 that you looked at today when you looked at the website of the HHS?

17 EMPLOYER WITNESS-2: Not today, but last summer.

18 EMPLOYER ATTORNEY: Okay. [INAUDIBLE]. If you'd like to take a
19 minute to look at that [UNCLEAR] chart and I think I'd like to also request that we
20 take additional notice of the date of the HHS website as it appears on its website on
21 the web page...

1 HEARING OFFICER: You just want me to take notice regarding the actual
2 website name? Yeah I do note that there is a print out, 3 pages in length, along the
3 left hand corner it's from www.hhs.gov/about/org charts were printed on August
4 15, 2011 and this is regarding to...it looks to be an organizational flow chart for the
5 United States Department of Health and Human Services.

6 EMPLOYER ATTORNEY: Okay, Mr. Gypin, when you were explaining the
7 agencies of HHS, would CLIA be something that falls under the office...The
8 Center for Medicare and Medicaid Services?

9 EMPLOYER WITNESS-2: Yes.

10 EMPLOYER ATTORNEY: Okay and that would be titled HHS on this chart?

11 EMPLOYER WITNESS-2: Yes.

12 EMPLOYER ATTORNEY: Okay and The Center for Medicare and Medicaid
13 Services issued the CLIA certificate, is that correct?

14 EMPLOYER WITNESS-2: Yes.

15 EMPLOYER ATTORNEY: And they issued on behalf of HHS?

16 EMPLOYER WITNESS-2: Yes.

17 EMPLOYER ATTORNEY: And the CLIA certificate is intended to certify that
18 laboratories protect the urine specimens, is that correct?

19 EMPLOYER WITNESS-2: Yes.

20 EMPLOYER ATTORNEY: Thank you, that's all I have.

21 CLAIMANT ATTORNEY: Is this...I'm sorry is this going as exhibit?

22 HEARING OFFICER: I haven't heard it offered in yet?

1 CLAIMANT ATTORNEY: Sorry.

2 EMPLOYER ATTORNEY: I would like to offer this as Employer's Exhibit
3 #1...

4 HEARING OFFICER: I think we're at 2.

5 EMPLOYER ATTORNEY: #2, okay, thank you.

6 HEARING OFFICER: Miss Mjaatvedt, do you have any objections to that
7 offering?

8 CLAIMANT ATTORNEY: I have no objections to this document itself, no.

9 HEARING OFFICER: And for the record I have a 3 page document it's a print
10 out from the United States Department of Health and Human Services,
11 organizational chart to be marked as Employer Exhibit #2 and entered into
12 evidence without any objections as Employer Exhibit #2.

13 EMPLOYER WITNESS-2: Just continue?

14 EMPLOYER ATTORNEY: I think that's all the questions that I have.

15 HEARING OFFICER: Is that all you have?

16 EMPLOYER ATTORNEY: Yes.

17 HEARING OFFICER: Miss Mjaatvedt do you have any questions you'd like to
18 ask Mr. Gypin?

19 CLAIMANT ATTORNEY: Yeah, I do have several. I guess working
20 backwards from Employer's Exhibit #2 with...so is it your position that NIDA is
21 now CMM...is now CMMS with regard to drug tests?

22 EMPLOYER WITNESS-2: In regards to certifying lab...

1 CLAIMANT ATTORNEY: To drug testing...in regards to under the South
2 Carolina statute certifying laboratories for workplace drug testing?

3 EMPLOYER WITNESS-2: My assertion is that NIDA is now under
4 Department of Health and Human Services.

5 CLAIMANT ATTORNEY: So it's your assertion that...that any agency under
6 HHS now complies...comports with the South Carolina statute requiring NIDA,
7 the College of American Pathologists or SLED certification for workplace drug
8 testing.

9 EMPLOYER WITNESS-2: Denial. Any of those do certify clinical labs.

10 CLAIMANT ATTORNEY: But the statute requires a...SAMHSA certified or
11 NIDA certified lab, so you're saying that SAMHSA's not taken over NIDA's
12 functions?

13 EMPLOYER WITNESS-2: There's not any NIDA certifications any
14 longer...there are no NIDA certifications.

15 CLAIMANT ATTORNEY: But NIDA has become SAMHSA, is that correct?

16 EMPLOYER WITNESS-2: No. NIDA has been absorbed into the Department
17 of Health and Human Services.

18 CLAIMANT ATTORNEY: And it's...its functions...

19 EMPLOYER WITNESS-2: SAMHSA...

20 CLAIMANT ATTORNEY: have been taken over by SAMHSA?

21 EMPLOYER WITNESS-2: No. SAMHSA only does...in addition to being an
22 information clearing house, SAMHSA only certifies federally mandated urine
23 testing.

1 CLAIMANT ATTORNEY: Drug...it's federally mandated workplace drug
2 testing??

3 EMPLOYER WITNESS-2: Right. NIDA is not equal to SAMHSA. There
4 was a reorganization in the functionalities that NIDA was absorbed into the
5 Department of Health and Human Services.

6 CLAIMANT ATTORNEY: And your testimony is based on this web chart?

7 EMPLOYER WITNESS-2: No, it's based on conversations with the lab.

8 CLAIMANT ATTORNEY: With Omega?

9 EMPLOYER WITNESS-2: With Omega.

10 CLAIMANT ATTORNEY: Has Omega provided that...documentation that it
11 is actually certified?

12 EMPLOYER WITNESS-2: I think it's contained in its e-mail.

13 CLAIMANT ATTORNEY: So all these other laboratories that are listed on the
14 federal register, that doesn't count then?

15 EMPLOYER WITNESS-2: It only counts if you're testing urine for federally
16 mandated employees, and those would be those that are...

17 CLAIMANT ATTORNEY: But that's what our state statute said that we would
18 NIDA. NIDA used to be the same thing, is that correct that the federal workplace
19 drug testing did not only tested urine even when it was NIDA, isn't that correct?

20 EMPLOYER WITNESS-2: Not to my knowledge, no.

21 CLAIMANT ATTORNEY: Were you doing drug testing at that when
22 NIDA...are you familiar with the federal drug testing requirements?

- 1 EMPLOYER WITNESS-2: Yes.
- 2 CLAIMANT ATTORNEY: And did they previously to hair testing that was
3 certified by NIDA?
- 4 EMPLOYER WITNESS-2: No.
- 5 CLAIMANT ATTORNEY: They did urine testing that was certified by NIDA?
- 6 EMPLOYER WITNESS-2: It was certified by SAMHSA.
- 7 CLAIMANT ATTORNEY: No previously when it was NIDA?
- 8 EMPLOYER WITNESS-2: I'm not sure about that.
- 9 CLAIMANT ATTORNEY: Now you testified about that you, and I don't
10 remember your exact words, I'm not trying to put words to your mouth just to get
11 to the topic that we need to get to, that you don't actually take the...you don't
12 actually collect the samples is that correct at Accudiagnostics?
- 13 EMPLOYER WITNESS-2: Not for Nucor Berkeley, no.
- 14 CLAIMANT ATTORNEY: Not for Nucor Berkeley. Do you receive the
15 samples once Nucor Berkeley collects them?
- 16 EMPLOYER WITNESS-2: No.
- 17 CLAIMANT ATTORNEY: So the document that states that it was put into the
18 record before on 4/6, 4/25 and 4/25/2010, that said the collection site was at, I
19 think it was Mall Boulevard, is that Accudiagnostics?
- 20 EMPLOYER WITNESS-2: That's our business address.
- 21 CLAIMANT ATTORNEY: Sorry.

- 1 EMPLOYER ATTORNEY: I just have objection.
- 2 HEARING OFFICER: What was your objection?
- 3 EMPLOYER ATTORNEY: I wanted her to show the document that she...
- 4 CLAIMANT ATTORNEY: Sure.
- 5 EMPLOYER ATTORNEY: is talking about and enter it, you know, as an
6 exhibit [UNCLEAR].
- 7 CLAIMANT ATTORNEY: It's part of the record, you've been relying on the
8 record, I was going to do so also, but I'm...
- 9 EMPLOYER ATTORNEY: You know, if I can look at it again.
- 10 CLAIMANT ATTORNEY: Well we're here today testifying that she was
11 terminated for...that she was terminated for drug tests on 4/6 and 4/25.
- 12 EMPLOYER ATTORNEY: I just wanted to see the part where it says the
13 collection site was Mall Drive, if that's okay. And which tests are we talking about
14 because there are two tests, the 4/6 or the 4/15?
- 15 CLAIMANT ATTORNEY: Sorry for the delay, I assumed that if that was
16 important to look at those records that they would put them back into the...Okay,
17 it's page 125 of the record, it's the test for 4/6, 2010 and then page...
- 18 HEARING OFFICER: Is that the initial...that's the initial test, correct?
- 19 CLAIMANT ATTORNEY: That's the test they're just talking about today,
20 there's actually a prior test in February...
- 21 HEARING OFFICER: Right.
- 22 CLAIMANT ATTORNEY: ...but, we're...well...

1 HEARING OFFICER: Right, this is the...

2 CLAIMANT ATTORNEY: For the moment we're talking about 4/6 and 4/25,
3 and on the record page 131...a look at those indicate an address at ARCPPoint -
4 North Charleston, ID#2835, 2470 Mall Drive, #A is that Accudiagnostics?

5 EMPLOYER WITNESS-2: That's our business address, yes.

6 CLAIMANT ATTORNEY: Okay, that's listed as the collection site on these
7 documents, is that correct?

8 EMPLOYER WITNESS-2: Because it's pre-printed...if you look at the
9 following page there is a...

10 CLAIMANT ATTORNEY: Well this is part of the [UNCLEAR] sealed chain
11 of custody is that correct?

12 EMPLOYER WITNESS-2: [UNCLEAR]

13 CLAIMANT ATTORNEY: So that's the collection site listed on the chain of
14 custody document is that correct?

15 EMPLOYER ATTORNEY: Objection.

16 HEARING OFFICER: You've gotta at least let him answer the question, I mean
17 you're firing questions, you're not even letting him answer the questions.

18 EMPLOYER WITNESS-2: The following page indicates that the sample is
19 collected at Nucor Berkeley.

20 EMPLOYER ATTORNEY: And if I may, go back to that...

21 EMPLOYER WITNESS-2: It's also submitted as part of the chain of custody.

22 HEARING OFFICER: Which is all in the record from...

1 CLAIMANT ATTORNEY: Right, right...

2 HEARING OFFICER: the prior hearing.

3 CLAIMANT ATTORNEY: ...right, but I have a specific question about it the
4 chain of custody document is listed as your collection site...the collection site is
5 listed as your Accudiagnosics address, your business address.

6 EMPLOYER WITNESS-2: Uh hum, but the following page...

7 HEARING OFFICER: Again, the back row...I'm going to have to try...you've
8 gotta try to speak up, I have a meter on my recorder that shows me if it's picking
9 up your voices, it's very, very important that we get recording here so we don't
10 have to come back and do it again. So just...I know it's frustrating and probably
11 annoying, but I need you guys to really try to speak up for me, okay.

12 EMPLOYER WITNESS-2: The following page which is submitted with the
13 chain of custody gives the actual collection site which the employee signs as well
14 and it's Nucor Berkeley.

15 CLAIMANT ATTORNEY: Okay. And these are documents that I believe
16 you...that the employer put into the record...I'm not really seeing where it was the
17 Nucor Berkeley collection site.

18 EMPLOYER WITNESS-2: Those are actually copies provided by Omega
19 Labs.

20 CLAIMANT ATTORNEY: But you put them in the record, is that correct?

21 EMPLOYER WITNESS-2: Yes, that was part of the litigation package
22 provided by Omega Labs.

23 CLAIMANT ATTORNEY: Okay, back to my question then, so...

1 EMPLOYER ATTORNEY: If I may object, the record that we have that
2 actually has the testing document has no pages and actually has Miss Legette's, if I
3 pronounced that incorrectly, I'm sorry...

4 CLAIMANT ATTORNEY: Are you testifying, objecting to our testimony?

5 HEARING OFFICER: What are you objecting to?

6 EMPLOYER ATTORNEY: Okay, I'm objecting to the question that implies
7 that the testing was not done...the collection was not done at Nucor because the
8 record shows on record on page 1 or 2 has Miss Leggette signing that the specimen
9 was collected at Nucor Steel Berkeley, and also the record at page 98 for the other
10 test.

11 HEARING OFFICER: Okay. I mean I'm still trying to figure out where Miss
12 Mjaatvedt is going with this...[UNCLEAR everyone speaking at once].

13 CLAIMANT ATTORNEY: That's okay...I really...I actually...we...my
14 question was really just talking about...I want to figure out how the collection is
15 done from his perspective. So you do not...are the...do the specimens from Nucor
16 come to your office or your lab at any time.

17 EMPLOYER WITNESS-2: No.

18 CLAIMANT ATTORNEY: So the physical hair never comes...

19 EMPLOYER WITNESS-2: No.

20 CLAIMANT ATTORNEY: Okay.

21 EMPLOYER WITNESS-2: It gets Fed Ex'd out to Omega.

22 CLAIMANT ATTORNEY: To Omega as far as you know, okay, but then at
23 some point do you receive the results from Omega or do both you and Nucor
24 receive the results from Omega?

1 EMPLOYER WITNESS-2: We receive the results from Omega and we
2 transmit them to Nucor.

3 CLAIMANT ATTORNEY: Do you...when you receive the results do you just
4 see a one page document with the results or do you receive more information?

5 EMPLOYER WITNESS-2: Well the results are available via fax which is a
6 one page document, or they're accessible on line as well.

7 CLAIMANT ATTORNEY: Okay.

8 EMPLOYER WITNESS-2: And that has the supporting documentation behind
9 that so not only do you see the results, you can see the chain of custody and the
10 supporting documentation as well.

11 CLAIMANT ATTORNEY: By supporting documentation do you mean the
12 things...the documents that are in the full litigation package or just the chain of
13 custody documents?

14 EMPLOYER WITNESS-2: Whatever was submitted with that sample, the
15 chain of custody, the affidavit which states that it was collected at Berkeley and
16 those are the two things that are available online.

17 CLAIMANT ATTORNEY: Okay, so the rest of the documents that are in the
18 full litigation package are something that you requested separately?

19 EMPLOYER WITNESS-2: Right, those are records of calibrations and when it
20 was checked into and out of ...for testing and where it's placed...

21 CLAIMANT ATTORNEY: At Omega.

22 EMPLOYER WITNESS-2: Yeah, at Omega, that's where [UNCLEAR].

23 CLAIMANT ATTORNEY: Now...but you provide the forms to Nucor, is that
24 correct?

1 EMPLOYER WITNESS-2: Yes.

2 CLAIMANT ATTORNEY: Okay. Do you advise Nucor as to what kind of
3 tests to do in certain situations?

4 EMPLOYER WITNESS-2: I'm not sure what you're asking?

5 CLAIMANT ATTORNEY: Well, do you advise Nucor whether to do hair
6 testing or urine testing in specific situations?

7 EMPLOYER WITNESS-2: No, Nucor came to us with what they had set up
8 and asked if we could provide those types of services.

9 CLAIMANT ATTORNEY: Okay now you also testified that you were, and I'm
10 not trying to put words in your mouth, that you were involved in generating the
11 names of the people to be tested for random testing, is that correct?

12 EMPLOYER WITNESS-2: Yes.

13 CLAIMANT ATTORNEY: And how does that work?

14 EMPLOYER WITNESS-2: We have an employee list of all the employees at
15 Nucor and we have a computer program which searches that employee list and
16 generates a random selection based on parameters that we've put in...Nucor
17 requested that for each week, 10 people be selected for random testing and every
18 week we generate a random selection batch which pulls from the employee pool
19 and creates a list of names.

20 CLAIMANT ATTORNEY: And are there ever any restrictions or notes as to
21 who you can and cannot pull for that...out of that employee pool?

22 EMPLOYER WITNESS-2: Only the people that have been terminated
23 who...mark them as [UNCLEAR]. If you're terminated you can't be...you're no
24 longer part of the pool.

1 CLAIMANT ATTORNEY: Is there any...is there any time limits on how often
2 a person can get tested with regard to how you at Accudiagnosics generate
3 the...pull the random...

4 EMPLOYER WITNESS-2: No, theoretically so they could get pulled every
5 time, there's a small chance of that, but it's strictly a random pool.

6 CLAIMANT ATTORNEY: Does Nucor have a policy that people can only be
7 tested...can't be tested more often than 30 days after their last test?

8 EMPLOYER ATTORNEY: Objection.

9 EMPLOYER WITNESS-2: Not that I know of. I can't...

10 HEARING OFFICER: I mean he doesn't work for Nucor so I don't think...

11 EMPLOYER ATTORNEY: No, that's not the basis of my objection.

12 CLAIMANT ATTORNEY: Well, I'm just asking him about what he
13 knows...he's testifying that he generates...

14 EMPLOYER ATTORNEY: But you can't ask a question about Nucor's policy.

15 HEARING OFFICER: There is...

16 CLAIMANT ATTORNEY: My question is regard to you and what
17 Accudiagnosics does. Is it Nucor has a policy...if you had a negative test that you
18 can't get tested again for 30 days, is that transmitted to you, if there is such a
19 policy?

20 EMPLOYER WITNESS-2: No.

21 CLAIMANT ATTORNEY: Okay so you're not aware of any such policy?

1 EMPLOYER WITNESS-2: No. Our random procedure every week we
2 generate a list of 10 random names pulled from the employee pool.

3 CLAIMANT ATTORNEY: Okay and so you could...a person could be pulled
4 two weeks in a row for example?

5 EMPLOYER WITNESS-2: They could be pulled every week for a year.

6 CLAIMANT ATTORNEY: And do you every get any...does Nucor...does
7 anyone at Nucor ever contact you and ask you to put certain people on the list?

8 EMPLOYER WITNESS-2: No.

9 CLAIMANT ATTORNEY: That's never happened?

10 EMPLOYER WITNESS-2: No.

11 CLAIMANT ATTORNEY: Okay. Once Omega or any other testing
12 laboratories done the testing, do they ever send the samples back to you?

13 EMPLOYER WITNESS-2: No.

14 CLAIMANT ATTORNEY: Do they ever make comments back to you
15 regarding the sample is...like for instance if a sample is sent and it's reported back
16 to you that they can't read the sample or there was something wrong with the
17 sample or that the Fed Ex package fell open, I don't know, do you get notations of
18 that?

19 EMPLOYER WITNESS-2: The notations that we get, is that the sample was
20 not available for testing and then we reject the sample. The only specific rejection
21 detail that we get is a QNS would be Quantity Not Sufficiency test. Yet others that
22 are rejected they're either for violation of the chain of custody rules or compromise
23 of the envelopes, the seal is not on there, the dates don't match up, things like that.

24 CLAIMANT ATTORNEY: So you do get notes like that from Omega?

1 EMPLOYER WITNESS-2: Those are fatal errors and if they reject the sample,
2 it's for one of those fatal errors.

3 CLAIMANT ATTORNEY: Right but Omega Laboratory then transmits that
4 information back to you?

5 EMPLOYER WITNESS-2: If we ask them for it, yes. They don't transmit it
6 they just say the specimen is rejected.

7 CLAIMANT ATTORNEY: Okay so if they are able to get a result but they
8 think there's something wrong with the test, they don't give you any kind of a note
9 or any kind of indication that the sample was...looked different or that the sample
10 looked like a mixture or the sample was poking out of the envelope or anything
11 like that?

12 EMPLOYER WITNESS-2: No.

13 CLAIMANT ATTORNEY: Okay so you've never received that...you've never
14 received any kind of a note to that affect or indication to that affect from Omega
15 Laboratories?

16 EMPLOYER WITNESS-2: I haven't, no.

17 CLAIMANT ATTORNEY: Have people in your laboratory?

18 EMPLOYER WITNESS-2: I don't know.

19 HEARING OFFICER: Again speaking up, I know it's hard to continue doing
20 that.

21 EMPLOYER WITNESS-2: I don't know I wasn't there. Now we do
22 communicate with other laboratories which we use and there are different criteria
23 for urine samples so if there was a biological anomaly within a urine sample that
24 would be communicated to us.

1 CLAIMANT ATTORNEY: Those anomalies, just to tie it up, those anomalies
2 would be things like if there was an adulteration of some kind or...

3 EMPLOYER WITNESS-2: Adulteration is really a standard type
4 anomaly...some of the things like a biological anomaly, like there's an excess of
5 bacterial growth or things like that.

6 CLAIMANT ATTORNEY: Okay I understand. Regarding Nucor's testing
7 policy, the form that you give Nucor has some check boxes if you look at
8 some...I'll just go over the record at page 125 and I'll just let you look at this...is
9 that okay, I mean I can give out copies so that they can see the record, I'll let them
10 look at that one.

11 HEARING OFFICER: Can I see what...

12 CLAIMANT ATTORNEY: Oh sure...can you let him see just to verify?

13 HEARING OFFICER: And this is the initial...this is what?

14 CLAIMANT ATTORNEY: 4/6/2010.

15 HEARING OFFICER: Right, but what is this document?

16 CLAIMANT ATTORNEY: That's the testing form.

17 HEARING OFFICER: The initial form?

18 CLAIMANT ATTORNEY: Yes.

19 HEARING OFFICER: I do want to note that Miss Mjaatvedt was referring to
20 the...what is in the record at page 125 and is handing Mr. Gypin a copy of...Mr.
21 Gypin has a copy of that, that's what she's basing the questions on here.

1 CLAIMANT ATTORNEY: And my question is just up there under
2 the...there's a box that...where you can check off hair, I think it says hair 5
3 sample.

4 HEARING OFFICER: Hair 5 drug panel.

5 CLAIMANT ATTORNEY: Yeah, hair 5 drug panel and other, so is that the
6 standard test that you recommend that Nucor does or do you make any
7 recommendation of that regard to them?

8 EMPLOYER WITNESS-2: This is a test that they requested...I don't make
9 any recommendations to them.

10 CLAIMANT ATTORNEY: Okay. Okay, that makes me happy. Do you
11 ever...have you ever know them to take a test that's different than the hair 5 drug
12 panel, like a limit of detection test?

13 EMPLOYER WITNESS-2: They can also request that...that's done on their
14 second sample.

15 CLAIMANT ATTORNEY: Has Omega ever communicated to you that that
16 limit of detection test would be outside the calibration of how they have their test
17 set up?

18 EMPLOYER WITNESS-2: [UNCLEAR].

19 HEARING OFFICER: What was your question again? Has Omega ever...

20 CLAIMANT ATTORNEY: With a limit of detection...with a limit of detection
21 test they're asking for something below the normal cut off...

22 EMPLOYER WITNESS-2: Yes.

23 CLAIMANT ATTORNEY: have you ever had a discussion with Omega
24 whether a test is accurate when you go below that cut off?

1 EMPLOYER WITNESS-2: No.

2 CLAIMANT ATTORNEY: Okay. Has Omega ever said anything to you about
3 that?

4 EMPLOYER WITNESS-2: No.

5 CLAIMANT ATTORNEY: Do other companies besides Nucor ask for it below
6 the normal cut off?

7 EMPLOYER ATTORNEY: Objection.

8 CLAIMANT ATTORNEY: To your knowledge?

9 EMPLOYER WITNESS-2: Well we do a lot of testing for the judicial
10 segment...for the Charleston County DSS and Adult Drug Court and things like
11 that and there is occasion where they ask for limit of detection tests.

12 CLAIMANT ATTORNEY: Are they still doing that?

13 EMPLOYER WITNESS-2: Yes.

14 CLAIMANT ATTORNEY: Is that...all those tests go through Robert Bennett?

15 EMPLOYER WITNESS-2: No.

16 CLAIMANT ATTORNEY: Okay, so have you ever recommended to anyone
17 that those tests might not be accurate because they're below the standards of how
18 the detection is set to operate?

19 EMPLOYER ATTORNEY: Objection.

20 HEARING OFFICER: You can answer.

21 EMPLOYER WITNESS-2: [UNCLEAR].

- 1 CLAIMANT ATTORNEY: Here's here as the...
- 2 HEARING OFFICER: That's what I'm saying, he can answer it.
- 3 CLAIMANT ATTORNEY: If you can answer it, go ahead.
- 4 EMPLOYER WITNESS-2: Can you repeat it please?
- 5 CLAIMANT ATTORNEY: Have you ever had a conversation with anybody at
6 Nucor or with Omega that by asking for a limit of detection test below the normal
7 cut offs that these tests might not be accurate?
- 8 EMPLOYER WITNESS-2: No.
- 9 CLAIMANT ATTORNEY: Okay, are you aware that that's a possibility?
- 10 EMPLOYER WITNESS-2: No.
- 11 CLAIMANT ATTORNEY: So you don't think it's a possibility?
- 12 EMPLOYER ATTORNEY: Objection.
- 13 EMPLOYER WITNESS-2: No, I don't.
- 14 CLAIMANT ATTORNEY: Okay. I have no further questions.
- 15 HEARING OFFICER: Okay. I want to reserve the right to ask Mr. Gypin a
16 couple more questions towards the end of this if anything pops into our heads,
17 employer preference between Miss Reynolds and Miss Grimm?
- 18 EMPLOYER ATTORNEY: No preference.
- 19 HEARING OFFICER: Miss Grimm before I take your testimony I think I'm
20 going to get you all to switch with Miss Starr...

1 EMPLOYER WITNESS-3: Okay.

2 HEARING OFFICER: so we can make sure we don't have any recording issues
3 here in the future. Thank you. And Miss Grimm can you please state and spell
4 your first and last name for the record.

5 EMPLOYER WITNESS-3: It's Margaretta Grimm, M-A-R-G-A-R-E-T-T-A
6 G-R-I-M-M.

7 HEARING OFFICER: And are you employed by Nucor?

8 EMPLOYER WITNESS-3: Yes.

9 HEARING OFFICER: What's your job there?

10 EMPLOYER WITNESS-3: I'm an Adult Nurse Practitioner; I work in Health
11 and Safety.

12 HEARING OFFICER: What is your involvement in this issue?

13 EMPLOYER WITNESS-3: I do the hair collection when someone presents to
14 the clinic...it's not my primary job duty, but it's one that we do regularly.

15 HEARING OFFICER: Did you participate in the collection of the sample

16 EMPLOYER WITNESS-3: Yes, I did.

17 HEARING OFFICER: from Miss Legette?

18 EMPLOYER WITNESS-3: Yes, I did.

19 HEARING OFFICER: And as...in your capacity as Nurse?

20 EMPLOYER WITNESS-3: Right.

- 1 HEARING OFFICER: Were you the individual that administered the test?
- 2 EMPLOYER WITNESS-3: I did both hair collections.
- 3 HEARING OFFICER: For both tests?
- 4 EMPLOYER WITNESS-3: Uh huh, yes.
- 5 HEARING OFFICER: Does the company have a policy prohibiting the use of
6 illegal drugs?
- 7 EMPLOYER WITNESS-3: Yes.
- 8 HEARING OFFICER: Did Miss Legette provide a specimen?
- 9 EMPLOYER WITNESS-3: Yes.
- 10 HEARING OFFICER: Was it collected and labeled by a licensed health care
11 professional or another individual authorized by state or federal law?
- 12 EMPLOYER WITNESS-3: It was collected and sealed by me. I'm licensed
13 and I'll be licensed through April 2012.
- 14 HEARING OFFICER: And when it was collected was it sealed in the presence
15 of Miss Legette?
- 16 EMPLOYER WITNESS-3: Yes.
- 17 HEARING OFFICER: Did she sign a document indicating that the specimen
18 was hers?
- 19 EMPLOYER WITNESS-3: Yes.

1 HEARING OFFICER: Was the test performed by a laboratory certified by the
2 United States Department of Health and Human Services, the College of American
3 Pathologists or the State Law Enforcement Division?

4 EMPLOYER WITNESS-3: To the best of my knowledge it falls under the
5 HHS, Department of Health and Human Services.

6 HEARING OFFICER: And how...can you articulate for me how it would fall
7 under that category or is that something that is out of your kind of field of...

8 EMPLOYER WITNESS-3: That isn't my area of expertise.

9 HEARING OFFICER: Okay.

10 EMPLOYER WITNESS-3: however, those are the clinical laboratory forms
11 that we were issued by Accudiagnosics which is our primary contact for Omega
12 Lab.

13 HEARING OFFICER: To the best of your knowledge was it initially tested or
14 confirmed using a gas chromatography, mass spectrometry method or another
15 method approved by the National Institute on Drug Abuse?

16 EMPLOYER WITNESS-3: Yes.

17 HEARING OFFICER: What were the results of that test?

18 EMPLOYER WITNESS-3: They reported back the initial one as positive for
19 THC, I don't have the exact amount, and that is not reported directly to me it's
20 actually reported back to our Safety Director, Mike Kerr (phonetic).

21 HEARING OFFICER: Anything else, Miss Grimm? I don't believe I have any
22 further questions for you at this time. Miss Ralephata, do you have any questions
23 you'd like to ask Miss Grimm?

1 EMPLOYER ATTORNEY: No, not at this time, but I reserve the right if
2 something comes up.

3 HEARING OFFICER: Miss Mjaatvedt, any questions for Miss Grimm?

4 CLAIMANT ATTORNEY: Yes, I do have some questions. Regarding these
5 tests, who else does hair testing in general at Nucor?

6 EMPLOYER WITNESS-3: The Safety and Shift Coordinators do...

7 CLAIMANT ATTORNEY: Is that Mr. Kerr that you talked about?

8 EMPLOYER WITNESS-3: No, he was the Safety Director.

9 CLAIMANT ATTORNEY: Okay.

10 EMPLOYER WITNESS-3: But any Safety Shift Coordinator has gone through
11 a training procedure to do that as well.

12 CLAIMANT ATTORNEY: Is Dave English one of those Safety Shift
13 Coordinators in April, 2010 and February...actually specifically February of 2010?

14 EMPLOYER WITNESS-3: Dave English has collected hair samples, he didn't
15 collect these particular ones.

16 CLAIMANT ATTORNEY: But is he certified to collect hair samples back in
17 February?

18 EMPLOYER WITNESS-3: I can't speak for Dave English.

19 CLAIMANT ATTORNEY: So who can speak for the department on hair
20 testing?

21 EMPLOYER WITNESS-3: I think it would be Dave English.

1 CLAIMANT ATTORNEY: Well who at Nucor decides who is certified to
2 test...who is qualified to test?

3 EMPLOYER WITNESS-3: I know I'm a licensed health care professional I've
4 been doing hair tests a long time. I've been doing them since I'm at Nucor Steel
5 and went through their standard certification under Randy Cooper as soon as I was
6 hired in 2005, so I don't really know what you're trying to ask me.

7 CLAIMANT ATTORNEY: Well I guess I'm trying to figure out if you're here
8 in your capacity of just doing these tests or if you have any supervisory or
9 decision-making capacity.

10 EMPLOYER WITNESS-3: I am not a supervisor and I do not decide who
11 takes hair tests.

12 EMPLOYER ATTORNEY: Objection and if I may state this for the record,
13 Miss Grimm is here to testify with regard to the tests that were taken on April 6
14 and April 15, 2010. Those are the tests that she took and those are the tests that are
15 the subject of this hearing.

16 CLAIMANT ATTORNEY: Are you aware that there were...there was a prior
17 set of drug tests in February and March?

18 EMPLOYER ATTORNEY: Objection.

19 HEARING OFFICER: Noted...

20 CLAIMANT ATTORNEY: I can...

21 HEARING OFFICER: ...she can answer the question.

22 EMPLOYER WITNESS-3: Am I aware...

23 HEARING OFFICER: Were you aware? I guess was your question.

1 EMPLOYER WITNESS-3: I know that she came the day that she presented
2 the...I guess it was the 6th.

3 CLAIMANT ATTORNEY: Yeah but were you aware of a prior drug test taken
4 on February 25, 2010 and a follow up test taken on March 5, 2010?

5 EMPLOYER WITNESS-3: Not of those exact dates, no.

6 CLAIMANT ATTORNEY: Were you aware that she had another drug test
7 about a month before you gave her a drug test?

8 EMPLOYER WITNESS-3: Because I was in a hearing about approximately a
9 year ago, at that point I was made aware there were other drug tests so I can't say
10 no I don't know about them, because I sat...

11 HEARING OFFICER: Maybe can you just clarify

12 CLAIMANT ATTORNEY: I can [UNCLEAR].

13 HEARING OFFICER: [UNCLEAR] at the time of the...

14 CLAIMANT ATTORNEY: I got it. At the time that you took that test, is it
15 your testimony that you were not aware that there was another drug test taken in
16 February...approximately a month before that had a...that was taken by Dave
17 English that had like a 6.25 picograms per milligram reading...it was
18 extraordinarily high?

19 EMPLOYER ATTORNEY: Objection.

20 HEARING OFFICER: Noted.

21 CLAIMANT ATTORNEY: Were you aware of that?

22 EMPLOYER WITNESS-3: Again, when people present to me at the clinic I do
23 what I have to do.

1 CLAIMANT ATTORNEY: So that day on April 6, 2010, when you say you do
2 what you had to do, when Miss Legette came in, did you tell her to wait you
3 wanted to take the person behind her first.

4 EMPLOYER WITNESS-3: Ma'am, I have many people that get notified every
5 week. When people come in sets of two because it is a controlled procedure, you
6 have to ask one person to step aside so the other person can be tested. You can't
7 have multiple people in a clinic area so I may have [UNCLEAR everyone speaking
8 at once].

9 CLAIMANT ATTORNEY: So you're testifying, so you, you don't recall that
10 you told her she was in line...a long line of people that you told her to step back
11 and let the person behind her go first?

12 EMPLOYER WITNESS-3: Not...no...not...I can't say I recall that.

13 CLAIMANT ATTORNEY: Did anyone talk to you that you in particular
14 needed to perform her test...

15 EMPLOYER WITNESS-3: No.

16 CLAIMANT ATTORNEY: on April 6th?

17 EMPLOYER WITNESS-3: No.

18 CLAIMANT ATTORNEY: So you're testifying that you did not state that you
19 need to do this by the book?

20 EMPLOYER ATTORNEY: Objection.

21 CLAIMANT ATTORNEY: Or something along those lines?

22 EMPLOYER WITNESS-3: I do hair tests every week Monday, Tuesday,
23 Wednesday...you know that to me, there was no particular singling out of a
24 person; I don't know what else I can say.

1 CLAIMANT ATTORNEY: When you do the hair tests and you take the
2 sample and you seal it in an envelope, is that correct?

3 EMPLOYER WITNESS-3: Yes.

4 CLAIMANT ATTORNEY: Is there ever hair sticking out of an envelope?

5 EMPLOYER WITNESS-3: If a person has long hair sometimes it's difficult to
6 get all of the hair concealed completely in the envelope.

7 CLAIMANT ATTORNEY: So, but you generally take...I think on those
8 tests...I think generally it states that you take a certain length of hair, is that
9 correct?

10 EMPLOYER WITNESS-3: You have to cut it from the scalp.

11 CLAIMANT ATTORNEY: And then you notate on the document how much
12 hair you took...the length of it...is that something that's part of these documents?

13 EMPLOYER WITNESS-3: No. You insert it in the envelope so that the root
14 end is towards the top part of the collection envelope and the excess hair goes
15 around the bottom so that the lab is testing from the root and not the end of the
16 hair.

17 CLAIMANT ATTORNEY: And that sticks out of the envelope that's sealed
18 with a chain of custody stamp...

19 EMPLOYER WITNESS-3: If any hair would be sticking out of an envelope, it
20 most likely would be hair that was the end of the hair and that is not the part that
21 they test.

22 CLAIMANT ATTORNEY: So at the test on 4/6...at the test on 4/6...you did
23 both on 4/6 and 4/15 is that correct?

24 EMPLOYER WITNESS-3: Yes, according to the record.

1 CLAIMANT ATTORNEY: Okay so at that...during that test when Miss
2 Legette was trying to ask you questions, are you saying that you didn't tell her to
3 stop talking?

4 EMPLOYER WITNESS-3: Is this any relevance to this particular scenario?

5 HEARING OFFICER: I'm looking for it, but I'm going to ask you to answer the
6 question.

7 EMPLOYER WITNESS-3: Okay, if I did, it was because I have to concentrate
8 on what I'm doing, there's a chain of custody you have to pay attention to what
9 you do, you can't have a little like a side conversation because it can distract from
10 your concentration.

11 CLAIMANT ATTORNEY: And so you weren't aware that she had had another
12 set of tests the month before?

13 HEARING OFFICER: You've asked this like three times.

14 CLAIMANT ATTORNEY: Did Miss Legette ask you if she could also have a
15 urine test?

16 EMPLOYER WITNESS-3: Health and Safety has discontinued random urine
17 tests for over a...more than a year probably, so it's no longer in the policy, so a
18 urine collection is not done.

19 CLAIMANT ATTORNEY: What about in a second test...a follow up test, if
20 there's a policy for a second test?

21 EMPLOYER WITNESS-3: A urine test again is not done according to Nucor
22 Steel policy. The only time they do urine testing is pre-employment or if a
23 supervisor has a suspicion that somebody is intoxicated.

24 HEARING OFFICER: More volume please.

1 EMPLOYER WITNESS-3: If a supervisor is suspicious someone is intoxicated
2 they can request a urine test.

3 CLAIMANT ATTORNEY: Was Miss Legette's supervisor present during any
4 of her...of these tests on 4/6 or 4/15?

5 EMPLOYER WITNESS-3: Her supervisor was present at the second test.

6 CLAIMANT ATTORNEY: Is that unusual?

7 EMPLOYER WITNESS-3: No.

8 CLAIMANT ATTORNEY: I have no further questions at this time unless other
9 issues are brought up [UNCLEAR].

10 EMPLOYER ATTORNEY: Miss Grimm, can you walk me through the process
11 from the time that somebody comes in to be tested until the time that they leave the
12 clinical area?

13 EMPLOYER WITNESS-3: When they initially present there is a consent form
14 that they are told to read over, print their name and initial for the various
15 specimens we are collecting, they then sign it and date it and I witness it. The
16 chain of custody is filled out and the top part by myself and once the hair is
17 collected and placed in the envelope with the seal, the employee witnesses that
18 they were in the presence when it was closed and they initial the envelope and date
19 the envelope as well as their signature on that form. They are given a copy of the
20 test and control number at the top should they have further questions related to that
21 specimen and then they are given a final post-collection form to make sure that the
22 collection policies and procedures were followed and she was given that and she
23 signed it and I witnessed it and that's usually how it goes.

24 EMPLOYER ATTORNEY: Did Miss Legette at any point question the
25 collection process or hair sample when you were collecting it?

26 EMPLOYER WITNESS-3: She talked a bit in the second test.

1 EMPLOYER ATTORNEY: Do you recall what kind of a comment she said?
2 Do you recall her reading the form the chain of custody forms before the collection
3 process and after the collection process?

4 EMPLOYER WITNESS-3: She didn't read it out loud, you know, she did sign
5 everything.

6 EMPLOYER ATTORNEY: That's all I have.

7 CLAIMANT ATTORNEY: I have a follow up on that. Under Nucor policy if
8 you're called in for a drug test, can you decline to sign on the...sign those forms?

9 EMPLOYER WITNESS-3: Yes, and if that is the case, the employee needs to
10 go to their supervisor or to the general manager.

11 CLAIMANT ATTORNEY: And what happens then?

12 EMPLOYER WITNESS-3: I don't know.

13 CLAIMANT ATTORNEY: Is it grounds for termination?

14 EMPLOYER WITNESS-3: I believe it can be.

15 CLAIMANT ATTORNEY: Okay.

16 EMPLOYER ATTORNEY: Just a point of clarification, I wasn't sure whether
17 this person was...can the employee refuse to sign any of the chain of custody
18 forms or can the employee refuse to go through the test?

19 EMPLOYER WITNESS-3: If the employee refuses to go through the test, then
20 you contact their supervisor.

21 HEARING OFFICER: I saw the question as referring to the signing of the chain
22 of custody forms.

1 CLAIMANT ATTORNEY: Right. What happens...can...what if the employee
2 decides not to sign the chain of custody forms?

3 EMPLOYER WITNESS-3: Then you can't send the test...it's an invalid test if
4 they don't sign chain of custody forms.

5 CLAIMANT ATTORNEY: And does the employee then have to go to the
6 general manager?

7 EMPLOYER WITNESS-3: They have to go to their supervisor.

8 CLAIMANT ATTORNEY: So in other words, I mean, if they don't sign the
9 chain of custody forms they essentially refuse to take that test?

10 EMPLOYER WITNESS-3: Right, someone in management would have to be
11 contacted.

12 CLAIMANT ATTORNEY: Thank you.

13 HEARING OFFICER: Anything else for...

14 [UNCLEAR]

15 HEARING OFFICER: either party, Miss Grimm? All right, Miss Reynolds, can
16 I get you and Miss Grimm to switch spots, thank you. Miss Reynolds, can I get
17 you to please state and spell your first and last name for the record.

18 EMPLOYER WITNESS-4: Meleah Reynolds, M-E-L-E-A-H, last name R-E-
19 Y-N-O-L-D-S.

20 HEARING OFFICER: Are you an employee with Nucor?

21 EMPLOYER WITNESS-4: Yes, sir.

22 HEARING OFFICER: What is your job title?

1 EMPLOYER WITNESS-4: HR Supervisor.

2 HEARING OFFICER: Were you involved in the last hearing?

3 EMPLOYER WITNESS-4: I was not.

4 HEARING OFFICER: Did you come here today for a specific...to testify to
5 something specific or...

6 EMPLOYER WITNESS-4: As a policy representative to answer any questions
7 on Nucor policy, or drug testing policy.

8 HEARING OFFICER: Does the company have a policy prohibiting the use of
9 illegal drugs?

10 EMPLOYER WITNESS-4: Yes.

11 HEARING OFFICER: How did you communicate that to your employees?

12 EMPLOYER WITNESS-4: Several different avenues...we have a...we had an
13 employee handbook, a paper copy that was distributed to every employee at their
14 new hire orientation. We also had an electronic copy available on line from our
15 Lotus Notes database. We also asked employees read and acknowledge that they
16 received and understand those policies, and I believe all those documents that
17 pertain to her acknowledgment...Miss Legette's acknowledgement as well as the
18 policies itself were provided in the initial hearing. Today I would say that my
19 additional testimony...or my testimony would be the...I have a communication
20 with a Sharon Mezzelle (phonetic) with the South Carolina Department of
21 Employment and Workforce that just recapping the events as part of our initial
22 response.

23 HEARING OFFICER: Was that communication between you and Miss
24 Mezzelle?

25 EMPLOYER WITNESS-4: Yes.

1 HEARING OFFICER: Is that something you do in your job as Human Resource
2 Supervisor?

3 EMPLOYER WITNESS-4: Yes, normally what happens is I respond to
4 these...to the...any claim for unemployment by paper, the initial response and then
5 any hearings I would normally attend without the other [UNCLEAR] at the time of
6 Miss Legette's hearing and Miss Starr provided her services instead of me. There
7 was some difficulty getting the fax to go through and Miss Sharon was a person of
8 contact that Joe [UNCLEAR] who was employed here put me in contact with so I
9 could insure that our response was received timely since the fax apparently was not
10 working at the time.

11 HEARING OFFICER: Are you the custodian of these types of
12 documents...these types of records?

13 EMPLOYER WITNESS-4: Yes, sir.

14 HEARING OFFICER: Miss Mjaatvedt, do you have any objections to this e-
15 mail, this print out of this e-mail dated May 4, 2010, being offered into evidence?

16 CLAIMANT ATTORNEY: I just object...I'm not sure what this document
17 adds over her direct testimony here today.

18 HEARING OFFICER: Is there a reason...specific reason why you brought this
19 document with you today?

20 EMPLOYER WITNESS-4: Just as another explanation of our process.

21 HEARING OFFICER: I'll note your objection Miss Mjaatvedt, but I'm going to
22 allow this document into evidence.

23 EMPLOYER ATTORNEY: Employment Exhibit #3 or 4?

24 CLAIMANT ATTORNEY: Now which is this?

1 HEARING OFFICER: It's Exhibit 3, the first being the...and then the second
2 will be the organizational chart. For the record I have a 2 page exhibit, it's a e-
3 mail dated May 4, 2010 from Meleah Reynolds to smezzelle@scs.org, which I
4 will note for the record is the old e-mail address for the agency, the Department of
5 Employment Workforce then as the Employment Security Commission, it's going
6 to be marked down as Employer's Exhibit #3 entered into evidence over the
7 objection of the claimant's attorney although that objection will certainly be noted
8 in appropriate way given to this document based upon that objection. But
9 nonetheless, it is going into evidence as Employer Exhibit #3. Do you have
10 anything else, Miss Reynolds you wanted to add at this time?

11 EMPLOYER WITNESS-4: I think in the initial hearing a Dr. Bennett gave
12 testimony based on a third test or an independent test that Miss Legette claimed
13 that it was done by Mr. Bennett's office and it sounds like from the hearing notices
14 and responses back from the state that our...the benefits were or the, I guess,
15 decision was reversed in Mrs. Legette's favor because of a third-party test. Nucor
16 does not allow any independent tests. Under the statute I believe it has to be
17 performed on behalf of the employer, certainly a test on her own accord was not
18 performed with our acknowledgement or acceptance, so any issuance of another
19 test that may have varying results, in addition to Bennett's test was not done at a
20 level of detection which our second test was, so there would be...it's not apples to
21 apples. His level of detection was a standard, ours was a much greater or smaller, I
22 guess, level of detection so it would warrant two different test results, so I think his
23 testimony really had no value but the state did use that against Nucor, so.

24 HEARING OFFICER: Anything else?

25 EMPLOYER WITNESS-4: That's it.

26 HEARING OFFICER: Miss Ralephata, do you have any questions you would
27 like to ask Miss Reynolds?

28 EMPLOYER ATTORNEY: Miss Reynolds, does Nucor accept tests that are
29 done outside its facilities at all?

1 EMPLOYER WITNESS-4: No, ma'am.

2 EMPLOYER ATTORNEY: So Nucor does not accept any independent tests?

3 EMPLOYER WITNESS-4: Not at all.

4 EMPLOYER ATTORNEY: Did you or did Nucor ask Miss Legette to have an
5 independent test?

6 EMPLOYER WITNESS-4: No, not to my knowledge, I did not.

7 EMPLOYER ATTORNEY: Okay so even if she had the test done, you would
8 not have looked at that all as a policy?

9 EMPLOYER WITNESS-4: We would not consider it...an independent test not
10 done on our behalf.

11 EMPLOYER ATTORNEY: That's all I have.

12 HEARING OFFICER: Miss Mjaatvedt, any questions for Miss Reynolds?

13 CLAIMANT ATTORNEY: Yes, yeah I do have some questions. Miss
14 Reynolds, do recall that Miss Legette had tests previously done in February and
15 March of 2010?

16 EMPLOYER ATTORNEY: Objection [UNCLEAR].

17 HEARING OFFICER: Do you have knowledge in your answer?

18 EMPLOYER WITNESS-4: I'm aware because of everything that has led up
19 today.

20 CLAIMANT ATTORNEY: Okay so that test was involved with what's led up
21 to today?

- 1 EMPLOYER ATTORNEY: Objection.
- 2 EMPLOYER WITNESS-4: Just the filing of the unemployment claim
3 initially...
- 4 CLAIMANT ATTORNEY: You mean back in May of 2010?
- 5 HEARING OFFICER: Well you're asking if she has knowledge of it now or
6 knowledge of it back in 2010?
- 7 CLAIMANT ATTORNEY: No I'm asking if she had knowledge at that time of
8 what...if you had knowledge of those tests...
- 9 HEARING OFFICER: At which time?
- 10 CLAIMANT ATTORNEY: well in...in February and March of 2010 did you
11 have knowledge that Miss Legette had a drug test?
- 12 EMPLOYER WITNESS-4: I believe I became knowledgeable of the earlier
13 tests at the time of her termination.
- 14 CLAIMANT ATTORNEY: Okay, so when someone does get the drug test as a
15 positive, you're not informed of that right away?
- 16 EMPLOYER WITNESS-4: Not necessarily, no.
- 17 CLAIMANT ATTORNEY: Okay, but that would be...I mean you're the, this
18 is to clarify, you're in the position where you would...you're the one that would
19 hear about these sorts of things?
- 20 EMPLOYER WITNESS-4: If a termination is necessary then I would prepare
21 an exit interview and talk to them all about their benefits and that sort of thing.
- 22 CLAIMANT ATTORNEY: So you're always aware when there's a drug tests
23 that would lead to a termination?

1 EMPLOYER WITNESS-4: I am put on notice if an employee is going to be
2 walking in my office in the next hour or two so that I can prepare for an exit
3 interview.

4 CLAIMANT ATTORNEY: Okay so at some point you were aware, this we
5 should go ahead and put this in, this is something that was provided in the record
6 that you talked to unemployment about a test where she had a 6.25 level of
7 detection, is that correct?

8 EMPLOYER WITNESS-4: In the e-mail to Miss Mezzelle, yes.

9 CLAIMANT ATTORNEY: The one that you provided here?

10 HEARING OFFICER: Are you referencing Employer Exhibit #3? The e-mail
11 dated May 4th?

12 EMPLOYER WITNESS-4: No actually it wasn't...

13 CLAIMANT ATTORNEY: Yeah.

14 EMPLOYER WITNESS-4: discussed in that one.

15 CLAIMANT ATTORNEY: Well is there another e-mail then that you've sent
16 to the unemployment commission?

17 EMPLOYER WITNESS-4: Not that I'm aware of, no.

18 CLAIMANT ATTORNEY: So when did you refer to the 6.25?

19 EMPLOYER WITNESS-4: I believe those were in my notes in preparation for
20 the hearing that I did not get to attend because I was out of the country.

21 CLAIMANT ATTORNEY: Okay, did you...I have a document here that I
22 would like to put in as Claimant's #1 [UNCLEAR].

1 HEARING OFFICER: Miss Ralephata.

2 CLAIMANT ATTORNEY: She can't discuss the documents... [UNCLEAR]

3 EMPLOYER WITNESS-4: I've never seen this document before today, but it
4 would remind me that I had a verbal phone call with someone at the commission
5 regarding some questions they had they were raised by Miss Legette in her initial
6 interview with the commission about a separate test that was not indicated on the
7 employer's response and that would likely be the reason why she made notes. Let
8 me read the notes carefully though. I did not...I definitely did not say there is no
9 way it could be a 6.21 to 0 in 10 days...those are not...that's not me.

10 CLAIMANT ATTORNEY: You didn't express any concern about such a high
11 result?

12 EMPLOYER WITNESS-4: Absolutely not, I see results like this come in all
13 the time and...

14 CLAIMANT ATTORNEY: A 6.21?

15 EMPLOYER WITNESS-4: and then drop to 0 under the level of
16 detection...I'm not surprised by that, no.

17 CLAIMANT ATTORNEY: In 10 days?

18 EMPLOYER WITNESS-4: I'm not surprised, it's only happened, I guess, this
19 one time to my knowledge...I'm not privy to all the test results, I'm not a member
20 of safety.

21 CLAIMANT ATTORNEY: Are you privy to all the test results that lead to a
22 termination?

23 EMPLOYER WITNESS-4: I am privy to test results when it comes to
24 unemployment hearings. I definitely did not say there is no way it could be a 6.21
25 to 0 in 10 days.

1 CLAIMANT ATTORNEY: How do meetings at Nucor about issues regarding
2 the drug testing and using the limits of detection?

3 EMPLOYER WITNESS-4: I have not been present, I work in HR and the
4 safety department would have those meetings with them as general manager.

5 CLAIMANT ATTORNEY: Are you aware of prior litigation dealing with that
6 exact same issue?

7 EMPLOYER WITNESS-4: I am, yes.

8 CLAIMANT ATTORNEY: How many times?

9 EMPLOYER WITNESS-4: How many times have we had meetings?

10 CLAIMANT ATTORNEY: How many times has there been litigation
11 regarding that issue?

12 EMPLOYER WITNESS-4: To my memory, once.

13 CLAIMANT ATTORNEY: Okay. And so you would not have been involved
14 in those meetings or don't think there ever were those meetings?

15 EMPLOYER WITNESS-4: I don't know if there were meetings or not,
16 certainly our safety director has liberty to speak further and answer at any time
17 about any concerns he has.

18 CLAIMANT ATTORNEY: Okay. So the safety manager is the one that
19 develops the drug test policy or who...are you aware of is the people that develop
20 the drug testing policy?

21 EMPLOYER WITNESS-4: I would say that the safety department, perhaps the
22 director would be the person who would formulate what the policy or procedure
23 would look like and then in general with keeping with Nucor present to the
24 management team who would give his approval and then he would put it in affect.

1 CLAIMANT ATTORNEY: Okay. So prior to the unemployment hearing last
2 year you weren't aware of the prior drug tests and problems with the prior drug
3 test?

4 EMPLOYER WITNESS-4: I can't say for sure time wise if I was or not, if I
5 were it was right at the time of termination.

6 CLAIMANT ATTORNEY: All right, are you aware of issues with unreliability
7 of the either or the sample collection or other problems involving the drug tests
8 during that period?

9 EMPLOYER WITNESS-4: I'm not aware of any, no.

10 CLAIMANT ATTORNEY: Are you aware of any changes that were made
11 back in that...during, let's say over the past few years because of an unusually high
12 number of people failing drug tests...unusually high number of
13 terminations...issues surrounding the drug tests?

14 EMPLOYER WITNESS-4: I don't know that to be the case, but no, I'm not
15 aware.

16 CLAIMANT ATTORNEY: Okay. And who decides which laboratory or
17 which, you know, which laboratory to use for drug testing?

18 EMPLOYER WITNESS-4: Those decisions would be made out of our safety
19 department.

20 CLAIMANT ATTORNEY: And they would also decide who the, you now,
21 whether it's Accudiagnosics or some...who else locally would be involved?

22 EMPLOYER WITNESS-4: I would assume so, yes.

23 CLAIMANT ATTORNEY: Okay. So when you talked with... in the
24 conversation you had with unemployment, you were aware that there was that

1 high...a very high drug test with a lower with a 0 or a negative a few days
2 later...10 days later?

3 EMPLOYER WITNESS-4: Yes. I my conversations both in written form and
4 in conversation, I guess with this lady who took these notes or gentleman, I'm not
5 sure which, I was aware of that in preparation for that being an issue in question,
6 however, Miss Legette was terminated not for any tests prior to April, April 6th and
7 April 15th. Test results are the ones that resulted in her termination. So I sent my
8 response in those regard...in that regard and if she brought up any other tests, then
9 yes I was prepared to discuss those with whoever the lady was or gentleman was
10 from the South Carolina Unemployment Security Commission.

11 CLAIMANT ATTORNEY: Are you aware that Miss Legette, how long Miss
12 Legette had worked at Nucor?

13 EMPLOYER WITNESS-4: Yes.

14 CLAIMANT ATTORNEY: Okay, then were you aware of her prior drug
15 testing history?

16 EMPLOYER WITNESS-4: No.

17 CLAIMANT ATTORNEY: Would you have been aware if she had had a
18 positive at any time before that time?

19 EMPLOYER WITNESS-4: Again only if it resulted in a termination.

20 CLAIMANT ATTORNEY: So you don't keep the personnel file that contains
21 all those records?

22 EMPLOYER WITNESS-4: I do not.

23 CLAIMANT ATTORNEY: Who has that?

1 EMPLOYER WITNESS-4: I believe Margareta Grimm or someone in our
2 safety office maintains a medical file that would include all our drug testing
3 results.

4 CLAIMANT ATTORNEY: Okay. I have no further questions for her at this
5 time.

6 EMPLOYER ATTORNEY: I wanted to follow up with something that came
7 up, Miss Reynolds, could talk to me about the level of detection test.

8 CLAIMANT ATTORNEY: The level of detection test...our general practice is
9 if an employee comes in to our general manager with...in a meeting because of a
10 positive, under the standard level of detection test and depending on the type of
11 drug they test positive for, there are different levels that's a standard. If they are
12 positive for one of those or more of those then they would have a meeting with our
13 general manager, the general manager would give that employee an opportunity to
14 kind of tell a story if you will and basically offer them the opportunity to
15 voluntarily resign. If the employee is adamant that they don't do drugs, that sort of
16 thing, we do allow them to have a second test performed with the understanding
17 that that second test is done at a level of detection which basically tabs and kind of
18 totals what that means as a trace element, meaning anything above 0.000000 is
19 considered a positive test and then that person would be terminated for cause, with
20 no questions. I believe that was the case here.

21 EMPLOYER ATTORNEY: Okay, and did Miss Legette know that the second
22 test would be performed at the level detection test?

23 EMPLOYER WITNESS-4: Yes, it was discussed in the GM's meeting with
24 her and then she acknowledged the chain of custody form that had written out level
25 of detection.

26 EMPLOYER ATTORNEY: And Nucor there's a policy of doing the second
27 test at a level of detection and can you explain why?

1 EMPLOYER WITNESS-4: The level of detection test is done on the second go
2 around if, again, an employee states that they haven't tested positive...that's what
3 we always do, we always give that employee that opportunity and it's always at a
4 level of detection. I'm not sure I answered your question.

5 EMPLOYER ATTORNEY: When, I guess what I was trying to find out is if
6 this policy that Nucor has, has anything to do with maybe consent that once a
7 employee tests positive the first time and know that they are going to be tested
8 again, there may be an opportunity to tamper with...

9 CLAIMANT ATTORNEY: Objection, she's leading.

10 HEARING OFFICER: Yeah.

11 EMPLOYER WITNESS-4: I guess, not to her point, but to a separate point
12 would be that as time passes certainly the levels of illegal substance in your body
13 are going to decrease over time, so want to lower that threshold to be able to say
14 here is...that you had some trace element of some substance in your body. Yeah
15 10 days ago it may have been at ¼ of a point or whatever above the standard cut
16 off, with the second test level of detection, it's going to show any trace element.

17 EMPLOYER ATTORNEY: I guess that's all.

18 CLAIMANT ATTORNEY: I have a couple of follow up's. So even if it reads
19 as 0.01 then you would terminate the employee on the level of detection test?

20 EMPLOYER WITNESS-4: I would have to know what the level of detection
21 test cut off is, but it's a pretty low threshold.

22 CLAIMANT ATTORNEY: Well you testified that even it was 0000...

23 EMPLOYER WITNESS-4: I'd like to recall that testimony.

1 CLAIMANT ATTORNEY: So what's the basis of your making that statement,
2 are you aware of negative and positive controls and the calibration of the machines
3 and what levels they could accurately test?

4 EMPLOYER WITNESS-4: Absolutely not; that's not my forte.

5 CLAIMANT ATTORNEY: So whose forte is that? Who makes that decision
6 at Nucor?

7 EMPLOYER WITNESS-4: For?

8 CLAIMANT ATTORNEY: Who makes the decision that that would be...that
9 would be a positive drug test? What the cut off level is and when they would do
10 that?

11 EMPLOYER WITNESS-4: I don't know firsthand, I'm going under the
12 assumption that our general manager with the help of safety director with
13 suggestion from Accudiagnosics and Omega Labs.

14 CLAIMANT ATTORNEY: Okay and you testified that after a positive test that
15 the employee meets with the general manager. Were you at such a meeting with
16 Miss Legette and her general manager?

17 EMPLOYER WITNESS-4: No, I was not.

18 CLAIMANT ATTORNEY: Were you at any of those meetings?

19 EMPLOYER WITNESS-4: No.

20 CLAIMANT ATTORNEY: So are you certain that she did meet with the
21 general manager?

22 EMPLOYER WITNESS-4: I guess no I'm not, that's our general practice,
23 whether he was not in town and there was another protocol performed, I have no
24 idea.

1 CLAIMANT ATTORNEY: Okay. Are the limit of detection test...is that
2 always done as a second test after a positive test?

3 EMPLOYER WITNESS-4: To my knowledge, yes.

4 CLAIMANT ATTORNEY: Okay. I have another question sir, I'm not
5 trying...it's hard to follow back on sometimes. So again, your attorney asked you
6 this again, I'm sorry, I just forgot what I was going to ask. Sorry, I've forgotten
7 what I was going to ask but she already made the point a couple of times. I have
8 no more questions.

9 HEARING OFFICER: Okay, if you want to reserve the right to talk to her again
10 later that would be fine.

11 CLAIMANT ATTORNEY: Yeah if it comes up again later.

12 HEARING OFFICER: Did you have anything that you wanted to follow up
13 with?

14 EMPLOYER ATTORNEY: Not at this time.

15 HEARING OFFICER: Miss Legette, will you please state and then spell your
16 first and last name for the record now.

17 CLAIMANT: Kim Leggette, K-I-M L-E-G-E-T-T-E.

18 HEARING OFFICER: And what was your position at Nucor?

19 CLAIMANT: Cold Mill Scheduler.

20 HEARING OFFICER: Earlier, somebody from the employer indicated that you
21 had been working there since August 24, 1998, is that accurate?

22 CLAIMANT: That's correct.

1 HEARING OFFICER: And when were you discharged?

2 CLAIMANT: April 22, if I remember right, 2010.

3 HEARING OFFICER: Were you discharged?

4 CLAIMANT: Yes.

5 HEARING OFFICER: By whom?

6 CLAIMANT: Giff Daughtridge.

7 HEARING OFFICER: And who is that?

8 CLAIMANT: General Manager.

9 HEARING OFFICER: Why were you discharged?

10 CLAIMANT: Due to my...the level of detection, the last
11 test...discharged me. I refused to resign.

12 HEARING OFFICER: Level of detection for...on what?

13 CLAIMANT: For the 15th test.

14 HEARING OFFICER: Okay, level of detection for what though?

15 CLAIMANT: On the level of the last test they give the level...

16 HEARING OFFICER: What kind of test?

17 CLAIMANT: Oh, drug test.

18 HEARING OFFICER: It was a drug test?

1 CLAIMANT: Yes.

2 HEARING OFFICER: Does the company...does Nucor have a policy
3 prohibiting the use of illegal drugs?

4 CLAIMANT: Yes.

5 HEARING OFFICER: Were you aware of that policy?

6 CLAIMANT: Yes.

7 HEARING OFFICER: Did you provide a specimen?

8 CLAIMANT: Yes.

9 HEARING OFFICER: Was it collected and labeled to the best of your
10 knowledge by someone that's a licensed healthcare professional or other individual
11 authorized by state or federal law?

12 CLAIMANT: Yes.

13 CLAIMANT ATTORNEY: Can we distinguish which test we are talking
14 about?

15 HEARING OFFICER: Um...

16 CLAIMANT ATTORNEY: To avoid confusion...

17 HEARING OFFICER: Let's, let's let it apply these questions apply to both tests,
18 the 6th and the 25th.

19 EMPLOYER ATTORNEY: 15th.

20 HEARING OFFICER: 15th. My ones are like 2's. So I'm going to go ahead and
21 assume that every...and if you want me to go back and re-ask the questions as they

1 pertain to the April 6th and 15th...for both tests, did you provide a specimen, April
2 6th and April 15th?

3 CLAIMANT: Yes.

4 HEARING OFFICER: For April 6th and April 15th was that collected and labeled
5 to the best of your knowledge by a licensed healthcare professional or another
6 individual authorized by state or federal law?

7 CLAIMANT: Yes.

8 HEARING OFFICER: Who collected the specimen from you?

9 CLAIMANT: Margaretta Grimm.

10 HEARING OFFICER: And regarding April 6th and April 15th, was that sample
11 collected in your presence and sealed in your presence?

12 CLAIMANT: Yes.

13 HEARING OFFICER: For both tests?

14 CLAIMANT: Yes.

15 HEARING OFFICER: Did you sign a document indicating the specimen was
16 yours for both April 6th and April 15th?

17 CLAIMANT: Yes.

18 HEARING OFFICER: After the first positive, did you meet with the general
19 manager?

20 CLAIMANT: No.

21 HEARING OFFICER: Did you request to meet with the general manager?

1 CLAIMANT: No. I had my manager...I told...they were
2 terminating me at the first...as soon as I was called to my manager, my immediate
3 manager's office.

4 HEARING OFFICER: And I'm not interrupting you Miss Legette, I just want to
5 make sure we're on the same page. We're starting...what subsequently happened
6 after April 6th, is that correct? The April 6th test you met with your...

7 CLAIMANT: No.

8 HEARING OFFICER: Tell me what happened from the beginning.

9 CLAIMANT: From the very first test?

10 HEARING OFFICER: From April 6th.

11 CLAIMANT: April 6th. I got notified on April 5th, that I was
12 called for a drug test. I went over on April 5th, to get my test done, walked over to
13 the safety office. I was told that they were too busy and that I needed to come back
14 later in the day and this was April 6th, I'm sorry... and I was told to come back
15 later in the day. I had a co-worker who walked over with me because she got
16 pulled also for a drug test. We walked back over around 4:30 in the afternoon...
17 there was probably about 15 people in the office standing in line and we joined in
18 on the line. I was next to go up and I was told to step aside that they wanted to do
19 the person behind me first.

20 HEARING OFFICER: Who told you that?

21 CLAIMANT: Miss Grimm.

22 HEARING OFFICER: Is this in a...like a waiting room area, or are you literally
23 standing in a line?

24 CLAIMANT: Well there's several offices in a safety area and we
25 were in one office, I think it's where the hearing tests are done and things like

1 that...it wasn't like a clinical environment or anything, it was just an office with
2 the hearing machine.

3 HEARING OFFICER: Were you physically in a line to take this test?

4 CLAIMANT: Yes, and evidently everyone started to come at the
5 same time because there was about 15 people in line, and we...her and I both
6 joined in at the end of the line and I was next in line, she was last in line and I was
7 told to step aside while she did hers and then she did mine.

8 HEARING OFFICER: Okay.

9 CLAIMANT: And she made in very professional. She cleaned
10 the scissors which I hadn't seen done in a long time and was very professional.

11 HEARING OFFICER: You've worked there a long time and you've taken a lot
12 of drug tests there, how often were you drug tested?

13 CLAIMANT: Well you're randomly pulled like he said earlier,
14 so it could be...I know people that get several weeks in a row or it could be months
15 down the road, so the last time I took one I...it probably was about 2 months
16 before that or 3 months, I'm not sure.

17 HEARING OFFICER: I mean since 98?

18 CLAIMANT: Since 98...

19 HEARING OFFICER: No, no, no, I haven't finished my question. Would you
20 say...I mean could you quantify it I've been drug tested x amount of times per
21 year...

22 CLAIMANT: Um...

23 HEARING OFFICER: I mean is generally pretty regular that you're going to get
24 at least 1 a year?

1 CLAIMANT: Well when I first started there in '98, you
2 were...they do plant wide...so that meant they called in like Labcorp and different
3 facilities and they come in and they do thousands of people at a time, including
4 contractors and everyone. So including all those, probably 15 or...I don't know...I
5 lost count. I never worried about them because I never had a reason to worry about
6 them, so, I never really kept up, but before that I worked for the City of Charleston
7 and I had the DOT testing, so...for 13 years so...

8 HEARING OFFICER: What did the...

9 CLAIMANT: I had no occasion to worry.

10 HEARING OFFICER: What did the April 6th, drug test come back positive for...

11 CLAIMANT: Marijuana, THC.

12 HEARING OFFICER: To the best of your knowledge, was the test performed by
13 a laboratory certified by the United States Department of Health and Human
14 Services, the College of American Pathologists or the State Law Enforcement
15 Division?

16 CLAIMANT: No, my daughter is in that type of work and we
17 have investigated and I've check into everything with a lot of people which I
18 know, you know, this is on my own because I know I didn't do anything, so I went
19 investigating myself with my daughter's help, she's got 4 degrees and she is in this
20 kind of environment, laboratory and she's familiar with Omega and all the
21 different labs in Charleston and we investigated everything and, no.

22 HEARING OFFICER: Do you have any knowledge as to whether or not it was
23 confirmed using a gas chromatography, mass spectrometry method or anything
24 else approved by the National Institute on Drug Abuse?

25 CLAIMANT: According to their paper work from Omega they
26 said that it was, that there's interfering substances that can happen in the collection
27 of hair and when hair's collected improperly like it has been at Nucor.

1 HEARING OFFICER: Did you use marijuana in the weeks, months, days
2 leading up to this drug test on April 6th?

3 CLAIMANT: No, sir.

4 HEARING OFFICER: Do you have any idea as to how the test could have come
5 out positive if you don't use marijuana?

6 CLAIMANT: The collection of hair, or the mixed sample at
7 Omega Laboratories, the hair was a different color and different texture and I
8 found this out the day of my termination whenever Nucor would not give me any
9 paper work on my drug test. I ask them where I could get it and they told me I
10 could go to Acculabs, so I went to Acculabs and I met the girl Julie who worked
11 the front desk and asked her if I could get my drug tests because I wanted a copy of
12 them and so she said she would print them out for me so she was printing them out
13 for me and at that time she asked me if I had changed my hair color and I said
14 "why are you asking?" and she told me that the first sample and the second sample
15 of my February and March tests were done by Laura Visnick (phonetic) at Omega
16 Laboratories and that Laura had called her after my first test and my second test
17 and said that the first test was red and black hair and the second test was blonde
18 and brown hair. So she asked me if I changed my hair color and I did not touch
19 my hair during the whole process because I let myself go even totally almost grey
20 because I wasn't touching my hair until all of this was over with and um...

21 HEARING OFFICER: And I'm just to get clarification here so, if I am wrong,
22 please let me know. Are you asserting that the positive drug test was a result of
23 the...are you implying that it's somebody else's hair?

24 CLAIMANT: It's a...it's a hair mix somewhere and I don't know
25 if it happened at Nucor or it happened at Omega Laboratories.

26 HEARING OFFICER: And that's it?

27 CLAIMANT: They're saying the hair was red and black for the
28 first sample and the second hair had blonde or brown hair?

1 HEARING OFFICER: And by first sample, you are referring to February 2010?

2 CLAIMANT: Uh hum, yes, sir.

3 HEARING OFFICER: Was that a positive test as well?

4 CLAIMANT: The first one was the positive...February...25th,
5 was the positive and March 5th was a negative and that was the blonde and brown.

6 HEARING OFFICER: What about April 6th?

7 CLAIMANT: April 6th, was...

8 HEARING OFFICER: Are you, I mean, that's what...are you asserting that that
9 was the switched hair? You tested...did you not test positive in February?

10 CLAIMANT: February 25th, I tested positive.

11 HEARING OFFICER: And did you not test positive for April 6th, 2010?

12 CLAIMANT: Yes.

13 HEARING OFFICER: And did you not test positive for April 15th, 2010?

14 CLAIMANT: Yes.

15 HEARING OFFICER: Were they three different tests, or did you submit a
16 sample three separate times?

17 CLAIMANT: Yes. That was actually before I tested negative on
18 March 5th.

19 HEARING OFFICER: Is that a...

1 CLAIMANT: At that point...

2 HEARING OFFICER: Is that a test that was done by Nucor?

3 CLAIMANT: Yes. And on March 5th, it was...came back
4 negative and at that time I asked my manager who was right next door to me in his
5 office if we could have a meeting about it. And he said come on in here a talk to
6 me because I was really upset because I worked for Nucor and never missed a shift
7 of work, and so everyone started asking where I was. And my first day back,
8 because I'd been suspended for 10 days, so I decided to tell everyone what had
9 happened and that is...wasn't a good thing I guess. I was called into his office they
10 didn't tell me not to tell anyone anything about the drug testing and then he went
11 on to tell me how many times it's happened at the facility.

12 HEARING OFFICER: Tell you what, how many times what has happened?

13 CLAIMANT: How many times he's had to go to bat for different
14 employees because this has happened...the drug testing at Nucor.

15 HEARING OFFICER: What has happened with the drug testing at Nucor?

16 CLAIMANT: Like it's come back positive it then it would show
17 back up negative, and different things and these people have been suspended for
18 periods of time and he's went to the MUSB and talked to them about the drug
19 procedures and what can happen and what can't happen...

20 EMPLOYER ATTORNEY: Objection, it's hearsay.

21 HEARING OFFICER: Um...

22 CLAIMANT ATTORNEY: Based on...I'd like to address her objection.
23 We...she timely in June did a subpoena to have Dave English and Al Smith, both
24 of whom are employed under the control of the...of Nucor and Julie Gordon of
25 Accudiagnostics to have them appear at this hearing. They are not here, she
26 subpoenaed them for the prior hearing a year ago again they did not appear. At

1 least two of them are under the control of Nucor, the other one under the control of
2 Mr. Gypin.

3 HEARING OFFICER: I'll note your objection again, but I'm just going to
4 allow...I'm going to keep asking her questions. So again I want to go back to
5 April 6th and 15th. Are you asserting then, or asserting now that the positive drug
6 test was a result of something having to do with your hair and nothing else?

7 CLAIMANT: On April 6th and April 22nd?

8 HEARING OFFICER: No.

9 CLAIMANT: I mean not April 22nd...

10 HEARING OFFICER: 15th.

11 CLAIMANT: April 15th.

12 HEARING OFFICER: Yes, ma'am.

13 CLAIMANT: Am I asserting that, no, I'm still on the
14 [UNCLEAR]

15 HEARING OFFICER: Well I'm moving past February and March...

16 CLAIMANT: Okay.

17 HEARING OFFICER: ...and I've been actually kind of been wanting to focus
18 on the April issues. If you don't smoke marijuana...

19 CLAIMANT: No.

20 HEARING OFFICER: ...or use marijuana, how could it come back positive?

21 CLAIMANT: Because of collection of hair...

1 HEARING OFFICER: Okay.

2 CLAIMANT: ...and interfering substances. I know that I don't
3 100%.

4 HEARING OFFICER: There's no other variable that could play that a trace
5 amount of marijuana being in your system?

6 CLAIMANT: No, people say second hand smoke and things like
7 that, but I...

8 HEARING OFFICER: Were you around marijuana smoke?

9 CLAIMANT: Not, no, I mean my husband has done it in the
10 past, but as far as being around me doing it, no, I was not around him so that's why
11 I know it cannot be second hand smoke or anything like that. I've been married for
12 30 years, I worked for 13 years at the City of Charleston, 13 years at Nucor and
13 this has never happened before.

14 HEARING OFFICER: Were there other issues with your employment prior to
15 this?

16 CLAIMANT: No, I've never...I was there for like I said almost
17 13 years, I've never been written up but 9 days after I got this drug test I was
18 written up.

19 HEARING OFFICER: Nine days after which drug test?

20 CLAIMANT: After the first drug test.

21 HEARING OFFICER: February?

22 CLAIMANT: Uh hum.

23 HEARING OFFICER: What were you written up for?

1 CLAIMANT: I was written up they said, now taking account this
2 is 2010 and I was told that in 2008, I sent a coil to a yard in Connecticut and I
3 released it for shipment when it wasn't ready to be released for shipment and I've
4 asked for paper work and I've never received it...paper work that I actually let the
5 coil go in 2008. If I did something in 2008, how come I'm getting written up in
6 2010...but that's what happened. Other than that, I've never had anything written
7 notices or anything.

8 HEARING OFFICER: What was your response when you were discharged that
9 first time back in, I guess it would have been February...in March.

10 CLAIMANT: In February, my 10 days off?

11 HEARING OFFICER: Right.

12 CLAIMANT: I went in to my manager's office, he called me in
13 there, he showed me...he wanted me to resign right that minute...him and my
14 supervisor are sitting there and I told them that I don't do the drugs and there's no
15 way I'm resigning and they were, you know, telling me, I was very close with
16 them, those two employees, I worked with them for a long time and, you know,
17 they were trying to comfort me because I was hysterical. And, you know, I kept
18 telling them could we talk Violet and everything and I told them I wanted a second
19 test and if I hadn't asked for the second test I'd have been terminated at that point.
20 But I asked for a second test so my supervisor walked me over to health and safety
21 and I got a second test and at that time he walked me to my car and I left site and I
22 went to a toxicologist I found in West Ashley and I had them do the exact same
23 test and they called back my manager from the toxicologist and they used the same
24 labs, used the same system, everything...they went out on the same day and within
25 an hour I had another test done and both those came out negative and then the
26 coming back negative at Nucor on March 5th and it ended up coming back negative
27 with the toxicologist, so I thought it was over at that point and then 9 days later I
28 got written up.

29 HEARING OFFICER: But you had to take subsequent drug tests, did you not?

1 CLAIMANT: Yes, on...that's why I took the April 6th, drug test
2 and when I took the April 6th drug test, I went and had another outside test done
3 and I had on both tests I had urine done, blood done and hair done.

4 HEARING OFFICER: Did you submit those to the employer?

5 CLAIMANT: Yes, and he slid it back across the desk and told
6 me he wasn't looking at them...my general manager.

7 HEARING OFFICER: And this is after the April 6th, test, is that correct?

8 CLAIMANT: Uh hum.

9 HEARING OFFICER: Did you...

10 CLAIMANT: I didn't meet with the general manager until I was
11 being terminated that day.

12 HEARING OFFICER: Let's move forward to the April 15th issue, tell me about
13 that.

14 CLAIMANT: The April 15th, issue? I brought the paper work in
15 and he told me...he slid it back...he didn't even look at it, my outside testing he
16 told me he didn't accept that and he...

17 HEARING OFFICER: He being who?

18 CLAIMANT: Giff Daughtridge, general manager. That was my
19 first meeting with him and that was the day of my fourth test.

20 HEARING OFFICER: Anything else, Miss Legette?

21 CLAIMANT: No, sir.

1 HEARING OFFICER: Miss Mjaatvedt, do you have any questions you'd like to
2 ask Miss Legette?

3 CLAIMANT ATTORNEY: Yes, I do. For one, I think that because if
4 problems in the record previously that she submitted several of these tests, they
5 came out as employer tests, it's been represented in briefs by the employer that she
6 didn't submit these tests, so I'd just like to go ahead and do that now since we've
7 been talking about them.

8 EMPLOYER ATTORNEY: If I may say something, initially when the record
9 was created by the agency, those tests were not included, however...

10 CLAIMANT ATTORNEY: That's not correct.

11 EMPLOYER ATTORNEY: ...the agency...

12 CLAIMANT ATTORNEY: That is not correct.

13 EMPLOYER ATTORNEY: ...subsequently moved to supplement the record
14 on appeal...

15 HEARING OFFICER: And what was the result of that?

16 EMPLOYER ATTORNEY: The record will include that test as test that was...

17 CLAIMANT ATTORNEY: No.

18 EMPLOYER ATTORNEY: ...done by Dr. Bennett [UNCLEAR].

19 CLAIMANT ATTORNEY: No, they were put in as Exhibit 7 at the hearing,
20 it's in a transcript that is not what happened...the only motion to supplement the
21 record came from the employer. This...these tests were put in as Employer
22 Exhibit 7 when Mr. Bennett's documented testimony...it's in the record...it's in
23 the hearing transcript. I just want to say that for the record, but actually since
24 we're doing a fact finding I'm going to go ahead and put them back in now.

1 EMPLOYER ATTORNEY: If you'll give me a minute, I will show you the
2 motion to supplement that was filed by the [UNCLEAR]...

3 CLAIMANT ATTORNEY: The...

4 HEARING OFFICER: I know that there was a motion to supplement...

5 CLAIMANT ATTORNEY: and they did supplement the...

6 CLAIMANT ATTORNEY: You didn't...the...Nucor did a motion to
7 supplement...so if this was in...this was put in with Dr. Bennett's...

8 HEARING OFFICER: What does it look like, the document or what's it dated?

9 CLAIMANT ATTORNEY: Okay, this is from 2/25, it's a, you know, the copy
10 of the test to Omega and the copy of the results used to [INAUDIBLE]. And then
11 there's one on 3/05...same thing.

12 HEARING OFFICER: And this is what Miss Legette did, of her own accord?

13 CLAIMANT ATTORNEY: No, this is a...this is a Nucor test done on 2/25.
14 Dave English is an employee of Nucor, he's not a certified...he's not certified. We
15 wanted to have him here to testify, they keep trying to keep this out of the record.

16 EMPLOYER ATTORNEY: Okay, I think I'm confused. When you say, "there
17 are additional documents that were not in the record," they are talking about the
18 test that was done on Miss Legette on 2/25?

19 CLAIMANT ATTORNEY: No, right now...right now...well I'll just put the
20 documents in...

21 HEARING OFFICER: What are you trying to do here?

22 CLAIMANT ATTORNEY: I'm trying to put these documents back in under
23 the correct...they were listed as Employer's Exhibit 7, they were actually...came

1 into the claimant and her witness at that time, Dr. Bennett. There was some
2 confusion in the hearing over who Mr. Bennett was...Dr. Bennett was a witness
3 for, who Mr. Gypin was the witness for, and so I want to clarify the record because
4 part of the reason we're here is the record got a little bit mangled. However, be
5 that as it may, I have these tests that were done and we can re-interview a member
6 of management [UNCLEAR].

7 HEARING OFFICER: Miss Ralephata, Miss Mjaatvedt is wanting to offer this
8 test from...I think it is 2/25, it's pretty light...

9 CLAIMANT ATTORNEY: I have the original if you want to see it; it's one of
10 those mimeograph things.

11 HEARING OFFICER: ...and there at the bottom it looks like it was marked as
12 Employer's Exhibit 6...

13 CLAIMANT ATTORNEY: Right, it was accidentally marked as Employer
14 Exhibit 6...

15 HEARING OFFICER: ...prior to...I don't have any issues with them re-
16 introducing it into evidence, do you?

17 EMPLOYER ATTORNEY: Well it's irrelevant and that's my objection about
18 [UNCLEAR]...

19 HEARING OFFICER: Okay, I'll note that for the record, I'm going to overrule
20 it and allow this document into evidence. For the record, I have a...and this is
21 going to be marked as Claimant Exhibit #1...

22 CLAIMANT ATTORNEY: Um...

23 HEARING OFFICER: ...because we never formally got into the fact finding...I
24 mean I didn't really...

1 CLAIMANT ATTORNEY: I'm sorry, what do you mean? Okay I thought we
2 had done that...

3 HEARING OFFICER: ...this fact finding attachment which you...

4 CLAIMANT ATTORNEY: Oh...

5 HEARING OFFICER: ...submitted earlier, did you want me to go back and, I
6 mean...

7 CLAIMANT ATTORNEY: Oh we didn't, I thought we put it in as Claimant's
8 I, I'm sorry.

9 HEARING OFFICER: We did not. Is that something...

10 CLAIMANT ATTORNEY: Can I put that in now?

11 HEARING OFFICER: Is that something you want to do?

12 CLAIMANT ATTORNEY: Yeah.

13 HEARING OFFICER: Miss Ralephata, do you have any objection to Miss
14 Mjaatvedt offering this agency document into evidence as Claimant's Exhibit #1?

15 CLAIMANT ATTORNEY: That Miss Reynolds testified to.

16 EMPLOYER ATTORNEY: Well I would object on the basis that this test is
17 something that is contrary to what Miss Legette...I'm sorry, Miss Reynolds,
18 testified to and again it's hearsay because it's the same company that Miss
19 Reynolds apparently [UNCLEAR] so that would be my objection.

20 HEARING OFFICER: I'm going to overrule your objection and allow this
21 document into evidence.

22 CLAIMANT ATTORNEY: Thank you.

1 HEARING OFFICER: For the record I have...it's an agency document, it's a
2 fact finding attachment and it's dated May 3, 2010. It's going to be marked as
3 Claimant's Exhibit #1 and entered into evidence over the objection of the
4 employer, although that objection is noted and will be considered. Back to the
5 Claimant Exhibit #2 which is a drug test for 2/25/10, that was initially marked as
6 an Employer Exhibit back in the initial hearing is now going to be marked as
7 Claimant's Exhibit #2 and entered into evidence again over the objection of the
8 employer counsel, but that will be considered.

9 CLAIMANT ATTORNEY: Did I give you both copies?

10 HEARING OFFICER: I gave a copy to Miss Ralephata.

11 CLAIMANT ATTORNEY: Oh, did you need a copy?

12 EMPLOYER ATTORNEY: I do.

13 CLAIMANT ATTORNEY: I'm just trying to keep the documents under
14 control. Thank you.

15 EMPLOYER ATTORNEY: [UNCLEAR] to anything you give to me.

16 CLAIMANT ATTORNEY: That's correct.

17 EMPLOYER ATTORNEY: Okay.

18 HEARING OFFICER: Okay.

19 CLAIMANT ATTORNEY: Okay, we have this document that we put in as
20 Claimant's Exhibit #2 and you've been testifying about the first drug test on 2/25
21 of 2010. Can you tell me about that test...the circumstances surrounding that test?

22 CLAIMANT: I was notified...

23 EMPLOYER ATTORNEY: Objection, irrelevant.

1 HEARING OFFICER: Um...

2 CLAIMANT ATTORNEY: Do you want me to address that...I believe this is
3 all relevant, there's issues of whether the lab is certified or not, whether their
4 testing is correct or not, whether there's problems with their testing procedures and
5 I think that this is [UNCLEAR].

6 HEARING OFFICER: Okay please continue, I'm going to overrule the
7 objections noted though.

8 CLAIMANT ATTORNEY: So if you can go ahead and testify, you talked a
9 little bit about it, you can go ahead and start, yeah from the start, because we kind
10 of went at it backwards.

11 CLAIMANT: Like I said, I was notified on April 5th, late in the
12 day...

13 CLAIMANT ATTORNEY: No this is the 2/25 test...the February test.

14 EMPLOYER ATTORNEY: She's leading...objection.

15 HEARING OFFICER: Let's try again, all the leading questions are done from
16 now on.

17 CLAIMANT ATTORNEY: Okay. I'm asking about the February test, could
18 you tell us about that?

19 CLAIMANT: The February test...on February 25th, I came into
20 work early that day, I came in around 6:30 because I had a meeting at 8:00, so I
21 wanted to get my drug testing over with because I knew I had a busy day ahead.
22 So I walked over to the safety office, every door was shut, I get to the last door at
23 the end of the hall way, Mike Berg (phonetic), the Safety Director, was sitting
24 there. He had two vendors in his office and he had Dave English sitting in there
25 and I knocked on the door and asked him if he could go ahead and do a drug test
26 because I needed to get over to work. And he looked at Dave English and told him

1 to go practice on me and Dave looked stunned because he had never done a drug
2 test before, but me and Dave left together, went to the next room down the
3 hallway. At that point he pulled out a bag, he pulled out scissors, he pulled
4 everything out to do the testing. At that point he cut my hair, he did not cut my
5 hair from the root like it's been said in here that people were cutting hair from the
6 root, but he did cut my hair, chopped it from the back, not from the root. He
7 bagged it all up and when he got it all bagged up into the sealed bag, he realized
8 that he didn't have me sign the envelope with the hair in it, so he ripped open the
9 bag, dumped it on the counter and realized that there was no more bags in the slot
10 where they keep the bags, so he went next door and started rummaging through
11 boxes to find a new bag to put the hair in and at that point he was taking a while so
12 I walked in there and he told me...I asked him what was going on and he said he
13 was searching for a bag and so we both started pulling open stacks of boxes and he
14 finally found the bags, we walked back into the area and we walked back in there
15 and he started bagging the hair back up and I signed it and at that point he then he
16 filled it up and throughout the time we talked about his son had worked with me
17 over in my area, what he was doing and his, you know, we carried on conversation
18 and once he had that all done, I left and signed the paper work that I needed to sign
19 and never thought a thing about it again until I got called into my manager's office
20 on March 5th.

21 HEARING OFFICER: And then what happened then? I'm sor...I apologize...

22 CLAIMANT ATTORNEY: No, go head...

23 HEARING OFFICER: ...that's your witness, I'm sorry...

24 CLAIMANT ATTORNEY: No, I wanted to go ahead and start...please
25 ask...and what happened on March 5th?

26 HEARING OFFICER: ...and that's my fault.

27 CLAIMANT: On March 5th, I walked into my manager's office
28 and him and my supervisor were sitting there and they told me they had some bad

1 news and I thought they were getting ready to tell me someone had passed away or
2 something with the look on their faces.

3 CLAIMANT ATTORNEY: Could you tell us who the names of those people
4 are so...

5 CLAIMANT: Al Smith and Bob Waldrin and Al had a piece of
6 paper in front of him and he slid it across to me and told me that I had tested
7 positive 6.25 for THC and I said, "there's no way," and Bob goes, "I know, I don't
8 believe it either," you know and I said, "what could cause this," and all this stuff so
9 I was asking them and I was crying hysterically and they were trying to calm me
10 down and at that point I thought of the second test because I knew people can get a
11 second test, so I asked for the second test, and at that time he was trying to get me
12 to resign because they don't offer you the second test at Nucor, you have to ask for
13 it. If you don't ask for it then you are terminated...I would have been terminated
14 at that point. So I asked for the new test and Al gave me an okay...Al Smith gave
15 me an okay and had Bob escort me over to the safety department. So we walked
16 over to the safety department and at that time, I can't remember the gentleman's
17 name now...Scott Dearing (phonetic). We walked over to Scott Dearing works in
18 safety and he said come in here and I'll take your test and I walked in, he took my
19 test, we went through the same formalities, Bob was there as a witness and we took
20 the test and Bob walked me back to my office, he let me get my purse and then I
21 was escorted to my car and suspended for 10 days. And at that time, I left the site,
22 I found the toxicologist and went over there and had blood work, hair and urine
23 done. And then I got a phone call on March 11th, telling me, from Al Smith and
24 said, "Kim I got good news for you, it came back negative." And I said...he said,
25 "I knew it would," and I said, "I figured it would," and so everything was all right
26 there and so I went back to my desk and doing some work and I thought about it
27 and thought about it because everyone kept telling me they wanted to know where
28 I'd been and I wasn't going to lie and tell a story where I'd been for 10 days, and
29 so I told everyone it was a drug test that had a mistake on it...it was positive and I
30 was suspended for 10 days and now I'm back to work. I thought that was the end
31 of it. And so I went in to talk to Al about it and he told me not to worry about it
32 that this has happened several times with other people and he's always going to bat
33 for everyone and he'd go to bat for me and he was getting ready to be transferred
34 to Italy, him and his wife, and so he didn't go to bat for me after all, but I ended up

1 in the general manager's office, he stood in the corner with his head down and
2 never looked at me but anyway I went in there and had the long talk with Al and I
3 thought everything was done and about 9 days later I got written up for something
4 that happened in 2008 and this was 2010. So, I still didn't think anything about it,
5 I went ahead and just signed the paperwork and on October or on April 6th or 5th, I
6 got notified and on April 6th, I walked over there with my co-worker to get the test
7 and that's when we were told that they were too busy and to come back later in the
8 day. So we went back over around 3:45, 4:00, something like that and there was a
9 whole line of people over there at that point, so. Then there was Scott Dearing was
10 taking some people in the office next door and he was taking the gentleman
11 because some of them had like shaved hair and everything so he was taking like
12 under the arm hair, so he was next door and there was probably still probably about
13 15 of us in line and I ended up being the last person to get tested.

14 CLAIMANT ATTORNEY: Well you had talked about when you went in and
15 Dave English took your...the test...took your sample on 2/25, what's your
16 understanding of his position at Nucor at that time?

17 CLAIMANT: I just knew that his son had worked in the
18 department with me on the internship and...

19 CLAIMANT ATTORNEY: So you didn't know where he worked?

20 CLAIMANT: I did not know where he worked.

21 CLAIMANT ATTORNEY: Okay, so as far as you know, he did not work in
22 that safety office taking drug tests?

23 CLAIMANT: When I got back over...what...another thing I left
24 out is whenever I went over to take my first test in February it took us a long time
25 over there, it took us 45 minutes to take the drug test. So whenever I came back
26 across Al Smith, Bob Waldrin and Bobby Fortner (phonetic) were standing in the
27 hallway saying where are you, we're going to be late for our 8:00 meeting and we
28 walked down the hall and I said oh, the mix up and I told my manager everything
29 that happened so he was aware of that...of the mess up and about the dumping

1 back on the counter and not being able to find bags, so he was aware of the whole
2 thing. So I was glad that I had told him that when we were walking to the
3 office...or to the conference room for our meeting that he knew where I had been
4 for the last 45 minutes.

5 CLAIMANT ATTORNEY: Okay, I'd like to show you another
6 document...this is the regarding the March 5th, 2010 test.

7 EMPLOYER ATTORNEY: Is this your only copy?

8 CLAIMANT ATTORNEY: No, that's your copy. I'd like to put this in as
9 Claimant Exhibit...

10 HEARING OFFICER: I think we're at 3.

11 CLAIMANT ATTORNEY: 3, okay.

12 EMPLOYER ATTORNEY: I think it's already in the record.

13 HEARING OFFICER: And I'm...it surely is in the record.

14 [UNCLEAR all speaking at once]

15 HEARING OFFICER: I don't have any objection...

16 CLAIMANT ATTORNEY: There's been a challenge about that it was
17 supplemented by the agency...

18 HEARING OFFICER: Okay.

19 CLAIMANT ATTORNEY: which is...my client had nothing to do with.

20 HEARING OFFICER: Miss Ralephata do you have any objections to...

21 EMPLOYER ATTORNEY: No...

- 1 HEARING OFFICER: Miss Mjaatvedt offering this into evidence?
- 2 EMPLOYER ATTORNEY: It's not relevant, but...
- 3 HEARING OFFICER: For the record I have a two page document, it's a drug
4 testing custody control form dated March 5, 2010, it's going to be marked as
5 Claimant's Exhibit #3 entered into evidence as Claimant's Exhibit #3.
- 6 CLAIMANT ATTORNEY: Okay, so you recognize this document?
- 7 CLAIMANT: Yes.
- 8 CLAIMANT ATTORNEY: And you signed it?
- 9 CLAIMANT: Yes.
- 10 CLAIMANT ATTORNEY: Okay, and Scott Dearing, is it your understanding
11 that he is...does he do a lot of the collections there?
- 12 CLAIMANT: Yes.
- 13 CLAIMANT ATTORNEY: Okay and he did the one on 3/5/2010?
- 14 CLAIMANT: Yes.
- 15 CLAIMANT ATTORNEY: Did your manager or supervisor walk you over for
16 the second test, or how did this March 5th test occur, was that...did they tell you,
17 you had to do that and you said...?
- 18 CLAIMANT: Yeah, I asked for a re-test and I was walked over
19 by my supervisor, Bob Waldrin.
- 20 CLAIMANT ATTORNEY: Okay. On that test did they do a limit of detection?
- 21 CLAIMANT: No.

1 CLAIMANT ATTORNEY: Was there any discussion about that?

2 CLAIMANT: No.

3 CLAIMANT ATTORNEY: Okay and then when you have to sign these, chain
4 of custody, do you feel like you have a choice on signing off on any of that paper?

5 CLAIMANT: No, you don't have any choice.

6 CLAIMANT ATTORNEY: Okay. Is it your understanding that if you did...if
7 you said if you won't let them take the test and you said I'm not going to sign this
8 that you would then be...

9 CLAIMANT: If you refuse the test, you're terminated.

10 CLAIMANT ATTORNEY: And so your understanding would be if you
11 refused to sign any part of the test...

12 CLAIMANT: If you refused to sign it, you'd be terminated.

13 CLAIMANT ATTORNEY: Okay and so this is the result that you testified to
14 that you got...it says 3/5/2010 for the sample that sometime in March you received
15 this said all negative.

16 CLAIMANT: Yes.

17 CLAIMANT ATTORNEY: Did they show you this result at the time or just
18 told you...

19 CLAIMANT: No...just told me. I was told over the phone and
20 told to come back to work the next morning.

21 CLAIMANT ATTORNEY: Okay and then you testified that on...that you went
22 and found an independent laboratory to do a test on the 5th, is that correct?

1 CLAIMANT: Yes, I left Nucor I was hysterical and upset and I
2 called a friend and had them to go on their computer and find me a toxicologist and
3 I drove straight to the toxicologist's office. She got me his phone number and I
4 called him and he told me to bring cash and I asked him how much and he said
5 around \$400 and so I went to the ATM, I got \$400 out and drove straight to his
6 office and had all these tests done.

7 CLAIMANT ATTORNEY: Okay. So is this the document that you saw after
8 you had that test?

9 CLAIMANT: I did not see...oh after he gave me the test, he gave
10 me a copy of this, yes?

11 CLAIMANT ATTORNEY: Okay. I'd like to put this in as...

12 EMPLOYER ATTORNEY: Let me see it first.

13 CLAIMANT ATTORNEY: ...as Claimant's Exhibit...would that be 5?

14 HEARING OFFICER: We are at 4.

15 CLAIMANT ATTORNEY: Four, sorry.

16 HEARING OFFICER: Any objections, Miss Ralephata?

17 EMPLOYER ATTORNEY: This is what was supplemented by the agency
18 where they agreed and this is part of the document that they submitted when they
19 supplemented, so it's already in the record.

20 HEARING OFFICER: And it's in the record already?

21 EMPLOYER ATTORNEY: Yes.

22 HEARING OFFICER: And I'm aware of that as well. I don't have...I still don't
23 have any objections to you offering...

1 CLAIMANT ATTORNEY: Okay.

2 HEARING OFFICER: ...this document into the evidence. Can I ask you if
3 you...if you... do you, yes or no, have any objections to it?

4 EMPLOYER ATTORNEY: I do because this was not done on behalf of the
5 employer [UNCLEAR] and it's not relevant and as a matter of law it should not be
6 considered at all because the statute is plain on its face, so I strongly object to it
7 being entered into the record.

8 HEARING OFFICER: All right. Noted again, but I'm going to overrule it and
9 allow this document into evidence. For the record I have a 6 page exhibit...

10 CLAIMANT ATTORNEY: And actually I should...

11 HEARING OFFICER: ...is this...

12 CLAIMANT ATTORNEY: ...it has accidentally blank pages too though so we
13 can probably...just the copy machine pulled those, I'm sorry about that.

14 HEARING OFFICER: It's a laboratory report drug test from Dr. Robert Bennett
15 regarding Miss Legette dated March 5, 2010, with a report dated March 9, 2010
16 and it looks this also regards a test from April 15th, as well...

17 CLAIMANT ATTORNEY: Correct, that's correct.

18 HEARING OFFICER: It's going to be marked as Claimant's Exhibit #4 entered
19 into evidence over the employer's objection, but that objection will certainly be
20 taken into consideration and the document given appropriate weight.

21 CLAIMANT ATTORNEY: So when you went to the toxicologist, Dr. Bennett,
22 did you question him as to what laboratory would do the test?

23 CLAIMANT: Yes, and I did not know...he asked me...the first
24 thing he asked me was what my percentage was...what it came back and I did not

1 know so he let me use his phone and I called Al Smith, that was my manager, and I
2 asked him because I didn't have a copy of the drug test, and I asked him and he
3 told me it was 6.25 and I asked him what...and Dr. Bennett said ask him what lab
4 he uses, so I asked what lab Nucor used and he looked it up and he said Omega
5 Laboratory and he gave me guidance on everything that was on the piece of paper
6 for the drug test, I was writing down and I was talking to him on the phone and he
7 told me what this whole drug test said. And so then I got off the phone and handed
8 it to Dr. Bennett and he made sure he used the same lab and same credentials and
9 all that.

10 CLAIMANT ATTORNEY: Okay and when you called Al Smith, was he aware
11 of...that you were at a drug test facility?

12 CLAIMANT: Yes, yes, I told him where I was.

13 CLAIMANT ATTORNEY: Okay.

14 CLAIMANT: And he said people have used him before you
15 know, to get outside drug testing...I'm not sure that they used them at Nucor or
16 whatever, but he told me that he knew who Dr. Bennett was, he said that he had
17 talked with him in the past and had talked to several people at the facility and at
18 MUSC about drug testing.

19 CLAIMANT ATTORNEY: Okay so he was aware on the 5th...did he say at
20 that time, "don't bother with the test, it doesn't count anyways?"

21 CLAIMANT: No.

22 CLAIMANT ATTORNEY: He didn't say...he didn't discourage you at all
23 from getting this test?

24 CLAIMANT: No.

25 CLAIMANT ATTORNEY: He cooperated completely in telling you what cut
26 off levels they used and everything?

1 CLAIMANT: Yes, he did.

2 CLAIMANT ATTORNEY: And what was the result of this test for THC, for
3 everything?

4 CLAIMANT: Negative.

5 CLAIMANT ATTORNEY: Okay and THC what are the cut offs?

6 CLAIMANT: One pgmg.

7 CLAIMANT ATTORNEY: And what's the confirmation test level?

8 CLAIMANT: 0.1 pgmg.

9 CLAIMANT ATTORNEY: And it came out negative?

10 CLAIMANT: Yes.

11 CLAIMANT ATTORNEY: And he sent his samples directly to Omega Labs as
12 far as you know?

13 CLAIMANT: Yes.

14 CLAIMANT ATTORNEY: Okay and then you went back again...oh yeah
15 [UNCLEAR], then you also you said...you testified that you went back again...

16 CLAIMANT: April 15th.

17 CLAIMANT ATTORNEY: April 15th...is that the date you were told the...

18 CLAIMANT: When I went on the 6th, for a drug test I got called
19 in for a drug test on the 6th.

1 CLAIMANT ATTORNEY: Okay and did you go to...did you go to Dr.
2 Bennett at that time or did you wait til the 15th?

3 CLAIMANT: I thought everything was all right...

4 CLAIMANT ATTORNEY: Okay.

5 CLAIMANT: So that was a big mistake on my part...I should
6 have and I wish every day of my life right now, that I had went back and spent
7 another \$400 and went that day, but whenever I got the results on the 6th, it said I
8 was positive then I went for that and then it came back negative for the 15th.

9 CLAIMANT ATTORNEY: So when you're talking about you got a test taken
10 on 4/6, but you actually found out probably on 4/15...

11 CLAIMANT: Right...

12 CLAIMANT ATTORNEY: Okay.

13 CLAIMANT: ...on 4/15, I asked for a re-test, and I wish on 4/6, I
14 would have went back and spent another \$400, but I knew it came back negative, I
15 knew what had happened in the first hair sample, him dumping everything on the
16 counter, so I figured it was a mistake, I'm negative, I know I don't do drugs so I
17 didn't think about spending \$400 for that test because I figured it was coming back
18 negative also.

19 CLAIMANT ATTORNEY: But you did go on 4/15 and you asked...

20 CLAIMANT: On 4/15 and I asked, yes...

21 CLAIMANT ATTORNEY: And the result of that test was?

22 CLAIMANT: Negative.

1 CLAIMANT ATTORNEY: Okay. Now, going back to the drug testing when it
2 occurred, the sample collection when it occurs at Nucor...what do they do with the
3 sample once it's all sealed up?

4 CLAIMANT: I have been told it's put in a lockbox in the safety
5 area.

6 CLAIMANT ATTORNEY: What did you observe?

7 CLAIMANT: It was still laying on the counter when I left.

8 CLAIMANT ATTORNEY: Is that the first test or the other test?

9 CLAIMANT: No, on the second test with Miss Grimm, she...I
10 watched her put it in the lockbox.

11 CLAIMANT ATTORNEY: And where is that lockbox?

12 CLAIMANT: Right underneath...

13 HEARING OFFICER: For clarification you're saying the test for April 15th...the
14 second April test?

15 CLAIMANT: Yes.

16 HEARING OFFICER: Okay, I'm sorry.

17 CLAIMANT: There's a lockbox underneath a table...

18 EMPLOYER ATTORNEY: I'm actually confused, I'm sorry to interrupt you.
19 So you saying for the April 6th test you did not see the sample placed in a lockbox
20 or was that relating to the March test, because I thought we were talking about the
21 March test?

22 HEARING OFFICER: Right.

1 CLAIMANT ATTORNEY: Which...yeah...thank you, which test...so which
2 test did you see where it was just left on the table when you walked out of the
3 room?

4 CLAIMANT: With the first and second test.

5 HEARING OFFICER: By first and second test...lets refer to February, March
6 and then the two April tests.

7 CLAIMANT ATTORNEY: Okay.

8 CLAIMANT: Yes. In February and March I never did...I never
9 paid no attention, but it was still laying on the counter when I was leaving. And
10 the April tests and...the two April tests, I did she her put it in the lockbox.

11 CLAIMANT ATTORNEY: And so that's just sitting in a room, or is it...

12 CLAIMANT: It's just sitting in a room.

13 CLAIMANT ATTORNEY: Are those doors open, closed, locked...?

14 CLAIMANT: They're open.

15 CLAIMANT ATTORNEY: Okay.

16 CLAIMANT: And I asked...I did ask what happens from
17 here...where do they go, because the reason I asked that is when I went to Acculab
18 I wanted to know the whole procedure because I didn't understand what Acculab
19 had to do with Nucor and Omega, so I was confused on all that. So Julie explained
20 to me that they go to...Nucor Fed Ex's to Nucor several times a week and picks up
21 the testing from the lockbox...that's what I was told at Acculab.

22 CLAIMANT ATTORNEY: Okay. Now tell me about...when you got this test
23 on April 6th or April 14th, did Miss Grimm make any comments to you about the
24 test?

1 CLAIMANT: Yes.

2 CLAIMANT ATTORNEY: Tell us about that.

3 CLAIMANT: When I went over for my drug test with her, I
4 asked her why this would be happening to me that I come up positive after the
5 April 6th test then I got called back over and asked for a re-test and she put her
6 hand in my face and zipped her lip and was shaking all over and I...Bob Waldrin
7 was there with me, then my supervisor, and she refused to talk to me and so I asked
8 Bob what could be causing all this, he goes I don't know, I don't know, you know,
9 and all this stuff and he was a witness to it. And she did put her hand in my face,
10 zipped her lip and locked her lips and refused to talk to me. I was just asking the
11 question why this would happen to me if I didn't do...use drugs and she had
12 nothing...didn't want to comment.

13 CLAIMANT ATTORNEY: When you were called in for a test on 4/6, did you
14 question...did you ask any questions about why that was happening so soon
15 after...

16 CLAIMANT: On April 6th.

17 CLAIMANT ATTORNEY: I mean how often have you had tests that were,
18 you know, a month apart?

19 CLAIMANT: Probably never.

20 CLAIMANT ATTORNEY: Is there any kind of policy at Nucor to your
21 understanding is there any kind of policy about how often you can be tested for
22 randoms?

23 CLAIMANT: From hearsay, I hear that it's supposed to be 30
24 days in between.

1 EMPLOYER ATTORNEY: Objection, this is contradicting a time test which
2 specifically states you can be tested any time even back to back on all weeks
3 sometimes and I [UNCLEAR] randomly which means sometimes each week.

4 CLAIMANT: Well I know employees right now...I know one
5 employee that got called 9 times in 9 weeks, so, I mean...

6 HEARING OFFICER: Move forward.

7 CLAIMANT ATTORNEY: Yeah, you can move forward, that's fine, she's just
8 testifying...it doesn't matter. And you testified that Al Smith told you that there
9 was some problems with other people getting false positives, is that correct?

10 CLAIMANT: That's correct.

11 CLAIMANT ATTORNEY: Okay.

12 EMPLOYER ATTORNEY: Objection, that's hearsay.

13 CLAIMANT ATTORNEY: Again I respond to that, but we asked for Al Smith
14 twice.

15 EMPLOYER ATTORNEY: Well didn't you subpoena him to come to this
16 hearing?

17 CLAIMANT ATTORNEY: We subpoenaed him twice...it's a matter of record.

18 HEARING OFFICER: Was he subpoenaed for this hearing?

19 CLAIMANT ATTORNEY: This is the subpoena right here.

20 HEARING OFFICER: Well that...was he...

21 CLAIMANT ATTORNEY: We don't...all we can...all the client can do is...

1 HEARING OFFICER: I'm aware of what the requirements are.

2 CLAIMANT ATTORNEY: I can't issue a subpoena from the court, I would
3 love to do so, but I can't.

4 HEARING OFFICER: Now I must assume this is for that the second hearing
5 that was initially scheduled...that was postponed, is that correct?

6 CLAIMANT ATTORNEY: Yeah, the hearing's that have been postponed, but
7 yeah, she...the minute that we were...after the remand she went down...

8 HEARING OFFICER: I'm allowing her to move forward with this.

9 CLAIMANT ATTORNEY: That...that we've requested that those people be
10 present and they're not.

11 HEARING OFFICER: She can speak to what those subpoenas were.

12 CLAIMANT ATTORNEY: So, okay, I'm sorry. Al Smith talked to you about
13 problems with the drug testing?

14 CLAIMANT: He did.

15 CLAIMANT ATTORNEY: Did he indicate the results of...when there were
16 problems with drug tests...when he perceived there were problems with drug
17 testing, where those people terminated?

18 CLAIMANT: Two of the gentlemen I know, both got reinstated.
19 Not actually reinstated because they were never actually terminated, but they...he
20 worked it out for them.

21 CLAIMANT ATTORNEY: Was it your understanding that...have you...are
22 you aware of people that have had independent tests and that was part of
23 their...that was considered by Nucor?

1 CLAIMANT: No.

2 CLAIMANT ATTORNEY: But you talked to Al Smith about your getting a re-
3 test, that's who you spoke to when you were at Dr. Bennett's?

4 CLAIMANT: Yes.

5 CLAIMANT ATTORNEY: Okay. I think, I have no further questions at this
6 time.

7 HEARING OFFICER: Miss Ralephata?

8 EMPLOYER ATTORNEY: Okay, thank you. Miss Legette, you were handed
9 an employee...or you were provided an employee handbook when you started your
10 employment with Nucor, is that correct?

11 CLAIMANT: That's correct.

12 EMPLOYER ATTORNEY: Did the employee handbook contain a drug and
13 alcohol policy?

14 CLAIMANT: Yes.

15 EMPLOYER ATTORNEY: Did you sign that employee handbook
16 acknowledging that you read the drug and alcohol policy?

17 CLAIMANT: Yes.

18 EMPLOYER ATTORNEY: So you were aware of Nucor's drug and alcohol
19 policy?

20 CLAIMANT: Yes, I was.

21 EMPLOYER ATTORNEY: Okay and you testified that you've been subjected
22 to random tests before at Nucor?

1 CLAIMANT: Yes.

2 EMPLOYER ATTORNEY: Okay. You were tested on April 6, 2010 and your
3 result came back positive for marijuana or THC at 1.25 picograms, is that correct?

4 CLAIMANT: That's correct.

5 EMPLOYER ATTORNEY: And according to your understanding of Nucor's
6 policy is that grounds for immediate termination?

7 CLAIMANT: Yes, I guess it would be, but unless you ask for a
8 re-test.

9 EMPLOYER ATTORNEY: Okay but the test positive is grounds for immediate
10 termination, is that correct?

11 CLAIMANT: Yes, unless you ask for the re-test and if you ask
12 for the re-test, then you have a chance to have that done...then you wouldn't be
13 terminated immediately.

14 EMPLOYER ATTORNEY: Okay. Did you ask for a second test?

15 CLAIMANT: Yes, I did.

16 EMPLOYER ATTORNEY: When did you ask for a second test?

17 CLAIMANT: Whenever I was called in and he told me that I
18 came positive for THC.

19 EMPLOYER ATTORNEY: Who is he?

20 CLAIMANT: Al Smith, my manager. He called me into his
21 office at 7:00 in the morning.

1 EMPLOYER ATTORNEY: So you requested the second test from Al Smith,
2 you communicated that request to Al Smith?

3 CLAIMANT: Yes, I did.

4 EMPLOYER ATTORNEY: Okay and how did you get tested a second
5 time...how did that come about that you requested a re-test?

6 CLAIMANT: I was in the office with Bob Waldrin, my
7 supervisor and Al Smith, my manager and he had slid a paper across for me to
8 resign and I declined to do that and expressed everything I just said earlier about
9 what happened and I asked for a re-test, and at that time Al said she's granted her
10 re-test and he asked Bob Waldrin to walk me over to the safety office and he did
11 and we went over and did the test.

12 EMPLOYER ATTORNEY: Okay. Now can you tell me about the chain of
13 custody form that you fill when you get your tests done? When they did the test on
14 April 6th, did you fill the chain of custody form that they provided you?

15 CLAIMANT: Did I do what?

16 EMPLOYER ATTORNEY: Did you fill in the chain of custody form that was
17 provided to you?

18 CLAIMANT: Did I sign them...yes.

19 EMPLOYER ATTORNEY: Yes, okay did you execute them and you
20 acknowledged that the test was being...I'm sorry not the test, the sample was being
21 collected at Nucor Steel Berkeley?

22 CLAIMANT: Yes and I've had a discrepancy with that the whole
23 time I've worked there, I've always brought that to everyone's attention why does
24 it say, "2440 Mall Drive," when the hair is being collected at Nucor?

1 EMPLOYER ATTORNEY: And you specifically signed that it was collected at
2 Nucor?

3 CLAIMANT: I had no other choice.

4 EMPLOYER ATTORNEY: Okay. Did you voluntarily sign the testing...the
5 drug testing..., sorry drug testing custody and control form for April 6, 2010?

6 CLAIMANT: Um...

7 EMPLOYER ATTORNEY: This is the copy that everyone has and it's also in
8 the record. If you want me to show you the page number [UNCLEAR].

9 HEARING OFFICER: And what was that?

10 EMPLOYER ATTORNEY: This is the drug testing custody form for the April
11 6th...

12 HEARING OFFICER: Right, you said the page number...is that the...

13 EMPLOYER ATTORNEY: It's Exhibit 3, I want to say...

14 HEARING OFFICER: It's the April 6th drug test?

15 EMPLOYER ATTORNEY: Yes, actually it's Exhibit #4 and its page 99 and
16 I'm basically going to ask questions about page 99 in the record, page 98, 99 and
17 100...

18 HEARING OFFICER: Okay.

19 EMPLOYER ATTORNEY: on the record on appeal which would be the chain
20 of custody and [UNCLEAR] authorization form... do you have those?

21 CLAIMANT ATTORNEY: I have those.

1 EMPLOYER ATTORNEY: Did you read the drug testing custody form, Miss
2 Legette?

3 CLAIMANT: Well, I've read them over the years a lot, so I just
4 sign them; I do what I was asked to do.

5 EMPLOYER ATTORNEY: Did you witness Miss Grimm collect the hair from
6 your head?

7 CLAIMANT: Yes, I did.

8 EMPLOYER ATTORNEY: Did you witness her place it in the pouch?

9 CLAIMANT: Yes.

10 EMPLOYER ATTORNEY: And did you witness her place it in the lockbox?

11 CLAIMANT: I saw the lockbox there and I think she did put it in
12 there...it was very hectic of there, so yes, I would say she did.

13 EMPLOYER ATTORNEY: Okay and you also signed, I guess this would be
14 the [UNCLEAR] drive testing form...when you're asked to fill in with that did the
15 safety department explain the consent form to you?

16 CLAIMANT: Yeah.

17 EMPLOYER ATTORNEY: Okay and this is...you signed this form?

18 CLAIMANT: Yes.

19 EMPLOYER ATTORNEY: You read it and you checked yes that everything
20 was explained to you?

21 CLAIMANT: Yes.

1 EMPLOYER ATTORNEY: And you signed it?

2 CLAIMANT: Yes.

3 EMPLOYER ATTORNEY: And you did the same thing for the April 15th test?

4 CLAIMANT: Yes.

5 EMPLOYER ATTORNEY: Did you say you thought that there could have
6 been some tampering or something missing?

7 CLAIMANT: [UNCLEAR]

8 EMPLOYER ATTORNEY: On the April 6th or April 15th tests?

9 CLAIMANT: On April 6th and April 15th, actually I...did I ever
10 say that, is that what you're saying?

11 EMPLOYER ATTORNEY: I'm asking you.

12 CLAIMANT: Do I feel like there was?

13 EMPLOYER ATTORNEY: Do you feel like there was?

14 CLAIMANT: Yes, yes, I do.

15 EMPLOYER ATTORNEY: So you feel like there was...what do you feel...tell
16 me what you feel?

17 CLAIMANT: I feel that there's something badly wrong with the
18 last two tests.

19 EMPLOYER ATTORNEY: This is the April 6th and April 15th test?

1 CLAIMANT: Yes.

2 EMPLOYER ATTORNEY: And what's badly wrong with those tests?

3 CLAIMANT: I don't feel that they were accurate.

4 EMPLOYER ATTORNEY: Why not?

5 CLAIMANT: Just the manner that I was treated whenever I went
6 to get both those hair samples taken from there.

7 EMPLOYER ATTORNEY: And by the manner in which you were treated, you
8 mean that you were told to step aside?

9 CLAIMANT: The...yeah. When I was...there was one other
10 person behind me and that person was told to go first and I was told to step aside
11 and I was the last person to...yes.

12 EMPLOYER ATTORNEY: And that's the basis for you feeling that something
13 wasn't right?

14 CLAIMANT: No, no [UNCLEAR] sent me to get my hair
15 collected from there...

16 EMPLOYER ATTORNEY: Okay.

17 CLAIMANT: and I have witness to that.

18 EMPLOYER ATTORNEY: So because she was rude and she asked you to...

19 CLAIMANT: She was rude and I asked her if she could help me
20 figure out what was going on, why this would show up after my April 6th test, and
21 she put her hand up and did the things that she did and she was shaking all
22 over...I've never seen one shake that much, cutting someone's hair and I just feel
23 like there's something wrong.

1 EMPLOYER ATTORNEY: Okay...

2 CLAIMANT: And I know that I don't use drugs so, I have no
3 other conclusion to come to but that.

4 EMPLOYER ATTORNEY: Okay so your conclusion that there was something
5 wrong is based on the fact that she asked you to step aside, that she was shaking
6 and that she put her hand to your face?

7 CLAIMANT: Well, not only that, when you factor everything
8 else in that I've heard at Nucor and the things that I know have happened in other
9 areas of the plant and how people have been...I know people that have gotten
10 dismissed and then hired back 15 days later when they realized the testing at
11 Omega wasn't correct...all the different issues that Nucor has for testing, yes, I
12 feel like something happened.

13 EMPLOYER ATTORNEY: Okay but I want to focus on the April 6th and the
14 April 15th and I want you to tell me what else...you've told me three things...what
15 else do you think was wrong with the test?

16 CLAIMANT: Interfering substances, I mean they did a lot of
17 people that day.

18 EMPLOYER ATTORNEY: Like what? What interfering substances?

19 CLAIMANT: I'm not sure.

20 EMPLOYER ATTORNEY: What makes you think there were interfering
21 substances?

22 CLAIMANT: Because I know I...I know me and I know I didn't
23 do anything wrong and I don't know how a test can come out like that if something
24 wasn't either intentionally done or accidentally done or something happened.

1 EMPLOYER ATTORNEY: Okay so you reasons that the test was positive was
2 because...you are saying there must have been interfering substances in order to
3 have a positive test, but you can't point to what interfering substances?

4 CLAIMANT: No, I'm not medically inclined to be able to do
5 that, I don't know enough about testing to know that except for I do have a
6 daughter who has several degrees and she is very knowledgeable and she
7 testified...or she went with me to the hearing when we went for the appeal tribunal
8 in Columbia and there is interfering substances that can cause this to happen and
9 even with gas chromatography and...it can happen.

10 EMPLOYER ATTORNEY: So you are speculating, you can't point to
11 anything...

12 CLAIMANT: I can speculate, but I know me and I know I'm
13 telling the truth and I know I didn't do anything wrong and I would jeopardize a
14 job that I had for 13 years [UNCLEAR] and I wouldn't do that.

15 EMPLOYER ATTORNEY: Well I'm sure, you know, if you could just stick
16 with me as I go through this because this is very important as well and
17 [UNCLEAR claimant crying]

18 CLAIMANT: I'm sorry [UNCLEAR] sorry.

19 HEARING OFFICER: We're about...

20 CLAIMANT ATTORNEY: We're objecting to this testi...to continue
21 questioning [UNCLEAR].

22 HEARING OFFICER: I gave you some latitude and I'm allowing the same to
23 Miss Ralephata.

24 CLAIMANT: I'm fine.

25 EMPLOYER ATTORNEY: Are you ready to go on now?

1 CLAIMANT: Yeah, I'm just...

2 HEARING OFFICER: Do you want to take a break [UNCLEAR all speaking at
3 once].

4 CLAIMANT: I was just in a bad car accident about four weeks
5 ago, so I'm like in a lot of pain, I'm sorry and I'm sorry that I lost it there, but I'm
6 very sorry.

7 HEARING OFFICER: There's no need to apologize.

8 CLAIMANT ATTORNEY: Let's go on...let's just go on.

9 CLAIMANT: I'm ready to go on.

10 EMPLOYER ATTORNEY: Are you sure?

11 CLAIMANT: Yes.

12 EMPLOYER ATTORNEY: Okay.

13 CLAIMANT: I mean...yeah I'd like to get it over with.

14 EMPLOYER ATTORNEY: And any time you need a break, just let me know.

15 CLAIMANT: All right, thank you.

16 EMPLOYER ATTORNEY: Okay I was asking about what makes you feel like
17 there was any tampering or substance [UNCLEAR] with your test result.

18 CLAIMANT: My main reason is I feel like the first test was a
19 mistake, the first test in February.

20 EMPLOYER ATTORNEY: Okay.

1 CLAIMANT: And I got suspended for 10 days...people asked
2 where I was because I worked in an area where I had employees in and out of my
3 office constantly. I have to deal with supervisors, employees and everyone knows
4 that I was missing and when I came back on March 5th I went and talked to Al
5 about everything that went on and all that stuff and I was very vocal about what
6 happened because I was pissed off. And that's when he took me in there and tried
7 to calm down about what all happened to other people and after my March 6th, next
8 came back negative and I came back to work and all that stuff then 9 days later I
9 got written up for the first time...

10 EMPLOYER ATTORNEY: Okay.

11 CLAIMANT: and I'd been there for almost 13 years and never
12 written up and I was written up for something that happened in 2008 and this is
13 2010 and I asked them to produce the paper work to me to show that I shipped coil
14 to Connecticut when it wasn't supposed to go there and they never did produce the
15 paper work to me.

16 EMPLOYER ATTORNEY: Okay. Miss Legette, what was your hair color on
17 April 6th, 2010?

18 CLAIMANT: The same color it is now.

19 EMPLOYER ATTORNEY: Okay and...

20 HEARING OFFICER: Can you answer it by actually being specific to the
21 question.

22 CLAIMANT: Oh, I'm sorry...blonde, brown and grey.

23 EMPLOYER ATTORNEY: Okay and on April 15, 2010?

24 CLAIMANT: It was blonde, brown and grey.

1 EMPLOYER ATTORNEY: Did anyone tell you that there was a red hair
2 sample on the April 6 or April 15, 2010 test.

3 CLAIMANT: No, they told me on February 25th sample.

4 EMPLOYER ATTORNEY: Okay. So what is the relevance of the February
5 and March tests today...why are those tests something that you keep going back
6 to?

7 CLAIMANT: Because I know of all the problems that have
8 happened at Nucor over the past years that I've worked there as far as drug testing.

9 EMPLOYER ATTORNEY: But were you terminated as a result of the
10 February and March tests?

11 CLAIMANT: What now?

12 EMPLOYER ATTORNEY: Were you terminated from Nucor as a result of the
13 February and March tests?

14 CLAIMANT: No.

15 EMPLOYER ATTORNEY: Okay then were you terminated as a result of the
16 March 6th and March...no sorry...April 6 and April 15, 2010 tests?

17 CLAIMANT: Yes.

18 EMPLOYER ATTORNEY: Okay and after those April 2010 tests you cannot
19 really point to anything that was wrong with the collection process other than to
20 say she was shaking and she was rude and she told you to step aside, is that
21 correct?

22 CLAIMANT: That is correct, but if there was a mistake in
23 February, why...there had to be some big mistake for February to March to come
24 up a 6.25 and a 0.

- 1 EMPLOYER ATTORNEY: But that's an assumption though.
- 2 CLAIMANT: I know it's an assumption, but with the history of
3 everything that I know...
- 4 CLAIMANT ATTORNEY: I'm objecting...you're asking her for why she
5 thinks that and she's telling you and then you're objecting to her answers.
- 6 EMPLOYER ATTORNEY: No, she's assuming facts and that she's assuming
7 things that should be noted and please don't give a speaking objection. Do you
8 know if the March 5, 2010 test was done as a level of detection test?
- 9 CLAIMANT: It was not done as a level of detection.
- 10 EMPLOYER ATTORNEY: Okay so it was a different test...it was a standard
11 test?
- 12 CLAIMANT: It was a standard test even though it says that
13 Nucor's I think there's a policy there that they use the level of detection for the
14 second test.
- 15 EMPLOYER ATTORNEY: And that's a policy that you are familiar with?
- 16 CLAIMANT: Excuse me.
- 17 EMPLOYER ATTORNEY: You are familiar with Nucor's policy to do a level
18 of detection test...
- 19 CLAIMANT: Yes and that it wasn't done.
- 20 EMPLOYER ATTORNEY: [UNCLEAR]
- 21 CLAIMANT: The policy was broke on the March test.

1 EMPLOYER ATTORNEY: But the general policy is to do a level of detection
2 for a second that an employee requests?

3 CLAIMANT: And that's...

4 CLAIMANT ATTORNEY: I'm objecting...you're asking her for assumptions.

5 CLAIMANT: That's what it was...a second test and I did ask for
6 a re-test.

7 EMPLOYER ATTORNEY: Miss Legette, are you aware of any policy at Nucor
8 that says if you don't sign the chain of custody forms, you will be terminated?

9 CLAIMANT: Everyone knows that.

10 EMPLOYER ATTORNEY: Really?

11 HEARING OFFICER: That's her answer.

12 EMPLOYER ATTORNEY: Okay...

13 CLAIMANT ATTORNEY: I'm objecting to this whole [UNCLEAR] of
14 questioning my client.

15 EMPLOYER ATTORNEY: Okay do you know...

16 HEARING OFFICER: I understand these are topics that were brought up in my
17 questioning and your questioning so she's obviously [UNCLEAR]...

18 CLAIMANT ATTORNEY: No I'm objecting to when she answers a question
19 that she's challenging it.

20 HEARING OFFICER: Let's keep it for question, answer question answer.

1 EMPLOYER ATTORNEY: Do you know anyone who has been terminated for
2 refusing to sign a chain of custody form?

3 CLAIMANT: No I wouldn't have information on that. Not to
4 my knowledge because I wouldn't have information on that, I mean I'm not going
5 to know what other people's drug test...that's usually a private thing.

6 EMPLOYER ATTORNEY: I'm not asking about the drug test, I'm asking
7 about refusing to sign the chain of custody form.

8 CLAIMANT: What about refusing to sign?

9 EMPLOYER ATTORNEY: Do you know...first of all do you know anyone
10 who's ever refused to sign a chain of custody form?

11 CLAIMANT: Not to my knowledge.

12 EMPLOYER ATTORNEY: And do you know anyone who's been terminated
13 for refusing to sign a chain of custody form?

14 CLAIMANT: I'm sure they would be.

15 EMPLOYER ATTORNEY: Do you know anyone?

16 CLAIMANT: No.

17 EMPLOYER ATTORNEY: Okay. Did you think anyone can access the
18 samples once they are placed in the lockbox?

19 CLAIMANT: Oh, yes.

20 EMPLOYER ATTORNEY: What makes you say that?

21 CLAIMANT: Because it...the safety office is unlocked, the
22 buildings are unlocked, the area is not secured, there's not a...even the collection

1 of the samples are not secured, because they are...can be contaminated because
2 there is no certain area that all the samples are taken from and if you don't have a
3 sterile environment right there contamination can lead to interfering substances.

4 EMPLOYER ATTORNEY: Can you describe the lockbox to me, from what
5 you recall?

6 CLAIMANT: From what I recall it's a box with a lock on it and
7 then it's got like a little slit in there and the bags go down in it...that's all I've ever
8 seen. I didn't really pay that much attention to drug testing...to me it's never been
9 an issue and I've never given it a second thought. I've always whenever I got my
10 hair...like he made all those mistakes and I didn't even question it. He made
11 mistake after mistake and I could kick myself today, but I mean there's nothing I
12 can do about it, but I didn't even question him...I didn't think there would be a
13 problem, it never entered my mind.

14 EMPLOYER ATTORNEY: Okay you said, "it's a box that has a lock on it with
15 a slit," how big is the slit?

16 CLAIMANT: I'm not sure...it's big enough to get the bag in and
17 the bags are about this big.

18 EMPLOYER ATTORNEY: Would it be big enough for someone to fit their
19 hand in?

20 CLAIMANT: I don't know. I never tried.

21 EMPLOYER ATTORNEY: Okay. Do you think someone accessed your
22 samples on April 6th or April 10th...April 15, 2010?

23 CLAIMANT: I think something...I don't think anybody accessed
24 them, I don't know that anyone didn't, but the behavior of everyone surrounding
25 this and I asked for...whenever my lab tests came in in the level of detection test,
26 the 15th test, I was told that I had to be driven home and that has never happened at
27 Nucor to be driven off site. I was told that I had to leave my car there but I got a

1 co-worker to drive my car and then my supervisor followed her and then they went
2 back to work after they dropped me off. That is not in the policy and it has not
3 happened, to my knowledge, to anyone else but me...I feel like I was targeted for
4 some reason and I was on the 6th and the 15th, not treated properly when they were,
5 you know, doing my collection so I'm just assuming and I've been talking about
6 this for the last year and a half...it's...I've been consumed by it. I can't let it go
7 because I know that I didn't do anything wrong and it ruined my reputation it's
8 ruined pretty much life, so.

9 EMPLOYER ATTORNEY: Well is Al Smith a safety office worker...does he
10 work with the safety department?

11 CLAIMANT: No, Al Smith is a...was a manager for that area,
12 he's not even in the country any more.

13 EMPLOYER ATTORNEY: Does he test for drugs or did he test for drugs for
14 Nucor at all?

15 CLAIMANT: Did he test for drugs?

16 EMPLOYER ATTORNEY: Uh um.

17 CLAIMANT: Not to my knowledge.

18 EMPLOYER ATTORNEY: Okay do you know if he has any experience with
19 drug testing at all?

20 CLAIMANT: Just what he told me when we had a meeting that
21 he had...knew Dr. Bennett, so whenever I called to get information from Dr.
22 Bennett he was able to give me the information on what lab he used, that he had
23 visited MUSC talking to them about different things, he had went to bat for several
24 other employees and helped them out of their situations and that's the only
25 knowledge I have.

26 EMPLOYER ATTORNEY: Okay so...

1 CLAIMANT: So that's why I had him subpoenaed because I
2 would like for him to be here to testify what he did know and say and...

3 EMPLOYER ATTORNEY: But you also admit that he doesn't test for drugs at
4 Nucor...he doesn't...

5 CLAIMANT: I'm not sure that he...I mean, the way the safety
6 department is set up, whoever is in the area, might...pretty much was sitting there
7 never done a drug test before was told to practice on me, so it's hard to tell who
8 does drug testing at Nucor and who doesn't.

9 EMPLOYER ATTORNEY: And who...

10 CLAIMANT: There's no any certain way that drug testing is
11 done there, it's just whoever's available, go do the drug test and that's exactly what
12 Mike Berg told him to do and he was the safety manager who told him to go
13 practice on me and that's what he did.

14 HEARING OFFICER: Next question.

15 EMPLOYER ATTORNEY: Okay, but, you know if we go back to the April 6th
16 and the April 10...April 15th tests, those were taken by Miss Grimm.

17 CLAIMANT: Yes.

18 EMPLOYER ATTORNEY: And she's a, you know, certified nurse practitioner.

19 CLAIMANT: To me she was nervous, she was rude, but she did I
20 will say this and I've said it in the paper work she was very professional...

21 EMPLOYER ATTORNEY: Okay.

22 CLAIMANT: about cleaning the scissors, cleaning the area, she
23 did everything to...in front of me to prove that she knew exactly what she was
24 doing.

1 EMPLOYER ATTORNEY: Okay. When you went to get your test, your
2 independent test done on April 15th, did anybody at Nucor ask you to go and have
3 an independent test done?

4 CLAIMANT: No one ever asked me to do that, I did that on my
5 own.

6 EMPLOYER ATTORNEY: Are you aware of the policy at Nucor that has
7 [UNCLEAR] independent tests?

8 CLAIMANT: No, I did not know that. I never had no dealings
9 with drug testing ever before...I never had any issues so I did not realize that they
10 would accept individual testing.

11 EMPLOYER ATTORNEY: Okay. Do you know if the test that was done by
12 Dr. Bennett was done as a level of detection test?

13 CLAIMANT: I'm not sure; I would say no, it wasn't done as a
14 level of detection. I'm not sure on that.

15 EMPLOYER ATTORNEY: Okay.

16 CLAIMANT: All I know is he called me it was a negative and
17 sent me the paper work, so.

18 EMPLOYER ATTORNEY: But not sure of the standards that he applied?

19 CLAIMANT: The what?

20 EMPLOYER ATTORNEY: The standard that he applied...you are not sure
21 what standard he applied in the testing the level of test that he did?

22 CLAIMANT: I'm not.

1 EMPLOYER ATTORNEY: Okay. Do know whether there's a difference in
2 detection when you use a limit of detection or a standard test?

3 CLAIMANT: Do I know if there's a difference?

4 EMPLOYER ATTORNEY: Uh hum.

5 CLAIMANT: Yes. I hear that there...

6 EMPLOYER ATTORNEY: Okay.

7 CLAIMANT: is a difference and I hear that the level of detection
8 if it's not done properly and the guidelines aren't done correctly, that it will show
9 level of detection.

10 EMPLOYER ATTORNEY: Okay. Did Dr. Bennett report the results directly
11 to Nucor or Accudiagnosics?

12 CLAIMANT: No.

13 EMPLOYER ATTORNEY: Okay. Do you know if Dr. Bennett has authority
14 to perform tests on behalf of Nucor Corporation...drug tests?

15 CLAIMANT: No, I don't know any knowledge of that.

16 EMPLOYER ATTORNEY: Do know if his lab is certified under South
17 Carolina law...were they certified by HHS?

18 CLAIMANT: I have no knowledge of that, I just know that he
19 has a lot of degrees on the wall and everyone told me that was the best person to go
20 to at that moment whenever I called and that's where I went.

21 EMPLOYER ATTORNEY: But you don't know what he's exactly certified
22 under or who certified his lab?

1 CLAIMANT: No, I have no idea who certified his lab.

2 EMPLOYER ATTORNEY: Do you know the difference between an HHS
3 certification and a SAMHSA certification?

4 CLAIMANT: I wouldn't have any knowledge of that.

5 CLAIMANT ATTORNEY: I'm going to object to that question because I don't
6 think a lot of people know that.

7 EMPLOYER ATTORNEY: Okay. Do you know what kind of testing would be
8 done by CLIA or compared to [UNCLEAR]...

9 HEARING OFFICER: [UNCLEAR everyone talking at once].

10 CLAIMANT ATTORNEY: I'm going to object to this and have us read the
11 statute into the record again because we're going on this CLIA...there's no
12 CLIA...she's stated that...

13 HEARING OFFICER: How is her knowledge of what the statute is...

14 EMPLOYER ATTORNEY: Well she actually testified earlier on that the lab in
15 Nucor...

16 HEARING OFFICER: Ask her to the best of her knowledge what...and she did
17 answer that.

18 EMPLOYER ATTORNEY: So I was just following up on that line of
19 questioning because that's been raised and I wanted to see if she has any testimony
20 one way or the other on that issue and I believe she doesn't. Okay I think that's all
21 I have for right now unless something else is raised.

22 CLAIMANT ATTORNEY: I have a quick follow up question.

23 HEARING OFFICER: Go ahead.

1 CLAIMANT ATTORNEY: And this is in the record as...and I may have put it
2 in there, I don't remember, but it's in the record as page 130, I wanted to have her
3 look at that and this is the 4/15 test, that's just to speed it up, when they did the
4 limit of detection test is that correct?

5 CLAIMANT: Yes.

6 CLAIMANT ATTORNEY: And it says, "positive marijuana"...now down at
7 the bottom can you read that full paragraph for me please.

8 CLAIMANT: "Donor tested positive for the following
9 substances: marijuana..."

10 CLAIMANT ATTORNEY: No start on this...prior to this part of it.

11 CLAIMANT: The test was performed at the limit of detection
12 test. That tests all five major drug classes using the lower cut off values in the
13 standard test. The cut off for this test for marijuana and metabolite is 0.10 pgmg.

14 CLAIMANT ATTORNEY: Okay and now if we look at Claimant's Exhibit #4
15 and if we look at...let's see...if we look at that last page, the page that's the 4/15
16 date of test and if you look there where it says "marijuana" and read across, what
17 was the result?

18 CLAIMANT: "Negative."

19 CLAIMANT ATTORNEY: And what's the initial test level?

20 CLAIMANT: "1 pgmg."

21 CLAIMANT ATTORNEY: What's the confirmation test level?

22 CLAIMANT: "0.1pgmg."

23 CLAIMANT ATTORNEY: Okay.

1 EMPLOYER ATTORNEY: Okay if I may have you read the paragraph that
2 explains [UNCLEAR] on that same form about limit of detection from Dr.
3 Bennett's lab.

4 HEARING OFFICER: This whole paragraph?

5 CLAIMANT ATTORNEY: This is a matter of...I hate to do this, but this is a
6 matter of record that it's not correct there.

7 HEARING OFFICER: You want her to read...starting all tests are principally
8 evaluated and ending with document printed at...phone number?

9 EMPLOYER ATTORNEY: From, well, actually the second sentence...all tests
10 are performed in a U.S. SAMHSA certified lab and then continue to the negative
11 test result up to...

12 HEARING OFFICER: I don't have...unless you have a problem with that?

13 CLAIMANT ATTORNEY: I don't have a problem with it [UNCLEAR
14 everyone speaking at once] and I think that the...I'm asking for judicial notice that
15 this is not a SAMHSA certified lab...I think at the root of all of this, it's not a
16 SAMHSA certified lab...it's not a CAP certified lab, it is just not...the statute is
17 plain and this does not meet that statute and I think that he's incorrect there...

18 [UNCLEAR everyone speaking at once]

19 EMPLOYER ATTORNEY: [UNCLEAR] what you want to do next.

20 HEARING OFFICER: Okay.

21 CLAIMANT ATTORNEY: You can read it...

22 HEARING OFFICER: If you don't mind.

23 CLAIMANT ATTORNEY: Go ahead.

1 CLAIMANT: Okay. The second sentence?

2 HEARING OFFICER: Beginning with all tests are performed...

3 CLAIMANT: Okay, all tests are performed or forensically
4 evaluated...all tests are performed...okay. All tests are performed in the U.S.
5 Government SAMHSA certified laboratory and negative results indicate this
6 substance was detected above judicial test levels indicated. All positives are re-
7 tested and confirmed positive by GCMS [UNCLEAR] at lower test levels.

8 EMPLOYER ATTORNEY: Okay. I just wanted that read.

9 HEARING OFFICER: Okay. Did you have any other questions?

10 EMPLOYER ATTORNEY: Not right now.

11 CLAIMANT ATTORNEY: I don't have any other questions at this time.

12 HEARING OFFICER: I want to...I want to recall Mr. Gypin.

13 CLAIMANT ATTORNEY: Okay.

14 HEARING OFFICER: And if you don't mind just switching with Miss Reynolds
15 and I have maybe three or four questions. I'm reading from...now this is the law
16 as it is in the statute and I'm reading for the record from Agency Exhibit #3 which
17 is the State of South Carolina Administrative Law Court decision. Under South
18 Carolina...and it...on page 4, just for the record...second paragraph down. "Under
19 South Carolina Code Annotated 41-35-123 Ineligible for benefits due to illegal
20 drug use if the (i) company has communicated a policy prohibiting the illegal use
21 of drugs, the violation of which may result in termination; and (ii) insured worker
22 fails or refuses to provide a specimen pursuant to a request from the employer, or
23 otherwise fails or refuses to cooperate by providing an adulterated specimen; or
24 (iii) insured worker provides a blood, hair, or urine specimen during a drug test
25 administered on behalf of the employer which tests positive for illegal drugs or
26 legal drugs used unlawfully, provided: (A) the sample was collected and labeled by

1 a licensed health care professional or another individual authorized to collect and
2 label test samples by federal or state law, including law enforcement personnel;
3 and (B)...relevant part...the test was performed by a laboratory certified by the
4 National Institute on Drug Abuse, the College of American Pathologists or the
5 State Law Enforcement Division; and initial positive test was confirmed on the
6 specimen using the gas chromatography, mass spectrometry method, or an
7 equivalent or a more accurate scientifically accepted method approved by the
8 National Institute on Drug Abuse. Noting that on subsection B there is a footnote
9 (i) National Institute on Drug Abuse certification referred to in the statute no
10 longer exists as a result of the reorganization of the Department of Health and
11 Human Services (HHS), 'NIDA' certified laboratories are now referred to as either
12 'SAMHSA certified or HHS certified.'" Mr. Gypin...

13 EMPLOYER WITNESS-2: Yes.

14 HEARING OFFICER: Do you have documentation...I know this is going to be
15 redundant and you've answered this before...

16 EMPLOYER WITNESS-2: Yes, the CLIA certificate is HHS...

17 HEARING OFFICER: Well let me just ask you...I'm sorry to interrupt you, just
18 let me ask you the question...let's get to the meat of this. Do you have
19 documentation that shows that Omega Laboratories was certified by the College of
20 American Pathologists in April 2010, when the specimens were last tested?

21 EMPLOYER WITNESS-2: No.

22 HEARING OFFICER: Okay. Do you have a copy of a listing from the federal
23 register or other sources that shows the Omega Laboratories was certified by
24 SAMHSA or HHS, formerly NIDA, in April 2010, when the last specimens were
25 tested?

26 EMPLOYER WITNESS-2: Yes.

27 HEARING OFFICER: And that would be what?

- 1 EMPLOYER WITNESS-2: The CLIA certificate.
- 2 HEARING OFFICER: Employer Exhibit #1 is that what you are referring to?
- 3 EMPLOYER WITNESS-2: Right.
- 4 CLAIMANT ATTORNEY: I thought you were...I'm objecting to his answer, I
5 thought you asked [UNCLEAR] federal register.
- 6 HEARING OFFICER: He had...I did ask if there was a copy of the listing from
7 the federal register or other source which shows that Omega Laboratories was
8 certified by SAMHSA or HHS, so he did point to Employer Exhibit #1. Referring
9 back to a record on page 47 in the...from a witness that testified at the prior
10 hearing, the first...the bottom paragraph on the page is actually page 65 of the...in
11 mine it's page 47 and 65 so I'm referring to the Claimant Witness #1...it's
12 denoted, I think...
- 13 CLAIMANT ATTORNEY: Which, sorry, say it again.
- 14 HEARING OFFICER: It could...47 or 65.
- 15 CLAIMANT ATTORNEY: Okay, okay.
- 16 HEARING OFFICER: But I think as we've been naming it, it's been 65.
- 17 EA2: Yes.
- 18 HEARING OFFICER: And this is a claimant witness that had testified prior and
19 I'm just reading directly from this. The second test is specific from the ellipsis
20 entitled "Centers for Medicare and Medicaid Clinical Laboratory" then again it's
21 the clinical certification which does not apply to drug testing. Now is this what
22 this claimant witness was referring to the Centers for Medicare and Medicaid
23 Clinical Laboratory, is that what this is referring to at the top of that certificate?
- 24 EMPLOYER WITNESS-2: That's the laboratory certificate, yes.

1 HEARING OFFICER: Okay and he says, "it does not apply to drug testing," can
2 you elaborate on that? Not in necessarily what he meant by that, but...

3 EMPLOYER WITNESS-2: It does apply to clinical laboratories that can drug
4 test that can test human samples, it just depends on what the CLIA certificate is
5 issued for.

6 EMPLOYER ATTORNEY: And if I may add, if you read at the bottom of that
7 certificate, it actually explains what it's issued for and that it's issued for tests on
8 human specimens in the laboratories in the U.S.

9 HEARING OFFICER: Okay. Can you just articulate for me how the CLIA
10 certification as Employer Exhibit #1, falls under the HHS?

11 EMPLOYER WITNESS-2: It does apply to drug testing.

12 HEARING OFFICER: Okay. Can you articulate, I mean can you tell me how or
13 why?

14 EMPLOYER WITNESS-2: It's their certification to operate as a clinical
15 reference library...laboratory, excuse me, whereas they test human specimens for
16 diagnostic purposes or drug testing purposes. This is pertinent in that this is one of
17 the references to a certification that's in the statute...now amongst their
18 certification with letters of accreditation, there are numerous letters of certification
19 and accreditation regarding Omega Labs and hair testing.

20 HEARING OFFICER: All right.

21 EMPLOYER WITNESS-2: This is important because it's in the statute.

22 HEARING OFFICER: Do you have documentation that shows that Omega
23 Laboratories is certified by SLED in April 2010?

24 EMPLOYER WITNESS-2: There is no SLED certification process.

1 HEARING OFFICER: And again the reason why the...Omega is not listed on
2 this federal registry that we have in evidence.

3 EMPLOYER WITNESS-2: Because it only lists laboratories who have been
4 SAMHSA certified for federally mandated testing on urine specimens. The
5 specimen...the tests that we are discussing here are not federally mandated urine
6 specimens and they're not federally mandated specimens at all, that's why they
7 don't appear in the registry. The registry only deals with federally mandated urine
8 testing. And even if she had submitted a urine test, it would not have been tested
9 by a SAMHSA laboratory procedure because it was not a federally mandated test.
10 You're only supposed to test urine for federally mandated employees that under
11 the purview of the Department of Transportation, so in this issue, SAMHSA has
12 nothing to do with this sample or with this test. They only had a certifying
13 authority over laboratories and procedures which test urine that are federally
14 mandated.

15 CLAIMANT ATTORNEY: I'm objecting, we're actually talking about
16 problems with the statute as written and I don't think that that's...his purview was
17 not what the legislative intent was. I have some other questions, but I'll go
18 through that later.

19 EMPLOYER WITNESS-2: I think I said that because it says right at the
20 bottom it's HHS certified.

21 EMPLOYER ATTORNEY: Yeah.

22 EMPLOYER WITNESS-2: Clearly the CLIA certification for a clinical
23 laboratory gives them a certification.

24 HEARING OFFICER: I have no further questions. Miss Ralephata, do you have
25 any questions you'd like to ask Mr. Gypin?

26 EMPLOYER ATTORNEY: I'll reserve my questions, you know, if something
27 comes up I'll tell you please.

1 HEARING OFFICER: Miss Mjaatvedt.

2 CLAIMANT ATTORNEY: Well my question is going back that the statute
3 states the NIDA the testing...wouldn't that be the same issue with the NIDA
4 testing that when the talk about certified lab under NIDA.

5 EMPLOYER WITNESS-2: I think the footnote.

6 CLAIMANT ATTORNEY: No, it...my question is...in the statute, you made a
7 big deal about the statute, that it said NIDA that when the testing was done and
8 certified under NIDA, we're talking about these same kind of tests...we're talking
9 about the federal DOT tests and that's what it talks about in the statute, is that
10 correct?

11 EMPLOYER WITNESS-2: I'm not sure which you're asking.

12 CLAIMANT ATTORNEY: Have you been doing this since before 2006, when
13 it was NIDA...when SAMHSA was NIDA?

14 EMPLOYER WITNESS-2: SAMHSA has nothing to do with this test. We
15 have done DOT federally mandated tests.

16 CLAIMANT ATTORNEY: No, my question is that the statute as written refers
17 to NIDA, so at that time when NIDA still existed in 2006, they were talking about
18 drug testing...they were talking about laboratories certified to do drug testing
19 properly under the federal rules and that just because there's not a federal agency
20 asking for it, they're asking for level of quality, is that correct...is that what was
21 occurring in...before 2006?

22 EMPLOYER WITNESS-2: That is not correct.

23 CLAIMANT ATTORNEY: So who were they talking about in 2006, then,
24 HHS certified labs or NIDA certified labs?

1 EMPLOYER WITNESS-2: They were talking about SAMHSA certified labs
2 through NIDA. SAMHSA certified labs are not NIDA certified labs. I mean they
3 are all interrelated, but they only deal with the Department of Transportation...

4 CLAIMANT ATTORNEY: So...

5 EMPLOYER WITNESS-2: federally mandated urine tests.

6 CLAIMANT ATTORNEY: But that's what the statute asks for so when the
7 statute asks for NIDA certified labs, then this is not a NIDA certified lab, is that
8 correct?

9 EMPLOYER ATTORNEY: Objection.

10 HEARING OFFICER: I'd like to...

11 EMPLOYER WITNESS-2: It's certified to the Department of Health and
12 Human Services...

13 HEARING OFFICER: Can you answer the specific question that she asked?

14 EMPLOYER ATTORNEY: It's in the statute.

15 CLAIMANT ATTORNEY: NIDA is in the statute...that's the question I'm
16 asking.

17 EMPLOYER WITNESS-2: His question to me was that the...NIDA certified
18 laboratories are now referred to as either SAMHSA certified or HHS certified...

19 HEARING OFFICER: I was...

20 CLAIMANT ATTORNEY: So is there a difference...

21 HEARING OFFICER: That's what I was reading from [UNCLEAR all speaking
22 at once]

1 CLAIMANT ATTORNEY: And I'm asking...and that's a footnote from the
2 [UNCLEAR].

3 HEARING OFFICER: Right.

4 CLAIMANT ATTORNEY: Is there...so when NIDA was doing the testing...

5 EMPLOYER WITNESS-2: I don't know...I'll answer I don't know.

6 CLAIMANT ATTORNEY: So you're speculating that...what the statute meant
7 was the HHS side not the NIDA style of tests?

8 EMPLOYER WITNESS-2: I just answered his question which included HHS.

9 EMPLOYER ATTORNEY: And the statute is what is...it says what it says on
10 its face...you know...

11 CLAIMANT ATTORNEY: So is it a NIDA test...is it a NIDA certified
12 laboratory?

13 EMPLOYER WITNESS-2: No.

14 CLAIMANT ATTORNEY: Okay, thank you. Is it a CAP certified laboratory?

15 HEARING OFFICER: I believe I've asked that.

16 CLAIMANT ATTORNEY: Thank you, I just wanted to... [UNCLEAR].

17 HEARING OFFICER: Did you have any other questions?

18 CLAIMANT ATTORNEY: Do you have any reason to believe that if Dr.
19 Bennett sent a sample to Omega and there was a result, that that result would be a
20 more or less reliable than a sample sent from Nucor?

1 EMPLOYER WITNESS-2: I have no experience with Dr. Bennett's
2 procedures...

3 CLAIMANT ATTORNEY: Okay.

4 EMPLOYER WITNESS-2: I have talked to him briefly on maybe half a dozen
5 occasions.

6 CLAIMANT ATTORNEY: I have no further questions.

7 EMPLOYER ATTORNEY: I just have one follow up question, following up
8 from Miss Mjaatvedt. Is Omega HH certified?

9 EMPLOYER WITNESS-2: Yes.

10 HEARING OFFICER: What do you mean by, "HH certified?"

11 EMPLOYER ATTORNEY: The CLIA certificate, is that issued by HHS?

12 EMPLOYER WITNESS-2: Yes.

13 EMPLOYER WITNESS-2: The Centers for Medi...Medicare and Medicaid
14 Services is under HHS?

15 EMPLOYER WITNESS-2: Yes.

16 EMPLOYER ATTORNEY: That's who issues the CLIA certificate?

17 EMPLOYER WITNESS-2: Yes.

18 HEARING OFFICER: Anything else?

19 EMPLOYER ATTORNEY: That's it.

1 CLAIMANT ATTORNEY: I have one more follow up on that. So this CLIA
2 certification does it have anything to do with the standards of drug testing, like the
3 types of drug testing, the quality of drug testing, the quality of equipment or
4 anything of those things?

5 EMPLOYER ATTORNEY: You would have to look at those standards, I am
6 assuming that it does and I feel familiar with it, but they have CLIA proficiency
7 testing and things like that.

8 CLAIMANT ATTORNEY: But does CLIA proficiency testing involve
9 workplace drug tests...certifications or qualities that they look at?

10 EMPLOYER WITNESS-2: I don't know you would have to ask them.

11 CLAIMANT ATTORNEY: Would...if we're talking about SAMHSA
12 certification and federal testing...is that SAMHSA certification, does that look at
13 the quality of drug testing, the type of equipments used, whether they fall
14 under...whether they meet certain requirements for the reproducibility and
15 reliability of their drug tests?

16 EMPLOYER WITNESS-2: You know, I'm not an expert on laboratory
17 certification you would have to ask one of those.

18 CLAIMANT ATTORNEY: I have no more questions.

19 HEARING OFFICER: Ma'am.

20 EMPLOYER ATTORNEY: No more questions.

21 HEARING OFFICER: I don't believe I have any further questions for anybody
22 from the employer, now Miss Starr, do you have anything else as primary
23 spokesperson that you wanted to ask?

24 EMPLOYER WITNESS-1: No, sir.

1 HEARING OFFICER: Miss Legette, do you have anything else you want to add
2 on your behalf at this time?

3 CLAIMANT: No.

4 HEARING OFFICER: I have a document, it's a print out, it's something I meant
5 to get to earlier and I didn't want to interrupt to get to it, this is something that I
6 went to the College of American Pathologists website...I typed in Omega
7 Laboratories, the State that it was in...return search results indicating that was an
8 accreditation date of September 9, 2010.

9 EMPLOYER ATTORNEY: They do and the reason that I didn't
10 [UNCLEAR]...Omega was certified by the College of American Pathologists after
11 2008, I believe, and it does point the [UNCLEAR] is pursuing an international
12 certification which is higher than CAP and I believe CAP also was not issued
13 certification for...under the new re-testing.

14 EMPLOYER WITNESS-2: But the CAP certification is for urine testing; that
15 has no bearing...

16 EMPLOYER ATTORNEY: In 2010.

17 EMPLOYER WITNESS-2: on this at all.

18 CLAIMANT ATTORNEY: But...they're testifying...they're all testifying it's
19 not CAP certified at the time

20 HEARING OFFICER: I just wanted to see if you had any objection to me
21 putting this document...

22 EMPLOYER ATTORNEY: No.

23 CLAIMANT ATTORNEY: No objection.

1 HEARING OFFICER: For the record, I have a one page document, it's a print
2 out from the American...College of American Pathologist's website regarding
3 Omega Laboratories indicating their first accreditation date of September 9, 2010,
4 it's going to be marked as Agency Exhibit #4, excuse me Agency Exhibit #5, but I
5 reserve the right to change that to 4 or 5, that's not an issue...

6 CLAIMANT ATTORNEY: [UNCLEAR]

7 HEARING OFFICER: it's the last agency exhibit.

8 CLAIMANT ATTORNEY: We might not even notice if you change
9 [UNCLEAR].

10 HEARING OFFICER: That being said, I have no further questions for anybody
11 else here. Is anything...I'm back to the employer, Miss Starr?

12 EMPLOYER WITNESS-1: No, sir.

13 HEARING OFFICER: Anything else before I close the hearing?

14 EMPLOYER ATTORNEY: I do have something that I want to add and I want
15 to add that under the plain language of the statute, the employer is not required to
16 look at any tests that are done outside...that are not administered on its behalf.
17 The statute is very clear and it states that drug tests must be performed on behalf of
18 the employer and that is a question of...not for the adjudicator or for the courts to
19 determine and I can give you cases that say interpretation of the statute...

20 CLAIMANT ATTORNEY: I'm objecting to her testifying.

21 HEARING OFFICER: I see it as a wrapping up of what she's [UNCLEAR].

22 EMPLOYER ATTORNEY: and I would like that on the record and I, you
23 know, am happy to give you the case law on that as well and I believe that this is
24 pertinent and relevant because this is part of what was remanded by Judge
25 [UNCLEAR] on those issues to do with whether or not disqualification was proper

1 and she included that they looked at outside tests and we believe that was
2 [UNCLEAR] after all because outside tests are not required in the statute and that's
3 actually contradicting the statute.

4 HEARING OFFICER: Anything else, Miss Ralephata?

5 EMPLOYER ATTORNEY: No, sir.

6 HEARING OFFICER: Miss Mjaatvedt, do you have anything else you would
7 like to add...a summation?

8 CLAIMANT ATTORNEY: As a summation I would just like to say that the
9 statute is very specific whether we agree with it or not, it requires the certified the
10 National Institute of Drug Abuse which at that time I think the certification was
11 very different than what CLIA, what the CLIA certification is for, that it's the
12 SAMHSA certification even our legislature wasn't quite correct in choosing that,
13 that's what they chose because then they put in the statute a very [UNCLEAR]
14 measure of disqual...permanent, basically a permanent disqualification and so if
15 we're going to have to live by this statute, we are going to have to die by that
16 statute. This is not a NIDA certified lab, it's not a SAMHSA certified lab, it's not
17 a CAP certified lab, it's not a SLED certified lab and I think that, you know, her
18 long work history is clear and also the prior tests that there's some problems with
19 Nucor drug testing. There's problems that they've had before on a limit of
20 detection tests and I think that given all that, that this statute should be construed
21 very strictly and that this lab...at the end of all this testimony, it comes down to
22 this lab is not certified.

23 HEARING OFFICER: Anything else, Miss Ralephata?

24 EMPLOYER ATTORNEY: No.

25 HEARING OFFICER: Since there is no further testimony, this hearing is now
26 adjourned.

27 HEARING CLOSED.

Linda Pasko

6th day of Sept. 2011
 Nancy Farney (LS)

ROA 506

AL

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina

IN THE MATTER OF THE CLAIM OF:

EXHIBIT 37-71

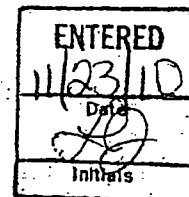
Kim A. Legette)
517 Laurel Ridge Road)
North Charleston, SC 29418)
Claimant SSN: 235-11-8079)

A#:\

FILE NO: 110129

APPELLATE PANEL
DECISION

Nucor Corporation)
c/o Human Resources)
PO Box 2259)
Mt. Pleasant, SC 29465)
Liable Employer)



Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2010-A-11555 to the Appellate Panel. The Appeal Tribunal held the claimant indefinitely disqualified for having been discharged for cause connected with the work. This decision modified the claims adjudicator's determination.

The Appellate Panel notified the parties of its hearing to consider the appeal.

DECISION

Appeal Tribunal Decision 2010-A-11555 is reversed. The claimant is eligible for benefits effective April 18, 2010, for having been separated under nondisqualifying circumstances.

The claimant worked for the employer from August 24, 1998, through April 22, 2010, as a cold mill scheduler. The claimant was discharged after testing positive for an illegal drug in a random drug screen. The claimant asserted the drug testing was faulty. The claimant had previously tested positive for 6.25 picograms per milligram of marijuana on February 13, 2010, only to test negative ten days later. On April 6, 2010, she tested 1.25 picograms and then retested a trace amount of .78 on April 15, 2010. The claimant underwent testing at a different facility that used the same laboratory as the employer and tested negative for any drugs on three occasions, including April 15, 2010. The claimant was adamant that she did not use drugs, and

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although the employer stated they do not accept off-site drug testing results, the claimant's drug expert made a point of using the same laboratory so they could be assured the testing was not undermined. The process of collecting the samples was different and may have made a difference in the results, according to the claimant's drug testing expert.

S.C. Code Ann. § 41-35-120 (4) requires that an indefinite benefit disqualification be imposed when the Department finds that a claimant has been discharged for gross misconduct connected with the employment. "Gross Misconduct" includes failure to comply with drug use regulations.

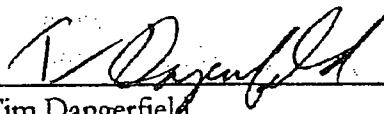
The burden of proving that a claimant has been discharged for cause rests with the employer and after a thorough review of the evidence in this case we have concluded that the employer has not met that burden. The disparate testing results concern us and while the employer may not accept an off-site drug test, we cannot ignore a drug test result taken the same day as the employer's exam, processed by the same laboratory, indicating the claimant was drug free. Therefore, we find the claimant was separated under nondisqualifying circumstances and the Appeal Tribunal decision is reversed.

**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**

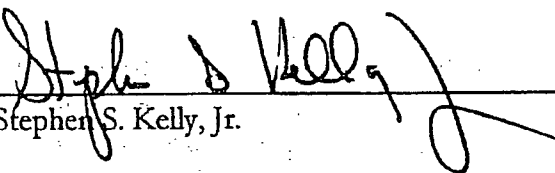


E. B. Ayers

Hearing Date: 11/17/10
Date Mailed: 11/19/10
Mailed By: _____



Tim Dangerfield



Stephen S. Kelly, Jr.

November 19, 2010

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
(SCDEW)
Columbia, South Carolina**

LETTER OF TRANSMITTAL OF APPELLATE PANEL DECISION

Attached is a copy of the Appellate Panel Decision in your case. If you have questions about the effect of the decision, you may consult an agency representative at the local SCDEW office in your area or at the Benefits Division at the central office in Columbia, S.C.

If you wish to obtain judicial review of the decision, you must comply with the requirements of S.C. Code Ann. §41-35-750 and the Rules of Procedure for the Administrative Law Court.

The law requires that a Petition for Judicial Review must be filed and served within thirty (30) days after the agency's final decision (**see the mailing date above**). The Court may require a filing fee.

The Petition must be filed in the S.C. Administrative Law Court in Columbia, South Carolina:

**Jana E. Shealy, Clerk of Court
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
803.734.0550 (phone)**

You must name the SCDEW and any other party in the case as defendants in the action and you must serve a copy of the Petition for Judicial Review at the following address:

**Legal Department
S.C. Department of Employment and Workforce
Post Office Box 995
Columbia, SC 29202**

For assistance or guidance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice in South Carolina.

Form App-115
Rev. 6/25/10

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Nucor Corporation,

Docket No. 10-ALJ-22-0938-AP

Appellant,

vs.

ORDER

South Carolina Department of Employment
and Workforce, and Kim A. Legette,

Respondents.

STATEMENT OF THE CASE

The Appellant, Nucor Corporation (Nucor), appealed the decision of the South Carolina Department of Employment and Workforce (Department), finding the employer discharged Respondent Kim A. Legette (Legette) without cause. The Administrative Law Court (ALC or Court) has jurisdiction to hear this matter pursuant to S.C. Code Ann. § 41-35-750 (Supp. 2010). Upon consideration of the record and the briefs, this case must be remanded to the Department to determine whether Legette was disqualified to receive benefits pursuant to S.C. Code Ann. § 41-35-120(3) (Supp. 2010) which deals with discharge based upon positive drug tests.

BACKGROUND

Legette filed a claim for unemployment benefits on April 23, 2010, with the Department, after being discharged from her job with Nucor. The Department initially held Legette disqualified from receiving benefits for twenty-six weeks by claims adjudicator's determination mailed May 27, 2010, upon finding she was discharged for cause connected with the employment pursuant to S.C. Code Ann. § 41-35-120(2). Legette appealed the initial determination to the Appeal Tribunal on June 2, 2010. The Appeal Tribunal decision issued on July 19, 2010, modified the determination and held Legette indefinitely disqualified for having been discharged for illegal drug use pursuant to S.C. Code Ann. § 41-35-120(3). Legette appealed the Appeal Tribunal decision to the Appellate Panel on July 22, 2010. The Appellate

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May 24, 2011

SC ADMIN. LAW COURT

EXHIBIT 7/12/11

A#: 3

FILE NO: 110129

Panel issued the agency's final decision on November 19, 2010, which reversed the Appeal Tribunal decision and held Legette was eligible for benefits for having been separated under non-disqualifying circumstances. Appellant Nucor filed an Appeal to the ALC on December 14, 2010.

ISSUES ON APPEAL

Does the evidence in the record support the Department's finding that the employer discharged Legette under non-disqualifying circumstances?

STANDARD OF REVIEW

The Department is an "agency" under the Administrative Procedures Act (APA). See Gibson v. Florence Country Club, 282 S.C. 384, 386, 318 S.E.2d 365, 367 (1984) (finding that the Employment Security Commission, a predecessor of the Department, was an agency within the meaning of the APA). Accordingly, the APA's standard of review governs appeals from decisions of the Department. See S.C. Code Ann. §§ 1-23-380, and 1-23-600(D) (Supp. 2010); Gibson, 282 S.C. at 386, 318 S.E.2d at 367; McEachern v. S.C. Employment Sec. Comm'n, 370 S.C. 553, 557, 635 S.E.2d 644, 646-47 (Ct. App. 2006). The standard used by appellate bodies to review agency decisions is provided by S.C. Code Ann. § 1-23-380(5) (Supp. 2010). See § 1-23-600(D) (directing administrative law judges to conduct appellate review in the same manner prescribed in § 1-23-380(5)). That section states:

The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision [of an agency] if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) made upon unlawful procedure;
- (d) affected by other error of law;
- (e) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

S.C. Code Ann. § 1-23-380(5) (Supp. 2010). "[T]he findings of the [D]epartment [of Employment and Workforce] regarding facts, if supported by evidence and in the absence of fraud, must be conclusive and the jurisdiction of the administrative law court must be confined to

questions of law.” S.C. Code Ann. § 41-35-750 (Supp. 2010).

A decision is supported by “substantial evidence” when the record as a whole allows reasonable minds to reach the same conclusion as the agency. Friends of the Earth v. Pub Serv. Comm’n of S.C., 387 S.C. 360, 366, 692 S.E.2d 910, 913 (2010). The fact that the record, when considered as a whole, presents the possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency’s findings from being supported by substantial evidence. Waters v. S.C. Land Res. Conservation Comm’n, 321 S.C. 219, 226, 467 S.E.2d 913, 917 (1996). In applying the substantial evidence rule, “a reviewing court will not overturn a finding of fact by an administrative agency ‘unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based.’” Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Natural Res., 345 S.C. 594, 603-04, 550 S.E.2d 287, 292 (2001) (quoting Lark v. Bi-Lo, Inc., 276 S.C. 130, 136, 276 S.E.2d 304, 307 (1981)).

DISCUSSION

The Appellant argues that the Department erred in finding Legette eligible for unemployment benefits. Appellant asserts that Legette was fired for cause because her termination was based upon a positive drug test. The Appellate Panel decision found that Nucor failed to carry its burden of proving that Legette was fired for cause, citing evidence that an independent test performed the same day as the employer’s exam, and processed by the same laboratory, was negative.

A discharge for cause is justified when, among other things, an employee disregards the standard of behavior that an employer can rightfully expect from the employee, such as when the employee refuses to comply with a reasonable request of the employer. Mickens v. Southland Exch.-Joint Venture, 305 S.C. 127, 130, 406 S.E.2d 363, 365 (1991), citing Lee v. S.C. Employment Security Comm’n, 277 S.C. 586, 291 S.E.2d 378 (1982). South Carolina courts have equated for cause in the current version of the statute with the term misconduct in the predecessor statute. Id. Although a single instance of minor misconduct will not generally disqualify a claimant from receiving unemployment compensation benefits, recurrent violations of the standards of behavior which an employer has the right to expect of an employee constitutes misconduct warranting disqualification. 76 Am. Jur. 2d Unemployment Compensation § 69 (updated Nov. 2010).

Here, Nucor first challenges the Department's finding of fact that Nucor failed to prove that Legette was fired for cause and seeks to have this court overturn the Department's finding of fact on this issue. I decline the invitation to engage in a re-weighing of the facts found by the Appellate Panel. The Department's findings of fact, if supported by evidence and in the absence of fraud, must be conclusive and the jurisdiction of the Administrative Law Court must be confined to questions of law. S.C. Code Ann. § 41-35-750 (Supp. 2010). The Department's finding that Nucor failed to prove that Legette had used illegal drugs is supported by the evidence in the record, including the negative test results cited by the Appellate Panel in its order. Therefore, Nucor's arguments that benefits must be denied pursuant to S.C. Code Section 41-35-120(2) and (4) are without merit.

Nucor next argues that Legette's claim for unemployment benefits are precluded under S.C. Code Section 41-35-120(3), which provides for the circumstances under which discharge for illegal drug use renders a claimant ineligible for benefits. Under S.C. Code Ann. § 41-35-120(3), an individual is ineligible for benefits due to illegal drug use if the:

- (i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and
- (ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or
- (iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, *provided*:
 - (A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and
 - (B) *the test was performed by a laboratory certified by the National Institute on Drug Abuse¹, the College of American Pathologists or the State Law Enforcement Division; and*
 - (C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the National Institute on Drug Abuse. (Emphasis Added).

The Department argues that Omega Laboratories (Omega), the lab used by Nucor for the drug test at issue, does not meet the certification requirements of the statute. The Department's

¹ The National Institute on Drug Abuse (NIDA) certification referred to in the statute no longer exists. As a result of reorganization of the Department of Health and Human Services (HHS), "NIDA-certified" laboratories are now referred to as either "SAMHSA-certified" or "HHS-certified".

position is supported in the record by the testimony of Dr. Robert Bennett, the documents introduced by Nucor at the hearing, and by Nucor's failure to present evidence or testimony challenging or disputing Bennett's testimony that Omega was not properly certified. The certificate introduced at the hearing does not reflect that Omega is a laboratory certified by the National Institute on Drug Abuse, the College of American Pathologists or the State Law Enforcement Division as required by the statute.²

The issue of whether Omega was properly certified is a disputed question of fact upon which the Appellate Panel did not make a finding. The decision of the Appellate Panel addresses only whether Legette was disqualified based upon Subsections (2) and (4) of § 1-35-120 which deal with discharge for cause and discharge for gross misconduct. An employee may be disqualified for benefits under Subsection (3) based upon positive drug tests despite a finding by the Department that she did not use illegal drugs. Subsection (3) provides for a disqualification from benefits based upon a positive drug test under certain situations, which include the method of collection of the specimen, the proper certification of the laboratory performing the test, and the confirmation of the test with a gas chromatography/mass spectrometry method test or its equivalent. The Appellate Panel decision makes no findings or conclusions as to the requirements of subsection (3). Where material facts are in dispute, an administrative body must make specific, express findings of fact. Porter v. S.C. Public Service Commission, 333 S.C. 12, 507 S.E.2d 328 (1998). Because a determination of whether Legette was disqualified from receiving benefits under subsection (3) is necessary to the resolution of this case, I must remand the matter to the Department to consider that issue and make the findings of fact needed to determine if the circumstances surrounding Legette's discharge disqualified her for benefits pursuant to S.C. Code Ann. § 41-35-120 (3) (Supp. 2010).

² Nucor has supplemented the record with a new certification document, seeking to convince this court that Omega is HHS-certified. Upon review, this supplementation of the record was improvidently granted based upon my misunderstanding that the document presented was simply a more legible copy of the document relied upon below. Upon inspection, the document submitted to supplement the record contains a logo which did not appear at all on the document presented to the Appellate Panel. The Administrative Law Court's review of decisions of the Department is confined to the record. S.C. Code Ann. § 41-35-750; § 1-23-610(B). I, therefore, reverse my previous order supplementing the record with pages 275-280. It will be up to the Department to decide whether to exercise its discretion to reopen the record on remand to take additional evidence.

ORDER

IT IS THEREFORE ORDERED that the Department's decision is **REMANDED** for a new hearing. With this Order this Court closes the docket in this matter. Should Appellant desire review of the Department's decision on remand, she will be required to file a separate notice of appeal from that determination.

AND IT IS SO ORDERED.

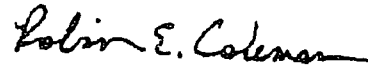


Deborah Brooks Durden
Administrative Law Judge

May 24, 2011
Columbia, South Carolina

CERTIFICATE OF SERVICE

I, Robin E. Coleman, hereby certify that I have this date served this Order upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, in the Interagency Mail Service, or by electronic mail to the address provided by the party(ies) and/or their attorney(s).



Robin E. Coleman
Judicial Aide to Deborah Brooks Durden

May 24, 2011
Columbia, South Carolina

FILED

May 24, 2011

SC ADMIN. LAW COURT

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7-1044, One Choke Cherry Road, Rockville, MD 20857 and e-mail her a copy at summer.king@samhsa.hhs.gov. Written comments should be received within 60 days of this notice.

Dated: March 23, 2010.

Elaine Parry,

Director, Office of Program Services.

[FR Doc. 2010-7432 Filed 4-1-10; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10197]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection Request: Revision of a currently approved collection; **Title of Information Collection:** Evaluation of the Medicare National Competitive Bidding Program for DME; **Use:** Data collection materials consisting of beneficiary surveys and interview/discussion group guides are necessary to conduct the congressionally mandated evaluation of the Medicare National Competitive Bidding Program. Section 303(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) requires a Report to Congress on the program, covering program savings, reductions in cost

sharing, impacts on access to and quality of affected goods and services, and beneficiary satisfaction. This project's purpose is to provide information for this Report to Congress. Due to substantial legislative and regulatory delays in program implementation, the Report to Congress in 2011 will be released just as the program is being implemented, and before the evaluation is complete. This project will continue after the Report to Congress, to evaluate the impact of the program on beneficiaries, on Medicare costs, and on changes in the Medicare Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) market.

In response to public comments received on the 60-day notice that published on December 18, 2009 (74 FR 67227), we have made several revisions to this information collection request. Most notably, the revisions include but are not limited to revised burden calculations due to an increase in the number of respondents and the addition of another data collection wave. **Form Number:** CMS-10197 (OMB#: 0938-1015); **Frequency:** Occasionally; **Affected Public:** Individuals or households, Private Sector, Business or other for-profits, not-for-profit institutions, and Federal Government; **Number of Respondents:** 8,470; **Total Annual Responses:** 8,470; **Total Annual Hours:** 4,342. (For policy questions regarding this collection contact Ann Meadow at 410-786-6602. For all other issues call 410-786-1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received by the OMB desk officer at the address below, no later than 5 p.m. on May 3, 2010.

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395-6974, E-mail: OIRA_submission@omb.eop.gov.

EXHIBIT

A#: 4

FILE NO: 1110129

Dated: March 26, 2010.

Michelle Shortt,

Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2010-7469 Filed 4-1-10; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories currently certified to meet the standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the *Federal Register* on April 11, 1988 (53 FR 11970), and subsequently revised in the *Federal Register* on June 9, 1994 (59 FR 29908), on September 30, 1997 (62 FR 51118), and on April 13, 2004 (69 FR 19644).

A notice listing all currently certified laboratories is published in the *Federal Register* during the first week of each month. If any laboratory's certification is suspended or revoked, the laboratory will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at <http://www.workplace.samhsa.gov> and <http://www.drugfreeworkplace.gov>.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 2-1042, One Choke Cherry Road, Rockville, Maryland 20857; 240-276-2600 (voice), 240-276-2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were developed in accordance with Executive Order 12564 and section 503 of Public Law 100-71. Subpart C of the Mandatory Guidelines, "Certification of

Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards that laboratories must meet in order to conduct drug and specimen validity tests on urine specimens for Federal agencies. To become certified, an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A laboratory must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Mandatory Guidelines dated April 13, 2004 (69 FR 19644), the following laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414-328-7840/800-877-7016, (Formerly: Bayshore Clinical Laboratory);
ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585-429-2264; Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901-794-5770/888-290-1150;
Aegis Analytical Laboratories, 345 Hill Ave., Nashville, TN 37210, 615-255-2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc.);
Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.);
Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc., Kroll Scientific Testing Laboratories, Inc.);
Baptist Medical Center-Toxicology Laboratory, 9601 I-630, Exit 7, Little Rock, AR 72205-7299, 501-202-2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center);
Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917;
Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229-671-2281;
DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310;

DynaLIFE Dx,* 10150-102 St., Suite 200, Edmonton, Alberta, Canada T5J 5E2, 780-451-3702/800-661-9876, (Formerly: Dynacare Kasper Medical Laboratories);
ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609;
Gamma-Dynacare Medical Laboratories,* A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630;
Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387;
Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986, (Formerly: Roche Biomedical Laboratories, Inc.);
Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group);
Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866-827-8042/800-233-6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center);
LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.);
Maxxam Analytics,* 6740 Campobello Road, Mississauga, ON, Canada L5N 2L8, 905-817-5700, (Formerly: Maxxam Analytics Inc., NOVAMANN (Ontario), Inc.);
MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244;
MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503-413-5295/800-950-5295;
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088;
National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661-322-4250/800-350-3515;
One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX

77504, 888-747-3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory);
Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory);
Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509-755-8991/800-541-7891x7;
Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858-643-5555;
Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770-452-1590/800-729-6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories);
Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600/877-642-2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories);
Quest Diagnostics Incorporated, 7600 Tyrone Ave., Van Nuys, CA 91405, 866-370-6699/818-989-2521, (Formerly: SmithKline Beecham Clinical Laboratories);
S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505-727-6300/800-999-5227;
South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574-234-4176 x1276;
Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602-438-8507/800-279-0027;
St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405-272-7052;
STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800-442-0438;
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573-882-1273;
Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305-593-2260;
U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085.

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of

Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (Federal Register, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the Federal Register on April 13, 2004 (69 FR 19644). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

March 24, 2010.

Elaine Parry,
Director, Office of Program Services,
SAMHSA.

[FR Doc. 2010-7170 Filed 4-1-10; 8:45 am]

BILLING CODE 4160-20-P

MSC 7804 (For courier delivery, use MD 20817), Bethesda, MD 20892, 301-435-1715, nga@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Addiction, Learning and Stress.

Date: May 4-5, 2010.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Brian Hoshaw, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7844, Bethesda, MD 20892, 301-435-1033, hoshawb@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 29, 2010.

Anna Snouffer,
Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010-7510 Filed 4-1-10; 8:45 am]

BILLING CODE 4140-01-P

Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Blvd., Suite 220, MSC 8401, Bethesda, MD 20892, 301-402-7964, mh392g@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 29, 2010.

Anna Snouffer,
Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2010-7509 Filed 4-1-10; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; N44DA-10-5541: The Computerized Screening of Dual Diagnosed Adolescents.

Date: April 9, 2010.

Time: 1 p.m. to 2:30 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Minna Liang, PhD, Scientific Review Officer, Training and Special Projects Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, 6101 Executive Blvd., Room 220, MSC 8401, Bethesda, MD 20852, 301-435-1432, liangm@nida.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; OBT Member Conflict—Cancer Biology.

Date: April 21, 2010.

Time: 10:30 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Angela Y. Ng, MBA, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200,

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Mechanism for Time-Sensitive Drug Abuse Research.

Date: April 8, 2010.

Time: 12 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Meenaxi Hiremath, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on

[Federal Register: May 14, 2010 (Volume 75, Number 93)]
[Notices]
[Page 27348-27350]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14my10-90]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To
Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories currently certified to meet the standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the Federal Register on April 11, 1988 (53 FR 11970), and subsequently revised in the Federal Register on June 9, 1994 (59 FR 29908), on September 30, 1997 (62 FR 51118), and on April 13, 2004 (69 FR 19644).

A notice listing all currently certified laboratories is published in the Federal Register during the first week of each month. If any laboratory's certification is suspended or revoked, the laboratory will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at <http://www.workplace.samhsa.gov> and <http://www.drugfreeworkplace.gov>.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Herish, Division of Workplace Programs, SAMHSA/CSAP, Room 2-1042, One Choke Cherry Road, Rockville, Maryland 20857; 240-276-2600 (voice), 240-276-2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100-71. Subpart C of the Mandatory Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards that laboratories must meet in order to conduct drug and specimen

[[Page 27349]]

validity tests on urine specimens for Federal agencies. To become certified, an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that

certification, a laboratory must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A laboratory must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Mandatory Guidelines dated April 13, 2004 (69 FR 19644), the following laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414-328-7840/800-877-7016. (Formerly: Bayshore Clinical Laboratory).

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585-429-2264.

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901-794-5770/888-290-1150.

Aegis Analytical Laboratories, 345 Hill Ave., Nashville, TN 37210, 615-255-2400. (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc.)

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504-361-8989/800-433-3823. (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804-378-9130. (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 9601 I-630, Exit 7, Little Rock, AR 72205-7299, 501-202-2783. (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215-2802, 800-445-6917.

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229-671-2281.

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215-674-9310.

DynaLIFE Dx, * 10150-102 St., Suite 200, Edmonton, Alberta, Canada T5J 5E2, 780-451-3702/800-661-9876. (Formerly: Dynacare Kasper Medical Laboratories.)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662-236-2609.

Gamma-Dynacare Medical Laboratories, * A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519-679-1630.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713-856-8288/800-800-2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908-526-2400/800-437-4986. (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919-572-6900/800-833-3984. (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group.)

Laboratory Corporation of America Holdings, 1120 Main Street,

Southaven, MS 38671, 866-827-8042/800-233-6339. (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center.)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913-888-3927/800-873-8845. (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

Maxxam Analytics*, 6740 Campobello Road, Mississauga, ON, Canada L5N 2L8, 905-817-5700, (Formerly: Maxxam Analytics Inc., NOVAMANN (Ontario), Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651-636-7466/800-832-3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503-413-5295/800-950-5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612-725-2088.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661-322-4250/800-350-3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888-747-3774. (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory.)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800-328-6942. (Formerly: Centinela Hospital Airport Toxicology Laboratory.)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509-755-8991/800-541-7891x7.

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858-643-5555.

Quest Diagnostics Incorporated, 3175 Presidential Dr., Atlanta, GA 30340, 770-452-1590/800-729-6432. (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories.)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610-631-4600/877-642-2216. (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories.)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 800-877-2520. (Formerly: SmithKline Beecham Clinical Laboratories.)

S.E.D. Medical Laboratories, 5601 Office Blvd., Albuquerque, NM 87109, 505-727-6300/800-999-5227.

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574-234-4176 x1276.

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602-438-8507/800-279-0027.

St. Anthony Hospital Toxicology Laboratory, 1000 N. Lee St., Oklahoma City, OK 73101, 405-272-7052.

Sterling Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800-442-0438.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573-882-1273.

Toxicology Testing Service, Inc., 5426 N.W. 79th Ave., Miami, FL 33166, 305-593-2260.

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755-5235, 301-677-7085.

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12,

1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the

[[Page 27350]]

certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (Federal Register, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the Federal Register on April 13, 2004 (69 FR 19644). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Dated: May 10, 2010.

Elaine Parry,
Director, Office of Program Services, SAMHSA.
[FR Doc. 2010-11550 Filed 5-13-10; 8:45 am]
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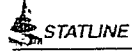
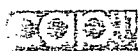
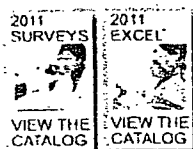
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[Login](#) [Help](#)[Forgot your User ID or Password?](#)**Laboratory Detail**

David Engelhart PhD
Omega Laboratories Inc
400 N Cleveland Ave
Mogadore, OH - 44260-1209
United States
First Accreditation Date: 09-09-2010

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EXHIBIT

A#: 5

FILE NO: 116129

CLIA ID
- change
for SAH SVI

CENTERS FOR MEDICARE & MEDICAID SERVICES
CLINICAL LABORATORY IMPROVEMENT AMENDMENTS
CERTIFICATE OF COMPLIANCE

LABORATORY NAME AND ADDRESS

OMEGA LABORATORIES INC
400 NORTH CLEVELAND AVENUE
MOGADORE, OH 44260

LABORATORY DIRECTOR

DAVID A ENGLEHART PHD

CLIA ID NUMBER

36D1009503

EFFECTIVE DATE

07/01/2009

EXPIRATION DATE

06/30/2011

Pursuant to Section 353 of the Public Health Services Act (42 U.S.C. 263a) as revised by the Clinical Laboratory Improvement Amendments (CLIA), the above named laboratory located at the address shown hereon (and other approved locations) may accept human specimens for the purposes of performing laboratory examinations or procedures.

This certificate shall be valid until the expiration date above, but is subject to revocation, suspension, limitation, or other sanctions for violation of the Act or the regulations promulgated thereunder.



Judith A. Yost

Judith A. Yost, Director
Division of Laboratory Services
Survey and Certification Group
Center for Medicaid and State Operations

U.S. Department of Health & Human Services
HHS.gov

Frequent Questions A-Z Index

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US Department of Health and Human Services Organizational Chart

HHS Organizational Chart - Text Version

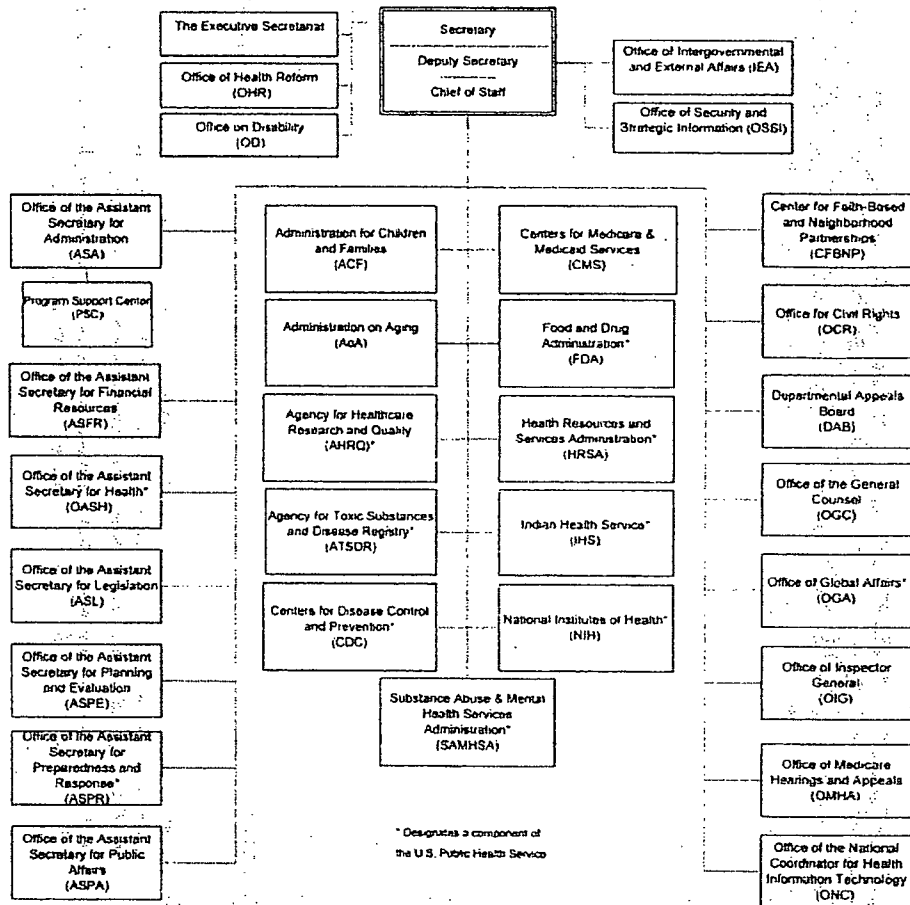
Select an Office below to see specific organizational charts.

Office of the Secretary Home Pages:

- Immediate Office of the Secretary
- Office for Intergovernmental and External Affairs (IEA) & Regional Directors
- Office of Assistant Secretary for Health (OASH) *
- Office of the Assistant Secretary for Administration (ASA)
- Office of the Assistant Secretary for Financial Resources (ASFR)
- Office of the Assistant Secretary for Planning and Evaluation (ASPE)
- Office of the Assistant Secretary for Preparedness and Response (ASPR)
- Office of the Assistant Secretary for Legislation (ASL)
- Office of the Assistant Secretary for Public Affairs (ASPA)
- Office of the General Counsel (OGC)
- Office of Medicare Hearings and Appeals (OMHA)
- Office for Civil Rights (OCR)
- Office of the Inspector General (OIG)
- Office of Global Affairs (OGA)
- Departmental Appeals Board (DAB)
- Office of the National Coordinator for Health Information Technology (ONC)
- Center for Faith-Based and Neighborhood Partnerships (CFBNP)
- Office on Disability (OD)

Operating Division Home Pages:

- Administration for Children and Families (ACF)
- Administration on Aging (AoA)
- Agency for Healthcare Research and Quality



* Designates a component of the U.S. Public Health Service

Text Version:

US Department of Health and Human Services Organization Chart - Text Version

The Office of the Secretary is directly supported by the Deputy Secretary, Chief of Staff, a number of Assistant Secretaries, Offices, and Operating Divisions.

The following Staff Offices report directly to the Secretary:

- Office for Intergovernmental and External Affairs (IEA)
 - IEA Home Page
 - IEA Organizational Chart
- Office of the Assistant Secretary for Health (ASH)
 - OASH Home Page

3/2

EXHIBIT

E# 2

FILE NO: 11612

- (AHRQ)
 - Agency for Toxic Substances and Disease Registry (ATSDR)
 - Centers for Disease Control and Prevention (CDC)
 - Centers for Medicare & Medicaid Services (CMS)
 - Food and Drug Administration (FDA)
 - Health Resources and Services Administration (HRSA)
 - Indian Health Service (IHS)
 - National Institutes of Health (NIH)
 - Substance Abuse and Mental Health Services Administration (SAMHSA)
 - OASH Organizational Chart
 - Office of the Assistant Secretary for Administration (ASA)
 - ASA Home Page
 - ASA Organizational Chart
 - Office of the Assistant Secretary for Financial Resources (ASFR)
 - ASFR Home Page
 - ASFR Organizational Chart
 - Office of the Assistant Secretary for Planning and Evaluation (ASPE)
 - ASPE Home Page
 - ASPE Mission & Organization
 - ASPE Organizational Chart
 - Office of the Assistant Secretary for Preparedness and Response (ASPR)*
 - ASPR Home Page (Public Health Emergency Site)
 - ASPR Organizational Chart
 - Office of the Assistant Secretary for Legislation (ASL)
 - ASL Home Page
 - ASL Divisions
 - ASL Organizational Chart
 - Office of the Assistant Secretary for Public Affairs (ASPA)
 - ASPA Home Page
 - ASPA Organizational Chart
 - Office of the General Counsel (OGC)
 - OGC Home Page
 - About OGC
 - Office of Medicare Hearings and Appeals (OMHA)
 - OMHA Home Page
 - About OMHA
 - OMHA Organizational Chart
 - Office for Civil Rights (OCR)
 - OCR Home Page
 - OCR Organizational Chart
 - Office of the Inspector General (OIG)
 - OIG Home Page
 - OIG Organization Chart
 - Office of Global Affairs (OGA)*
 - OGA Home Page
 - About OGA
 - Departmental Appeals Board (DAB)
 - DAB Home Page
 - DAB Organizational Chart
 - Office of the National Coordinator for Health Information Technology (ONC)
 - ONC Home Page
 - ONC Organizational Chart
 - Center for Faith-Based and Neighborhood Partnerships (CFBNP)
 - CFBNP Home Page
 - About CFBNP
 - Office of Disability (OD)
 - OD Home Page
- The following **Operating Divisions** report directly to the Secretary:
- Administration for Children and Families (ACF)
 - ACF Home Page
 - ACF Operational Structure
 - Administration on Aging (AoA)
 - AoA Home Page
 - AoA Organizational Chart

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- **Agency for Healthcare Research and Quality (AHRQ)**
 - [AHRQ Home Page](#)
 - [AHRQ Offices and Centers](#)
 - [AHRQ Organizational Chart \[PDF-140KB\]](#)
- **Agency for Toxic Substances and Disease Registry (ATSDR)***
 - [ATSDR Home Page](#)
 - [ATSDR Organizational Summary](#)
 - [ATSDR/National Center for Environmental Health Organizational Chart \[PDF-57KB\]](#)
- **Centers for Disease Control and Prevention (CDC)***
 - [CDC Home Page](#)
 - [CDC Organizational Chart](#)
- **Centers for Medicare & Medicaid Services (CMS)**
 - [CMS Home Page](#)
 - [CMS Organizational Chart](#)
- **Food and Drug Administration (FDA)***
 - [FDA Home Page](#)
 - [FDA Organization](#)
 - [FDA Organizational Chart \[PDF-19KB\]](#)
- **Health Resources and Services Administration (HRSA)***
 - [HRSA Home Page](#)
 - [HRSA Organizational Chart](#)
- **Indian Health Service (IHS)***
 - [IHS Home Page](#)
 - [IHS Organizational Chart](#)
- **National Institutes of Health (NIH)***
 - [NIH Home Page](#)
 - [NIH Organizational Chart](#)
- **Substance Abuse and Mental Health Services Administration (SAMHSA)***
 - [SAMHSA Home Page](#)
 - [SAMHSA Organizational Chart](#)

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U.S. Department of Health & Human Services - 200 Independence Avenue, S.W. - Washington, D.C. 20201

From: Reynolds, Meleah
Sent: Tuesday, May 04, 2010 3:58 PM
To: smyzell@scs.org
Cc: Reynolds, Meleah
Subject: Kim Legette - Employer Additional Response

153
A Court of A
volunteer

Sharon,

Thanks so much for following up on Mrs. Legette. With the number of teammates we employ in this heavy industrial facility, we have a zero tolerance for drugs and alcohol and we take the testing process very seriously. Everyone from our Plant Manager to the newest hourly teammate is subject to random testing. In our employee opinion surveys, this policy is one of the most highly approved policies as it helps to protect everyone's safety and ability to go home to their families at the end of the work day.

I have attached both tests: April 6, 2010 and April 15, 2010.

Mrs. Legette was randomly selected for a drug test and provided a hair sample on 4/6/10. This sample tested positive (1.25pg/mg).

Our practice at Nucor Steel Berkeley, as I mentioned over the phone, is to give our team member who tests positive the opportunity to tell their story. Any Nucor Teammate who tests positive and denies the 1st test results, which is already a confirmed positive result, is provided the opportunity to have a completely new test performed in-house. By accepting this option, the teammate understands that a second test does not look for levels above the administrative cut off levels as it does in the first test. The follow up test considers any trace element or limited detection amount.

For the type of drug Mrs. Legette tested positive on the first test, the limit of detection is 0.10. This means any level of that drug found in her system above 0.10 pg/mg is considered a positive test. Mrs. Legette requested a second test and her second sample was taken 4/15/10. The second test came back positive, 0.78pg/mg. As such Mrs. Legette was terminated for cause for violation of Nucor's drug and alcohol policy. A certified and trained Safety Department Teammate performed both the initial test on 4/6/10 and the follow up test on 4/15/10.

To summarize:

4/6/10 Random Test - hair sample taken from head.
 The sample was taken by Marg Grimm, Nurse Practitioner for Nucor Steel Berkeley.
 Confirmed Positive Result: 1.25 pg/mg
4/15/10 2nd Test - hair sample taken from head.
 The sample was taken by Marg Grimm, Nurse Practitioner for Nucor Steel Berkeley.
 Positive test result: 0.78 pg/mg

If you have any further questions, I'll be happy to arrange for Mike Furr, Health and Safety Director for Nucor Steel Berkeley, to speak with you by phone. His direct number is 843-336-6663. Thanks for your consideration. Nucor requests that Mrs. Legette be denied unemployment benefits.

Respectfully,

Meleah

EXHIBIT 2
E# 3
FILE NO: 11429

Melciah Reynolds, PHR
Human Resource Supervisor
Nucor Steel Berkeley
(843) 336-6668 ph
(843) 336-6176 fax

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South Carolina Employment Security Commission

FACT FINDING ATTACHMENT

Employer / Claimant Statements NUCOR CORPORATION

Claimant's Name KIMBERLY A LEGETTE

SSN [REDACTED]

Date 5/3/2010

Time 11:51:15 AM

Number Called 843-336-6000

Person contacted or left message with MELEAH REYNOLDS

Title of above person HUMAN RESOURCE MANAGER

Left message with above to have MELEAH REYNOLDS HR MGR call by 05/05/2010 AT 12 NOON
(Name / Title) (Date / Time)

or a decision would be made based on available information

Leave your name, title, agency name, claimant's name, SS#, time, date, and reason called

Dates Absent / Tardy / Early Departures _____

Warnings / Dates / Written or Verbal / Reasons _____

Final Incident / Date Meleah Reynolds, HRM stated she agreed with the

Company Policy test results in Feb 2010. There is no way it could be a

Other Comments 6.21 to "0" in ten days. Therefore she was reinstated. Each time a drug test was given, she was retested. We do not accept any

outside testing from the employees.

FFAT-1 June 1998 Computer Form

EXHIBIT

C#:1

FILE NO:1110129

SC Employment Comm

MAY 06 2010

Received Benefits Div

1105530

OMEGA
LABORATORIES

2835

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No. Accu-Diagnostics - North Charleston ID# 2835 1470 Hall Drive #A North Charleston, SC, 29405 Tel: 745-6132 FAX: (803) 745-6136	B. MRO Name, Address, Phone and Fax No.
C. Donor Name (Last, First, Middle)	
Donor SSN or Employee I.D. No. 	
D. Reason for Test: ☐ Pre-employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____	
E. Drug Tests to be Performed: ☒ Hair 5 Drug Panel ☐ Other (specify) _____	
F. Collection Site Address: Accu-Diagnostics - North Charleston ID# 2835 1470 Hall Drive #A North Charleston, SC, 29405 Tel: 745-6132 FAX: (803) 745-6136	

EXHIBIT

C#: 2

FILE NO: 1105530

STEP 2: COMPLETED BY COLLECTOR

☐ HEAD HAIR ☐ BODY _____	REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

X <u>[Signature]</u> Signature of Collector (PRINT) Collector's Name (First, MI, Last)	3:15 AM Time of Collection 7/7/2004 Date (Mo./Day/Yr.)	SPECIMEN RELEASED TO: COURIER Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB: X <u>[Signature]</u> Signature of Accessioner (PRINT) Accessioner's Name (First, MI, Last) 7/7/2004 Date (Mo./Day/Yr.)	Specimen Seal Intact ☐ Yes ☒ No, Enter Remark Below	SPECIMEN RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

X <u>[Signature]</u> Signature of Donor	(PRINT) Donor's Name (First, MI, Last)	Date (Mo./Day/Yr.)
Daytime Phone No. () () () () () ()	Evening Phone No. () () () () () ()	Date of Birth / / Mo. Day Yr.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED

REMARKS _____

X <u>[Signature]</u> Signature of Medical Review Officer	(PRINT) Medical Review Officer's Name (First, MI, Last)	Date (Mo./Day/Yr.)

COPY 5 - DONOR COPY



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Results of Controlled Substance Test

Batch ID: R0002385
Test Type: Random Selection - Primary
Specimen ID: 1105530

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 02/25/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 2/25/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances:

Marijuana(THC)Metabolite

THC Metabolite 6.21 pg/mg

EXHIBIT
E# 6,30p
FILE NO 1010377

1105539

12
OMEGA
Laboratories

2835

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No. AccuDiagnosics - North Charleston ID# 1035 2470 Oak Drive #A North Charleston, SC, 29406 843-745-6132 FAX: 843-745-6136	B. MRO Name, Address, Phone and Fax No.
C. Donor Name L e g e t t i e k i n b e r l y (Last, First, Middle)	
Donor SSN or Employee I.D. No. 5 7 5	
D. Reason for Test: ☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow-up ☒ Other (specify) <u>2nd Sample</u>	
E. Drug Tests to be Performed: ☒ Hair 5 Drug Panel ☐ Other (specify) _____	
F. Collection Site Address: AccuDiagnosics - North Charleston ID# 1035 2470 Oak Drive #A North Charleston, SC, 29406 843-745-6132 FAX: 843-745-6136	

EXHIBIT

C#: 3

FILE NO: 1105539

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR ☐ BODY _____	REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

X <u>[Signature]</u> Signature of Collector (PRINT) Collector's Name (First, MI, Last)	7:40 AM Time of Collection 3/5/10 Date (Mo./Day/Yr.)	SPECIMEN RELEASED TO: COUNCIL Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB: X _____ Signature of Accessioner (PRINT) Accessioner's Name (First, MI, Last)	1/1 Date (Mo./Day/Yr.)	Specimen Seal Intact ☐ Yes ☐ No, Enter Remark Below

SPECIMEN RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

X _____ Signature of Donor	_____ (PRINT) Donor's Name (First, MI, Last)	_____ Date (Mo./Day/Yr.)
Daytime Phone No. () _____	Evening Phone No. () _____	Date of Birth _____ Mo. Day Yr.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED

REMARKS _____

X _____ Signature of Medical Review Officer	_____ (PRINT) Medical Review Officer's Name (First, MI, Last)	_____ Date (Mo./Day/Yr.)

COPY 5 - DONOR COPY



2470 Mall Drive, Suite A
North Charleston, SC 29408
Phone: (843) 748-6132
Fax: (843) 748-6136

Results of Controlled Substance Test

Batch ID: 20100310
Test Type: Hair Analysis Screen
Specimen ID: 1105539

Participant: Kimberly A Legette
SSN:
Record Status: **Negative**

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

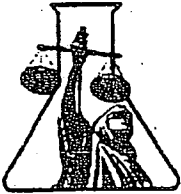
Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 03/05/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 3/5/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	Negative
Phencyclidine	Negative
Opiates	Negative

BEP ch, - William A

(C4)

LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett
Forensic Toxicology
Medical-Legal Services
 (843) 571-7488

P.O. Box 32391 Charleston, SC 29417

Client Demographics

Name: Kim Legette
 Address: Laurel Ridge
 N. Charleston, SC

SSN:
 DOB: 8/10/1961



Sex: F

Reason for Test: Client request

CONFIDENTIAL

Specimen Type: HAIR

Date of Test: 3/5/2010

Specimen ID No: 1165239

Time of Test: 1:03 PM

Results: **NEGATIVE**

Report Date: 3/9/2010

Comment: This test performed by Omega Laboratories, Inc., Mogadore, OH.

G-94

EXHIBIT

TEST

C#: 7

FILE NO: j1412 a

RESULTS

Amphetamine
 Methamphetamine
 MDMA (Ecstasy)
 Cocaine &/or Crack
 Cocaethylene (Cocaine with Alcohol)
 Marijuana (THC)
 Morphine (Opiate)
 Heroin (Opiate)
 Codeine (Opiate)
 Phencyclidine (PCP)

Negative
 Negative
 Negative
 Negative
 Negative
 Negative
 Negative
 Negative
 Negative
 Negative

INITIAL TEST LEVELS	CONFIRMATION TEST LEVELS

300 pg/mg	50 pg/mg
300 pg/mg	50 pg/mg
300 pg/mg	50 pg/mg
300 pg/mg	50 pg/mg
300 pg/mg	50 pg/mg
1 pg/mg	0.1 pg/mg
500 pg/mg	50 pg/mg
500 pg/mg	50 pg/mg
500 pg/mg	50 pg/mg
300 pg/mg	100 pg/mg

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a U.S. Government (SAMHSA) certified laboratory. A "Negative" test result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVES" are re-tested and confirmed positive by GC/MS assay at lower Test Levels. This forensic hair test includes detection of both parent drug and metabolites of Cocaine &/or Crack and both the parent drug and metabolite of Marijuana. The length of hair analyzed represents the most recent approximately three months, unless otherwise indicated. Segmental analysis of different time periods is available. A quantitative assessment of the results can be obtained by consultation with Dr. Bennett. The validity of this document can be confirmed by contacting Dr. Bennett at 571-7488.

Reviewed and Attested to by:

Dr. Robert Bennett

Robert M. Bennett, Ph.D., R.Ph., Forensic Toxicologist

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LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett
Forensic Toxicology
Medical-Legal Services
(843) 571-7488

P.O. Box 32391 Charleston, SC 29417

Client Demographics

Name: Kim Legette
 Address: Laurel Ridge
 Charleston, SC



SSN: _____

DOB: 8/10/1961

Sex: F

Reason for Test: Client request

Specimen Type: URINE

Specimen ID No: V10855080

Results: **NEGATIVE**

CONFIDENTIAL

Date of Test: 3/5/2010

Time of Test: 1:20 PM

Report Date: 3/9/2010

TEST	RESULTS	INITIAL	CONFIRMATION
		TEST LEVELS	TEST LEVELS
Amphetamine	Negative	300 ng/ml	300 ng/ml
Methamphetamine	Negative	300 ng/ml	300 ng/ml
Cocaine &/or Crack	Negative	150 ng/ml	150 ng/ml
Marijuana (THC)	Negative	20 ng/ml	10 ng/ml
Barbiturates (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Benzodiazepines (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Propoxyphene (Prescription drug)	Negative	300 ng/ml	150 ng/ml
Methadone	Negative	300 ng/ml	150 ng/ml
Methaqualone	Negative	300 ng/ml	150 ng/ml
Codeine (Opiate)	Negative	300 ng/ml	300 ng/ml
Morphine (Opiate)	Negative	300 ng/ml	300 ng/ml
Hydrocodone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Hydromorphone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Oxycodone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Oxymorphone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Heroin (Opiate)	Negative	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	Negative	25 ng/ml	25 ng/ml
URINE CHECK		NORMAL RANGE	
Temperature	Normal	90° - 100° F	
Creatinine	Normal	> 20 mg/dl	
Specific Gravity	Normal	1.003 - 1.019	
pH	Normal	4.5 - 8.9	
Color	Normal	Amber yellow	
Clarity	Normal	Transparent	
Adulterants	Negative	None	

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a U.S. Government certified laboratory. A "Negative" test result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVES" are re-tested and confirmed positive by GC/MS assay. Specimen collection is observed/monitored to prevent substitution or dilution.

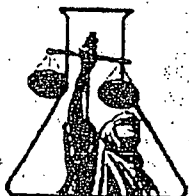
Reviewed and Attested to by:

Dr. Robert Bennett

Robert M. Bennett, Ph.D., R.Ph. Forensic Toxicologist

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LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett
Forensic Toxicology
Medical-Legal Services
(843) 571-7488

P.O. Box 32391 Charleston, SC 29417

Client Demographics

Name: Kim Legette
 Address: Laurel Ridge
 N. Charleston, SC

SSN:
 DOB: 8/10/1961



Sex: F

Reason for Test: Client request

Specimen Type: HAIR
 Specimen ID No: 1165197
 Results: **NEGATIVE**

CONFIDENTIAL

Date of Test: 4/13/2010
 Time of Test: 10:40 AM
 Report Date: 4/16/2010

Comment: This test performed by Omega Laboratories, Inc., Mogadore, OH.

TEST	RESULTS	INITIAL TEST LEVELS	CONFIRMATION TEST LEVELS
Amphetamine	Negative	300 pg/mg	50 pg/mg
Methamphetamine	Negative	300 pg/mg	50 pg/mg
MDMA (Ecstasy)	Negative	300 pg/mg	50 pg/mg
Cocaine &/or Crack	Negative	300 pg/mg	50 pg/mg
Cocaethylene (Cocaine with Alcohol)	Negative	300 pg/mg	50 pg/mg
Marijuana (THC)	Negative	300 pg/mg	50 pg/mg
Morphine (Opiate)	Negative	1 pg/mg	0.1 pg/mg
Heroin (Opiate)	Negative	500 pg/mg	50 pg/mg
Codeine (Opiate)	Negative	500 pg/mg	50 pg/mg
Phencyclidine (PCP)	Negative	500 pg/mg	50 pg/mg
		300 pg/mg	100 pg/mg

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a U.S. Government (SAMHSA) certified laboratory. A "Negative" test result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVES" are re-tested and confirmed positive by GC/MS assay at lower Test Levels. This forensic hair test includes detection of both parent drug and metabolites of Cocaine &/or Crack and both the parent drug and metabolite of Marijuana. The length of hair analyzed represents the most recent approximately three months, unless otherwise indicated. Segmental analysis of different time periods is available. A quantitative assessment of the results can be obtained by consultation with Dr. Bennett. The validity of this document can be confirmed by contacting Dr. Bennett at 571-7488.

Reviewed and Attested to by: Dr. Robert Bennett

Robert M. Bennett, Ph.D., R.Ph., Forensic Toxicologist

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S. C. DEPARTMENT OF EMPLOYMENT & WORKFORCE
631 Hampton Street, Room 350, Columbia, S.C.

HEARINGS BEFORE THE APPELLATE PANEL

The Appellate Panel is a Board of Review and is limited to the record on appeal

- **Appellant** - person filing appeal will be heard first and is allowed 10 minutes
- **Appellee** - opposing party is allowed 10 minutes to present their case
- Appellant is then allowed 5 minutes for a rebuttal
- Appellant Panel may ask questions of either party

A written decision will be mailed to all parties as soon as possible after deliberation by the Appellate Panel.

Appellate Panel proceedings are confidential and recordings are not permitted during the Panel hearings.

- **Please allow additional time for parking.** The orange spaces marked Visitors on Wayne Street and in the parking lot of the Local Office at the corner of Wayne and Hampton Streets are available for parking. As you enter the building, you will be required to register with the Security Officer and he will direct you to Hearing Room 350 on the third floor of the C. Lem Harper Building.
- **IMPORTANT - It is suggested that you report to Hearing Room 350 in the C. Lem Harper Building ten minutes prior to the designated time of your hearing as all hearings will begin promptly as scheduled.** The C. Lem Harper Building is the three-story building at the corner of Wayne and Hampton Streets.

**NO CELL PHONES OR SMALL CHILDREN
ARE PERMITTED IN THE HEARING ROOM**

Revised 3/7/11

DIRECTIONS TO THE HARPER BUILDING FOR
APPELLATE PANEL HEARINGS
PARKING AND ENTRANCE ON WAYNE STREET

I-20 West from Florence, SC - turn off at SC 277 (Exit 73) towards Columbia. Stay on this freeway which becomes Bull Street. Follow Bull Street until it intersects with Taylor Street. Turn right on Taylor Street and proceed across Assembly Street and Gadsden Street (first light after Assembly). One block after Gadsden Street, take a left at the top of the hill at the next intersection onto Wayne Street. The Harper Building will be on the right at the corner of Wayne and Hampton.

I-20 East from N. Augusta, SC - turn off at Exit 64 (I-26 and I-126 to Columbia) and exit right onto Huger Street. Turn left onto Hampton Street and cross a bridge over a railroad and take the next left onto Wayne Street. The Harper Building is on the corner of Wayne and Hampton.

I-26 East from Spartanburg, SC - follow I-126/US 76 toward downtown Columbia and exit right onto Huger Street. Turn left onto Hampton Street and cross a bridge over a railroad and take the next left onto Wayne Street. The Harper Building is on the corner of Wayne and Hampton.

I-26 West from Charleston, SC - take the exit 111-B (US 1) and continue until you see the Congaree River. The street name changes from Meeting Street to Gervais Street after you cross the bridge. After the State Museum, take a left onto Huger Street. Proceed to the next traffic light and take a right onto Hampton Street. Cross a bridge over a railroad and take a left onto Wayne Street. The Harper Building is on the corner of Wayne and Hampton.

US 76/378 from Sumter, SC - US 76/378 will change from Sumter Highway to Garners Ferry Road to Devine Street. Devine Street will intersect with Harden Street at Five Points. Turn right onto Harden Street and follow Harden Street until you reach Taylor Street. Turn left onto Taylor Street. You will cross Assembly and Gadsden (first light after Assembly Street). One block after Gadsden Street, take a left at the top of the hill at the next intersection onto Wayne Street. The Harper Building will be on the right at the corner of Wayne and Hampton.

I-77 from Charlotte, NC - exit onto SC 277 towards Columbia. Stay on this freeway which becomes Bull Street. Follow Bull Street until it intersects with Taylor Street. Turn right on Taylor Street and proceed until you cross Assembly Street and then Gadsden Street (first light after Assembly). One block after Gadsden Street, take a left at the top of the hill at the next intersection onto Wayne Street. The Harper Building will be on the right at the corner of Hampton and Wayne.

2

Docket No. 10-ALJ-22-0938-AP

Kim A. Legette
517 Laurel Ridge Rd.
N. Charleston, SC 29418

Jessica Chesley
Jessica Chesley

Notary Public for South Carolina
My Commission Expires: 5/31/2012

ROA 542

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
UNEMPLOYMENT INSURANCE DIVISION
DISCHARGE FOR CAUSE
FACT FINDING

Effective Date of Issue 04-18-10	
Type of Claim	
New ☒	Add ☐
Trans ☐	Rein ☐
Cont ☐	
BYE 04-17-11	

L O No 1800

CLAIMANT'S NAME KIMBERLY A LEGETTE SOCIAL SECURITY NUMBER

1 Most recent BONA FIDE employer (Name of Company) NUCOR CORPORATION
Address of Company P O BOX 2259 MT PLEASANT SC 29465 Telephone No of Company 843-336-6000
Name of individual at Company to contact for more information MELEAH REYNOLDS HUMAN RESOURCE SUPERVISOR

2 Dates of employment with this company beginning 08-23-98 ending 04-15-10
Hours worked from 7AM to 5 30PM or which shift for 4 days per week
Ending salary \$ 940 00 per WEEK Occupation COLD MILL SCHEDULER

3 CLAIMANT'S STATEMENT

a I was discharged by (Name of Person) GIF DAUTHRIDGE Title GENERAL MGR

Because (Include reason for discharge on that particular day) ON 042210 DUE TO TESTING POSITIVE ON A DRUG TEST THE DRUG TEST WAS ADMINISTERED ON 041510 THE TEST ON 041510 WAS A RETEST FROM 040810 THIS WAS A RANDOM DRUG TEST ON 040610 THE TEST RESULTS CAME BACK POSITIVE FOR MARIJUNIA I KNOW I AM NOT A DRUG USER I IMMEDIATELY ASKED FOR A RETEST THIS WAS ADMINISTERED ON 041510 THIS CAME BACK POSITIVE I IMMEDIATELY WENT TO A DOCTOR TO HAVE THE SAME TEST ADMINISTERED WITHIN ONE HOUR OF EACH OTHER THE TEST RESULTS CAME BACK NEGATIVE ON 041210 NUCOR WAS USING OMEGA LABORATORY TO DO THE TESTING, BUT THEY USE INDIVIDUALS FROM THE SAFETY DEPARTMENT TO TAKE THE SAMPLES THE DOCTOR THAT I WENT TO USED OMEGA LABORATORIES FOR ALL THE RETAKES ALL THE RETAKES WERE NEGATIVE I HAVE HAD FOUR DRUG TEST ADMINISTERED SINCE FEBRUARY 2010 ALL THE DRUG TEST THAT WERE ADMINISTERED BY NUCOR CAME BACK POSITIVE EXCEPT FOR THE FIRST RETEST 022510 THE FIRST DRUG TEST CAME BACK POSITIVE BECAUSE IT WAS NOT COLLECTED/ ADMINISTRATED CORRECTLY THE RETEST CAME BACK NEGATIVE I WAS INFORMED BY MY DOCTOR THAT IT WAS NOT POSSIBLE FOR IT TO GO FROM 6 21 TO 0 IN 10 DAYS AT THAT TIME NUCOR ACCEPTED THE NEGATIVE AND I WENT BACK TO WORK THERE ARE A LOT OF DISCREPANCIES WITH THIS CASE I HAVE AN ATTORNEY IN THIS MATTER PLEASE SEE ATTACHED DOCUMENTATION FROM CLAIMANT

b If you were discharged for violation of a company rule please explain rule and violation NO COMPANY RULE WAS VIOLATED

c Has your employer ever warned you about the condition causing your discharge? Yes ☐, No ☒

If "Yes," when were you warned (Dates) and by whom? NO WARNINGS

d Did you discuss your discharge with your employer? Yes ☐, No ☒ If "Yes," with whom

What were the results of this discussion? I INFORMED THEM I WAS NOT DOING AN EXIT INTERVIEW I KNEW I HAD NOT DONE ANY THING TO CAUSE ME TO BE TERMINATION I WILL PROVE THIS IN MY COURT CASE

4 CLAIMANT'S CERTIFICATION I certify that the information stated herein is true I understand that the Law prescribes penalties for false statements for the purpose of securing benefits to which I am not entitled

CLAIMANT'S SIGNATURE Kimberly Legett DATE 05-03-10

5 INTERVIEWER'S STATEMENT Employer reply received? Yes ☒, No ☐ (If "Yes," all the employer's allegations not covered in the claimant's initial statement must be presented to the claimant for rebuttal in item 7. If "No," or information was not adequate was employer contacted to obtain adequate information? Yes ☒, No ☐ If "NO," give date of attempt(s) to contract and explain

INTERVIEWER'S SIGNATURE D Myrell DATE OF REPORT 05-03-10

SC Employment Comm

MAY 06 2010

Received Benefits Div

Myzell, Sharon E

From Reynolds, Meleah [Meleah Reynolds@nucor.com]
Sent Tuesday, May 04, 2010 3:58 PM
To Myzell, Sharon E
Cc Reynolds, Meleah
Subject Kim Legette - Employer Additional Response
Attachments Legette, Kim 4-15-10 Test pdf, Legette, Kim 4-6-10 Test pdf

Sharon,

Thanks so much for following up on Mrs. Legette. With the number of teammates we employ in this heavy industrial facility, we have a zero tolerance for drugs and alcohol and we take the testing process very seriously. Everyone from our Plant Manager to the newest hourly teammate is subject to random testing. In our employee opinion surveys, this policy is one of the most highly approved policies as it helps to protect everyone's safety and ability to go home to their families at the end of the work day.

I have attached both tests: April 6, 2010 and April 15, 2010.

Mrs. Legette was randomly selected for a drug test and provided a hair sample on 4/6/10. This sample tested positive (1.25 pg/mg).

Our practice at Nucor Steel Berkeley, as I mentioned over the phone, is to give our team member who tests positive the opportunity to tell their story. Any Nucor Teammate who tests positive and denies the 1st test results, which is already a confirmed positive result, is provided the opportunity to have a completely new test performed in-house. By accepting this option, the teammate understands that a second test does not look for levels above the administrative cut-off levels as it does in the first test. The follow-up test considers any trace element or limited detection amount.

For the type of drug Mrs. Legette tested positive on the first test, the limit of detection is 0.10. This means any level of that drug found in her system above 0.10 pg/mg is considered a positive test. Mrs. Legette requested a second test and her second sample was taken 4/15/10. The second test came back positive, 0.78 pg/mg. As such, Mrs. Legette was terminated for cause for violation of Nucor's drug and alcohol policy. A certified and trained Safety Department Teammate performed both the initial test on 4/6/10 and the follow-up test on 4/15/10.

To summarize:

4/6/10	Random Test - hair sample taken from head The sample was taken by Marg Grimm, Nurse Practitioner for Nucor Steel Berkeley Confirmed Positive Result: 1.25 pg/mg
4/15/10	2 nd Test - hair sample taken from head The sample was taken by Marg Grimm, Nurse Practitioner for Nucor Steel Berkeley Positive test result: 0.78 pg/mg

If you have any further questions, I'll be happy to arrange for Mike Furr, Health and Safety Director for Nucor Steel Berkeley, to speak with you by phone. His direct number is 843-336-6663. Thanks for your consideration. Nucor requests that Mrs. Legette be denied unemployment benefits.

Respectfully,

Meleah

Meleah Reynolds PHR

SC Employment Comm

MAY 06 2010

Received Benefits Div

5/4/2010



Human Resource Supervisor
Nucor Steel Berkeley
(813) 336-6668 ph
(813) 336-6176 fax

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SC Employment Comm

MAY 05 2010

Received Benefits Div

5/4/2010

2
ROA 545

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name) Kimberly Leggett
Hereby consent to the taking of N/A Urine N/A Breath Ka Hair
Or N/A blood specimen(s) I further consent to and authorize these samples to be sent to Laboratories such
as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing I understand and authorize these
Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director I do understand that,
I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be
subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook The execution of this
consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse

Date 4-15-10 Signature of Employee / Applicant Kimberly Leggett

Employee Number 0575

Date 4-15-2010 Signature of Witness Margaret C. Gammara

Urine Results N/A

Breath Results A

Mike Farr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

SQ Employment Comm

MAY 06 2010

Received Benefits Div

4/30/07
Rev 3

NON FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

OMEGA (330) 628-5748
(800) 605-5569
Fax (330) 628-5003

1151575

2835

STEP 1 COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A Requesting Agency I D No APC Point North Charleston ID # 2235 2470 Mail Drive #A North Charleston SC 29406 843 745 1113 FAX 843 745 0114	B MRO Name Address Phone and Fax No
C Donor Name <u>Leggett, Kimberly</u> (Last First Middle)	
Donor SSN or Employee I D No <u>0575</u>	
D Reason for Test ☐ Pre employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☒ Follow up ☐ Other (specify) _____	
E Drug Tests to be Performed ☒ Hair 5 Drug Panel ☐ Other (specify) _____ Level of detection requested	
F Collection Site Address APC Point North Charleston ID # 2235 2470 Mail Drive #A North Charleston SC 29406 843 745 1113 FAX 843 745 0114	

STEP 2 COMPLETED BY COLLECTOR

☒ HEAD HAIR ☐ BODY _____	REMARKS

STEP 3 Collector affixes seal to pouch Donor initials and dates seal Donor completes STEP 5

STEP 4 CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.		
<u>Margaretta C Grimm</u> Signature of Collector <u>Margaretta C Grimm</u> (PRINT) Collector's Name (First MI Last)	<u>9:15 AM</u> Time of Collection <u>4/15/2010</u> Date (Mo./Day/Yr)	SPECIMEN RELEASED TO <u>CORRECT</u> Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION FOR LABORATORY USE ONLY

RECEIVED AT LAB <u>X</u> Signature of Accessioner (PRINT) Accessioner's Name (First MI Last)	Date (Mo./Day/Yr)	SPECIMEN RELEASED TO Specimen Seal Intact ☐ Yes ☐ No Enter Remark Below

STEP 5 COMPLETED BY DONOR

I certify that I provided my specimen to the collector that I have not adulterated it in any manner the specimen used was sealed with a tamper evident seal in my presence and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.		
<u>X</u> Signature of Donor (PRINT) Donor's Name (First MI Last)	Date (Mo./Day/Yr)	Date of Birth
Daytime Phone No <u>843 745 1113</u>	Evening Phone No <u>843 745 1113</u>	Date of Birth <u>1/1/41</u> Mo Day Yr

STEP 6 COMPLETED BY MEDICAL REVIEW OFFICER PRIMARY SPECIMEN

In accordance with applicable requirements my determination/verification is ☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED REMARKS _____ <u>X</u> Signature of Medical Review Officer	SC Employment Comm. MAY 06 2010 Received Benefits Div (PRINT) Medical Review Officer's Name (First MI Last) Date (Mo./Day/Yr)

COPY 3 COLLECTOR COPY

Drug Testing Procedure for Random Drug Screens

Please answer yes, no, or N/A, to the following questions. Then sign your name to verify the following procedures took place.

- 1 Did the Safety Department employee explain the consent form? Yes
- 2 Did the Safety Department employee explain that the hair sample could come from the head, leg, arm, underarm, or other area? Yes
- 3 Did the Safety Department employee clean the scissors with an alcohol wipe before taking hair sample? Yes
- 4 Did the Safety Department employee seal the hair envelope and then have you sign your initials to verify that your hair sample was placed into the envelope? Yes
- 5 If your hair sample came from your pubic region, did the Safety Department employee witness that it came from you? NO
- 6 Did the Safety Department employee require you to witness the sealing of the pouch with your hair sample inside? Yes
- 7 Did the Safety Department employee give you a copy of the test? Yes

Signature of employee

Kimberly Reptis

Date

4-15-10

Signature of Collector

Margaretta C. Brown

Date

4-15-10

SC Employment Comm

MAY 06 2010

Received Benefits Div



2470 Mall Drive, Suite A
North Charleston, SC 29405
Phone (843) 746-6132
Fax: (843) 745-6136

Results of Controlled Substance Test

Batch ID 20100421
Test Type Expedited Confirmation
Specimen ID 1151575

Participant Kimberly A Legette
SSN
Record Status **Positive**

ATTENTION

Margaretta Gnm
Nucor Steel Berkeley
1455 Hagan Avenue
Huger SC 29450

Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 04/15/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkeley
Laboratory Omega Laboratories
400 N Cleveland St
Morgadore OH
Date COC Received 4/15/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances

Marijuana/Metabolite

THC- Metabolite 0.78 pg/mg

Test was performed as a Limit of Detection Test That tests all 5 major drug classes using the lower cutoff values than the standard test. The cutoff for this test for Marijuana/Metabolite is 0.10 pg/mg

SC Employment Comm

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This was printed on 4/21/2010 at 1:15:12PM

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name) Kimberly LeyeHe
Hereby consent to the taking of N/A Urine N/A Breath Kel Hair
Or N/A blood specimen(s) I further consent to and authorize these samples to be sent to Laboratories such
as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing I understand and authorize these
Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director I do understand that
I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be
subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook The execution of this
consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse

Date 4-6-10 Signature of Employee / Applicant Kimberly LeyeHe

Employee Number 0575

Date 4-6-10 Signature of Witness Margaret C Grimm ALN

Urine Results N/A

Breath Results N/A

Mike Furr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

SC Employment Comm

MAY 06 2010

Received Benefits Div

4/30/07
Rev 3

NON FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

1151548

OMEGA LABORATORY
(330) 628 5748
(800) 665 5569
Fax (330) 628 5803

2835

STEP 1 COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A Requesting Agency, ID No ARCP Int North Charleston ID# 2835 2470 Mall Drive #A North Charleston, SC 29406 (843) 745 6132 FAX (843) 745 6130	B MRO Name Address Phone and Fax No
C Donor Name <u>Leggett Kimberly</u> (Last First Middle)	
Donor SSN or Employee ID No <u>0505</u>	
D Reason for Test ☐ Pre employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow up ☐ Other (specify) _____	
E Drug Tests to be Performed ☒ Hair 5 Drug Panel ☐ Other (specify) _____	
F Collection Site Address ARCP Int North Charleston ID# 2835 2470 Mall Drive #A North Charleston SC 29406 (843) 745 6132 FAX (843) 745 6130	

STEP 2 COMPLETED BY COLLECTOR

☒ HEAD HAIR ☐ BODY _____	REMARKS

STEP 3 Collector affixes seal to pouch Donor initials and dates seal Donor completes STEP 5

STEP 4 CHAIN OF CUSTODY INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements. <u>X</u> <u>Marceline</u> <u>Winn</u> <u>3:50 AM</u> Signature of Collector Time of Collection <u>Marceline Winn</u> <u>4/6/10</u> (PRINT) Collector's Name (First MI Last) Date (Mo/Day/Yr)	SPECIMEN RELEASED TO <u>CRUISE</u> Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION FOR LABORATORY USE ONLY

RECEIVED AT LAB <u>X</u> _____ Signature of Accessioner _____ (PRINT) Accessioner's Name (First MI Last) Date (Mo/Day/Yr)	Specimen Seal Intact ☐ Yes ☒ No Enter Remark Below	SPECIMEN RELEASED TO

STEP 5 COMPLETED BY DONOR

I certify that I provided my specimen to the collector that I have not adulterated it in any manner the specimen used was sealed with a tamper evident seal in my presence and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct			
<u>X</u> <u>Marceline Winn</u> Signature of Donor	<u>Kimberly Leggett</u> (PRINT) Donor's Name (First MI Last)	<u>4-6-10</u> Date (Mo/Day/Yr)	_____ Date of Birth Mo Day Yr
Daytime Phone No () _____	Evening Phone No () <u>707</u>		

STEP 6 COMPLETED BY MEDICAL REVIEW OFFICER PRIMARY SPECIMEN

In accordance with applicable requirements my determination/verification is ☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED REMARKS _____ <u>X</u> _____ Signature of Medical Review Officer	SC Employment Comm MAY 06 2010 Received Benefits Div _____ (PRINT) Medical Review Officer's Name (First MI Last) Date (Mo/Day/Yr)

COPY 3 COLLECTOR COPY

Drug Testing Procedure for Random Drug Screens

Please answer yes, no, or N/A, to the following questions. Then sign your name to verify the following procedures took place

- 1 Did the Safety Department employee explain the consent form? yes
- 2 Did the Safety Department employee explain that the hair sample could come from the head, leg, arm, underarm, or other area? yes
- 3 Did the Safety Department employee clean the scissors with an alcohol wipe before taking hair sample? yes
- 4 Did the Safety Department employee seal the hair envelope and then have you sign your initials to verify that your hair sample was placed into the envelope? yes
- 5 If your hair sample came from your pubic region, did the Safety Department employee witness that it came from you? no
- 6 Did the Safety Department employee require you to witness the sealing of the pouch with your hair sample inside? yes
- 7 Did the Safety Department employee give you a copy of the test? yes

Signature of employee

Kendrick Payton

Date

4-6-10

Signature of Collector

M. Comm

Date

4-6-10

SC Employment Comm

MAY 06 2010

Received Benefits Div



2478 Mall Drive, Suite A
North Charleston, SC 29406
Phone (843) 746-6132
Fax (843) 746-6138

Results of Controlled Substance Test

Batch ID R0002441
Test Type Random Selection - Primary
Specimen ID 1151548

Participant Kimberly A. Legette
SSN
Record Status Positive

ATTENTION

Margaretta Gnm
Nucor Steel Berkeley
1455 Hagan Avenue
Huger SC 29450

Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 04/06/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkeley
Laboratory Omega Laboratories
400 N Cleveland St
Morgantown OH
Date COC Received 4/6/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances

Marijuana/Metabolite 1.25 pg/mg

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This was printed on 4/14/2010 at 5:22:00PM



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone (843) 745-6132
Fax (843) 745-6136

Results of Controlled Substance Test

Batch ID R0002385
Test Type Random Selection - Primary
Specimen ID 1105530

Participant Kimberly A Legette
SSN
Record Status **Positive**

ATTENTION

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 02/25/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkley
Laboratory Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received 2/25/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Manjuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances,

Manjuana(THC)Metabolite

THC Metabolite 6 21 pg/mg

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MAY 06 2010
Received Benefits Div



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone (843) 745-6132
Fax (843) 745-6136

Results of Controlled Substance Test

Batch ID 20100310
Test Type Hair Analysis Screen
Specimen ID 1105539

Participant Kimberly A Legette
SSN
Record Status **Negative**

ATTENTION

Scott Deerng
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

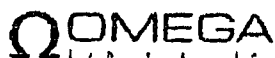
Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 03/05/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkley
Laboratory Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received 3/5/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	Negative
Phencyclidine	Negative
Opiates	Negative

SC Employment Comm

MAY 16 2010

Received Benefits Div



Requesting Agency
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone 843-745-6132

LAN# 767575
Specimen ID 1105539
Reason For Test Other
Date Collected 3/5/2010
Date Received 3/8/2010
Date Reported 3/8/2010

Donor ID Legette, Kimberly SSN/ID 575

Test(s) Requested **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes
These include

Amphetamines - Amphetamine, Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine, Morphine, Heroin Metabolite

Phencyclidine (PCP)

THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off	Confirmation Cut off
		<i>picograms per milligram of Hair</i>	<i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Negative	100 pg/mg	0.30 pg/mg

Hair 5 Drug Panel Test Result(s)

Negative

A negative result indicates that none of the drugs listed above were detected at a concentration greater than their listed cutoff levels

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

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MAY 06 2010

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Dave Engelhart, Ph D
Laboratory Director

Certified By Tim Prots
Omega Result Report REV 12 09

Omega Laboratories, Inc - 400 N Cleveland Ave - Mogadore, OH 44260

Page 1 of 1

LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett

**Forensic Toxicology
Medical-Legal Services**

(843) 571-7488

P O Box 32391 Charleston, SC 29417

Client Demographics

Name **Kim Legette**

Address **Laurel Ridge**

N Charleston, SC

SSN

DOB **8/10/1961**

Sex **F**



Reason for Test Client request
Specimen Type **URINE**
Specimen ID No **V10855080**
Results **NEGATIVE**

CONFIDENTIAL

Date of Test **3/5/2010**

Time of Test **1 20 PM**

Report Date **3/9/2010**

<u>TEST</u>	<u>RESULTS</u>	<u>INITIAL TEST LEVELS</u>	<u>CONFIRMATION TEST LEVELS</u>
Amphetamine	Negative	300 ng/ml	300 ng/ml
Methamphetamine	Negative	300 ng/ml	300 ng/ml
Cocaine &/or Crack	Negative	150 ng/ml	150 ng/ml
Marijuana (THC)	Negative	20 ng/ml	10 ng/ml
Barbiturates (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Benzodiazepines (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Propoxyphene (Prescription drug)	Negative	300 ng/ml	150 ng/ml
Methadone	Negative	300 ng/ml	150 ng/ml
Methaqualone	Negative	300 ng/ml	150 ng/ml
Codeine (Opiate)	Negative	300 ng/ml	300 ng/ml
Morphine (Opiate)	Negative	300 ng/ml	300 ng/ml
Hydrocodone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Hydromorphone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Oxycodone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Oxymorphone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Heroin (Opiate)	Negative	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	Negative	25 ng/ml	25 ng/ml
<u>URINE CHECK</u>	<u>RESULTS</u>	<u>NORMAL RANGE</u>	
Temperature	Normal	90° - 100° F	
Creatinine	Normal	> 20 mg/dl	
Specific Gravity	Normal	1.003 - 1.019	
pH	Normal	4.5 - 8.9	
Color	Normal	Amber yellow	
Clarity	Normal	Transparent	
Adulterants	Negative	None	

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a U.S. Government certified laboratory. A negative result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVES" are re-tested and confirmed positive by GC/MS assay. Specimen collection is observed/monitored to prevent substitution or dilution.

Reviewed and Attested to by

Dr. Robert Bennett

Robert M. Bennett, Ph.D., R.Ph. Forensic Toxicologist

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MAY 06 2010

CONFIDENTIALITY NOTICE: This information has been disclosed to you from records protected by Federal confidentiality rules (42 CFR part 2). The Federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The Federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

2835

ROA 558

PRESS HARD - YOU ARE MAKING MULTIPLE COPIES

16

1151548



OMEGA

 Laboratories

2835

STEP 1 COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A Requesting Agency, ID No

B MRO Name, Address, Phone and Fax No

ARCpoint North Charleston ID# 2835
 2470 Mail Drive #A
 North Charleston, SC, 29406
 843-745-6112
 FAX 1-843-745-6136

C Donor Name

Leggett Kimberly
 (Last First Middle)

Donor SSN or Employee ID No

0575

D Reason for Test

☐ Pre employment☒ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☐ Follow up☐ Other (specify) _____

E Drug Tests to be Performed

☒ Hair 5 Drug Panel☐ Other (specify) _____

F Collection Site Address

ARCpoint - North Charleston ID# 2835
 2470 Mail Drive #A
 North Charleston, SC, 29406
 843-745-6112
 FAX 1-843-745-6136

STEP 2 COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3 Collector affixes seal to pouch Donor initials and dates seal Donor completes STEP 5

STEP 4 CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

X Macarrett 350 AM
 Signature of Collector Time of Collection
Macarrett 4/6/10
 (PRINT) Collector's Name (First, MI, Last) Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO

COURT

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION FOR LABORATORY USE ONLY

RECEIVED AT LAB

X

Signature of Accessioner

(PRINT) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.)

Specimen Seal Intact

☐ Yes☐ No Enter Remark Below

SPECIMEN RELEASED TO

STEP 5 COMPLETED BY DONOR

I certify that I provided my specimen to the collector that I have not adulterated it in any manner the specimen used was sealed with a tamper-evident seal in my presence and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct

X Macarrett
 Signature of Donor

(PRINT) Donor's Name (First MI Last)

Date (Mo./Day/Yr.)

Daytime Phone No ()

Evening Phone No ()

Date of Birth / /

Mo Day Yr

STEP 6 COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

SC Employment Comm

In accordance with applicable requirements, my determination/verification is

☐ NEGATIVE☐ POSITIVE☐ TEST CANCELLED

MAY 06 2010

Received Benefits Div

KS

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First MI Last)

Date (Mo./Day/Yr.)

COPY 5 - DONOR COPY

1105539

2835

STEP 1 COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

Requesting Agency, I D No

B MRO Name, Address Phone and Fax No

AccuDiagnosics - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX 1-843-745-6136

Donor Name

Leggett Kimberly
 (Last First Middle)

Donor SSN or Employee I D No

575
 (Last First Middle)

Reason for Test

☐ Pre employment☐ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☐ Follow up☒ Other (specify)

2nd Sample / Test

Drug Tests to be Performed

☒ Hair 5 Drug Panel☐ Other (specify)

Collection Site Address

AccuDiagnosics North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX 1 843 745-6136

STEP 2 COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3 Collector affixes seal to pouch Donor initials and dates seal Donor completes STEP 5

STEP 4 CHAIN OF CUSTODY INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor, identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements

X 2/1/10
 Signature of Collector

7:40 AM
 Time of Collection

SPECIMEN RELEASED TO

COURIER

(PRINT) Collector's Name (First MI Last)

Date (Mo/Day/Yr)

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION FOR LABORATORY USE ONLY

RECEIVED AT LAB

X

Signature of Accessioner

(PRINT) Accessioner's Name (First MI Last)

Date (Mo/Day/Yr)

Specimen Seal Intact

☐ Yes☐ No, Enter Remark Below

SPECIMEN RELEASED TO

STEP 5 COMPLETED BY DONOR

I certify that I provided my specimen to the collector that I have not adulterated it in any manner the specimen used was sealed with a tamper-evident seal in my presence and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct

X 2/1/10
 Signature of Donor

(PRINT) Donor's Name (First MI Last)

Date (Mo/Day/Yr)

Daytime Phone No

Evening Phone No

Date of Birth

Mo Day Yr

STEP 6 COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

SC Employment Comm

In accordance with applicable requirements, my determination/verification is

☐ NEGATIVE☐ POSITIVE☐ TEST CANCELLED

MAY 06 2010

REMARKS

Received Benefits Div

X

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First MI Last)

Date (Mo/Day/Yr)

COPY 5 - DONOR COPY

1105530



2835

EP 1 COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A Requesting Agency, I D No AccuDiagnosics - North Charleston ID# 2035 2470 Mall Drive #A North Charleston, SC, 29406 843-745-6132 FAX 1 843-745-6136	B MRO Name, Address, Phone and Fax No
C Donor Name L - - - - - (Last First, Middle)	
Donor SSN or Employee I D No 1 0 7 5	
D Reason for Test ☐ Pre employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident ☐ Return to Duty ☐ Follow up ☐ Other (specify) _____	
E Drug Tests to be Performed ☒ Hair 5 Drug Panel ☐ Other (specify) _____	
F Collection Site Address AccuDiagnosics - North Charleston ID# 2835 2470 Mall Drive #A North Charleston, SC, 29406 843-745-6132 FAX 1-843-745-6136	

STEP 2 COMPLETED BY COLLECTOR

☒ HEAD HAIR ☐ BODY _____	REMARKS

STEP 3 Collector affixes seal to pouch Donor initials and dates seal Donor completes STEP 5

STEP 4 CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements

X Signature of Collector	3:15 AM Time of Collection	SPECIMEN RELEASED TO COURIER Name of Delivery Service Transferring Specimen to Lab
T. J. L. English (PRINT) Collector's Name (First MI Last)	2/25/2010 Date (Mo/Day/Yr)	

DO NOT WRITE IN THIS SECTION FOR LABORATORY USE ONLY

RECEIVED AT LAB X _____ Signature of Accessioner _____ (PRINT) Accessioner's Name (First MI Last)	_____ Date (Mo/Day/Yr)	SPECIMEN RELEASED TO Specimen Seal Intact ☐ Yes ☐ No Enter Remark Below

STEP 5 COMPLETED BY DONOR

I certify that I provided my specimen to the collector that I have not adulterated it in any manner the specimen used was sealed with a tamper-evident seal in my presence and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct

X Signature of Donor	_____ (PRINT) Donor's Name (First MI Last)	_____ Date (Mo/Day/Yr)	_____ Date of Birth Mo / Day / Yr
Daytime Phone No () - - - - -	Evening Phone No () - - - - -		

SC Employment Comm

STEP 6 COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable requirements my determination/verification is ☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED	MAY 06 2010 Received Benefits Div
REMARKS _____	
X _____ Signature of Medical Review Officer	_____ (PRINT) Medical Review Officer's Name (First MI Last)
	_____ Date (Mo/Day/Yr)

COPY 5 - DONOR COPY

PRESS HARD - YOU ARE MAKING MULTIPLE COPIES

LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett
Forensic Toxicology
Medical-Legal Services
(843) 571-7488

P O Box 32391 Charleston SC 29417

Client Demographics

Name **Kim LeGette**
 Address **7 Laurel Ridge**
N. Charleston, SC

SSN
 DOB **8/10/1961**



Sex **F**

Reason for Test **Client request**
 Specimen Type **HAIR**
 Specimen ID No **1165197**
 Results **NEGATIVE**

CONFIDENTIAL

Date of Test **4/15/2010**
 Time of Test **10 40 AM**
 Report Date **4/16/2010**

Comment **This test performed by Omega Laboratories, Inc , Mogadore, OH**

TEST	RESULTS	INITIAL	CONFIRMATION
		TEST LEVELS	TEST LEVELS
Amphetamine	Negative	300 pg/mg	50 pg/mg
Methamphetamine	Negative	300 pg/mg	50 pg/mg
MDMA (Ecstasy)	Negative	300 pg/mg	50 pg/mg
Cocaine &/or Crack	Negative	300 pg/mg	50 pg/mg
Cocaethylene (Cocaine with Alcohol)	Negative	300 pg/mg	50 pg/mg
Marijuana (THC)	Negative	1 pg/mg	0.1 pg/mg
Morphine (Opiate)	Negative	500 pg/mg	50 pg/mg
Heroin (Opiate)	Negative	500 pg/mg	50 pg/mg
Codeine (Opiate)	Negative	500 pg/mg	50 pg/mg
Phencyclidine (PCP)	Negative	300 pg/mg	100 pg/mg

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a U.S. Government (SAMHSA) certified laboratory. A "Negative" test result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVES" are re-tested and confirmed positive by GC/MS assay at lower Test Levels. This forensic hair test includes detection of both parent drug and metabolites of Cocaine &/or Crack and both the parent drug and metabolite of Marijuana. The length of hair analyzed represents the most recent approximately three months, unless otherwise indicated. Segmental analysis of different time periods is available. A quantitative assessment of the results can be obtained by consultation with Dr. Bennett. The validity of this document can be confirmed by contacting Dr. Bennett at 571-7488 SC Employment Comm.

Reviewed and Attested to by

Dr. Robert Bennett

MAY 06 2010

Robert M. Bennett Ph.D. R.Ph., Forensic Toxicologist

Received Benefits Div

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Requesting Agency
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone 843-745-6132

LAN# 787437
Specimen ID 1151575
Reason For Test Follow-Up
Date Collected 4/15/2010
Date Received 4/19/2010
Date Reported 4/21/2010

Donor ID Legette, Kimberly SSN/ID 0575

Test(s) Requested **Hair 5 Drug Panel Limit of Detection Test**

The Hair 5 Drug Panel Limit of Detection Test includes the testing of the 5 major drug classes using the lower cutoff values than the standard test

These include

Amphetamines - Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine, Morphine Heroin Metabolite

Phencyclidine(PCP)

THC Metabolite(Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	100 pg/mg	100 pg/mg
Cocaine/Metabolites	Negative	100 pg/mg	100 pg/mg
Opiates	Negative	100 pg/mg	100 pg/mg
Phencyclidine	Negative	100 pg/mg	100 pg/mg
THC Metabolite	Positive	0 10 pg/mg	0 10 pg/mg

Hair 5 Drug Panel Limit of Detection Test Test Result(s)

THC Metabolite - Positive

0 78 pg/mg

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

REPORT NOTATIONS

1 5 inches in length (approximately 0-90 day time frame)

SC Employment Comm

MAY 06 2010

Received Benefits Div

Certified By Dave Engelhart, Ph D
Omega Result Report REV 12 09

Dave Engelhart, Ph D
Laboratory Director

Omega Laboratories, Inc - 400 N Cleveland Ave - Mogadore, OH 44260

Page 1 of 1



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone (843) 745-6132
Fax (843) 745-6136

Results of Controlled Substance Test

Batch ID 20100421
Test Type Expedited Confirmation
Specimen ID 1151575

Participant Kimberly A Legette
SSN
Record Status **Positive**

ATTENTION

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 04/15/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkley
Laboratory Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received 4/15/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances,

Marijuana/Metabolite

THC- Metabolite 0.78 pg/mg

Test was performed as a Limit of Detection Test That tests all 5 major drug classes using the lower cutoff values than the standard test The cutoff for this test for Marijuana/Metabolite is 0.10 pg/mg

SC Employment Comm

MAY 06 2010

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This was printed on 4/22/2010 at 2:06:44PM



Requesting Agency
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone 843-745-6132

LAN# 784059
Specimen ID 1151548
Reason For Test Random
Date Collected 4/6/2010
Date Received 4/12/2010
Date Reported 4/14/2010

Donor ID Legette, Kimberly SSN/ID 0575

Test(s) Requested **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes
These include

Amphetamines - Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine Morphine, Heroin Metabolite

Phencyclidine(PCP)

THC Metabolite(Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Positive	1 00 pg/mg	0 30 pg/mg

Hair 5 Drug Panel Test Result(s)

THC Metabolite - Positive

1 25 pg/mg

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

REPORT NOTATIONS

1 5 inches in length (approximately 0-90 day time frame)

SC Employment Comm

MAY 08 2010

Received Benefits Div

Certified By Patrick Minno
Omega Result Report REV 12 09

Dave Engelhart, Ph D
Laboratory Director

Omega Laboratories, Inc - 400 N Cleveland Ave - Mogadore, OH 44260

Page 1 of 1



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone (843) 745-6132
Fax. (843) 745-6136

Results of Controlled Substance Test

Batch ID R0002441
Test Type Random Selection - Primary
Specimen ID 1151548

Participant Kimberly A Legette
SSN
Record Status **Positive**

ATTENTION

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company Nucor Steel Berkeley (NUCOR)
Collection Date/Time 04/06/2010
Specimen Collector Nucor Safety
Collection Site Nucor Steel Berkley
Laboratory Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received 4/6/2010
Sample Type Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Manjuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances,

Manjuana/Metabolite 1 25 pg/mg

SC Employment Comm

MAY 08 2010

Received Benefits Div

This was printed on 4/22/2010 at 2 05 53PM

LABORATORY REPORT - DRUG TEST



Dr. Robert Bennett
Forensic Toxicology
Medical-Legal Services

(843) 571-7488

P O Box 32391 Charleston, SC 29417

Client Demographics

Name **Kim Legette**

Address **Laurel Ridge**
N Charleston, SC

SSN

DOB **8/10/1961**



Sex **F**

Reason for Test **Client request**
 Specimen Type **URINE**
 Specimen ID No **V10855080**
 Results **NEGATIVE**

CONFIDENTIAL

Date of Test **3/5/2010**

Time of Test **1 20 PM**

Report Date **3/9/2010**

<u>TEST</u>	<u>RESULTS</u>	<u>INITIAL TEST LEVELS</u>	<u>CONFIRMATION TEST LEVELS</u>
Amphetamine	Negative	300 ng/ml	300 ng/ml
Methamphetamine	Negative	300 ng/ml	300 ng/ml
Cocaine &/or Crack	Negative	150 ng/ml	150 ng/ml
Marijuana (THC)	Negative	20 ng/ml	10 ng/ml
Barbiturates (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Benzodiazepines (Prescription drugs)	Negative	300 ng/ml	200 ng/ml
Propoxyphene (Prescription drug)	Negative	300 ng/ml	150 ng/ml
Methadone	Negative	300 ng/ml	150 ng/ml
Methaqualone	Negative	300 ng/ml	150 ng/ml
Codeine (Opiate)	Negative	300 ng/ml	300 ng/ml
Morphine (Opiate)	Negative	300 ng/ml	300 ng/ml
Hydrocodone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Hydromorphone (Prescription drug)	Negative	300 ng/ml	300 ng/ml
Oxycodone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Oxymorphone (Prescription drug)	Negative	100 ng/ml	100 ng/ml
Heroin (Opiate)	Negative	300 ng/ml	300 ng/ml
Phencyclidine (PCP)	Negative	25 ng/ml	25 ng/ml
<u>URINE CHECK</u>	<u>RESULTS</u>	<u>NORMAL RANGE</u>	
Temperature	Normal	90° - 100° F	
Creatinine	Normal	> 20 mg/dl	
Specific Gravity	Normal	1.003 - 1.019	
pH	Normal	4.5 - 8.9	
Color	Normal	Amber yellow	
Clarity	Normal	Transparent	
Adulterants	Negative	None	

All tests are forensically evaluated, specimens maintain a chain-of-custody, and each client's identity is verified in order to achieve court admissibility. All tests are performed in a US Government certified laboratory. A "Negative" test result indicates no substance was detected above the Initial Test Levels indicated. All "POSITIVE" test results are confirmed positive by GC/MS assay. Specimen collection is observed/monitored to prevent substitution or dilution.

Reviewed and Attested to by Dr. Robert Bennett **MAR 06 2010**

Robert M. Bennett, Ph.D., R.Ph. Forensic Toxicologist

Deputy Benefits Div

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Requesting Agency
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone 843-745-6132

LAN# 764621
Specimen ID 1105530
Reason For Test Random
Date Collected 2/25/2010
Date Received 3/1/2010
Date Reported 3/3/2010

Donor ID Legette, Kimberly A SSN/ID 0575

Test(s) Requested **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes
These include

Amphetamines - Amphetamine, Methamphetamine and Ecstasy (MDMA)
Cocaine - Cocaine/Cocaine Metabolites
Opiates - Codeine, Morphine, Heroin Metabolite
Phencyclidine (PCP)
THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off	Confirmation Cut off
		<i>picograms per milligram of Hair</i>	<i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Positive	1 00 pg/mg	0 30 pg/mg

Hair 5 Drug Panel Test Result(s)

THC Metabolite - Positive

6 21 pg/mg

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

REPORT NOTATIONS

1 5 inches in length (approximately 0-90 day time frame)

SC Employment Comm

MAY 06 2010

Received Benefits Div

Certified By Lauren Vinsick
Omega Result Report REV 12 09

Dave Engelhart, Ph D
Laboratory Director

Omega Laboratories, Inc - 400 N Cleveland Ave - Mogadore, OH 44260

Page 1 of 1

Kim A. Legette,
Appellant,

vs.

South Carolina Department of
Employment and Workforce and Nucor
Corporation,
Respondent,

APPEAL FROM SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT
AND WORKFORCE APPELLATE
PANEL

Nosizi Ralephata, Esquire
PO Box 22129
Charleston, SC 29413
843-576-2800
Petitioning Attorney

Romi Y. Robinson, Esquire
Legal Department-Dept. of Employment and Workforce
PO Box 995
Columbia, SC 29202
(803)737-2666
legal@dew.sc.gov
Attorney for Respondent

Kim Legette
517 Laurel Ridge Rd.
N. Charleston, SC 29418
Claimant

INDEX

Appellate Panel Decision No. 2010-C-2253	1
Letter of Transmittal of Appellate Panel Decision	3
Request for Determination of Insured Status	4
Request for Separation Information	5
Discharge for Cause Fact Finding.....	11
Claims Adjudicator's Determination	13
Claimant Appeal to Appeal Tribunal.....	14
Notice of Hearing Before Appeal Tribunal	15
Witness Subpoena.....	16
Transcript of Testimony Appeal Number 10377-11778.....	19
Agency Exhibit 1	85
Employer Exhibit 1	86
Employer Exhibit 2	89
Employer Exhibit 3	97
Employer Exhibit 4	98
Employer Exhibit 5	102
Employer Exhibit 6	106
Employer Exhibit 7	136
Employer Exhibit 8	272

Appeal Tribunal Decision 2010-A-11555	274
Claimant Appeal to Appellate Panel.....	276
Notice of Claimant Appeal to Appellate Panel.....	277
Notice of Hearing before the Appellate Panel	278

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
Columbia, South Carolina

IN THE MATTER OF THE CLAIM OF:

Kim A. Legette)
517 Laurel Ridge Road)
North Charleston, SC 29418)
Claimant SSN: [REDACTED])

APPELLATE PANEL
DECISION

Nucor Corporation)
c/o Human Resources)
PO Box 2259)
Mt. Pleasant, SC 29465)
Liable Employer)

Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2010-A-11555 to the Appellate Panel. The Appeal Tribunal held the claimant indefinitely disqualified for having been discharged for cause connected with the work. This decision modified the claims adjudicator's determination.

The Appellate Panel notified the parties of its hearing to consider the appeal.

DECISION

Appeal Tribunal Decision 2010-A-11555 is reversed. The claimant is eligible for benefits effective April 18, 2010, for having been separated under nondisqualifying circumstances.

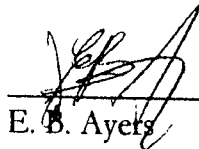
The claimant worked for the employer from August 24, 1998, through April 22, 2010, as a cold mill scheduler. The claimant was discharged after testing positive for an illegal drug in a random drug screen. The claimant asserted the drug testing was faulty. The claimant had previously tested positive for 6.25 picograms per milligram of marijuana on February 13, 2010, only to test negative ten days later. On April 6, 2010, she tested 1.25 picograms and then retested a trace amount of .78 on April 15, 2010. The claimant underwent testing at a different facility that used the same laboratory as the employer and tested negative for any drugs on three occasions, including April 15, 2010. The claimant was adamant that she did not use drugs, and

although the employer stated they do not accept off-site drug testing results, the claimant's drug expert made a point of using the same laboratory so they could be assured the testing was not undermined. The process of collecting the samples was different and may have made a difference in the results, according to the claimant's drug testing expert.

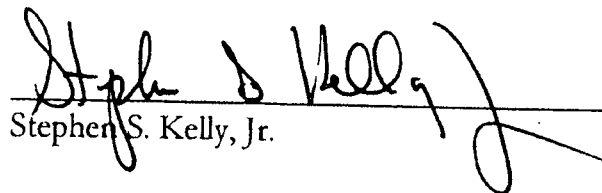
S.C. Code Ann. § 41-35-120 (4) requires that an indefinite benefit disqualification be imposed when the Department finds that a claimant has been discharged for gross misconduct connected with the employment. "Gross Misconduct" includes failure to comply with drug use regulations.

The burden of proving that a claimant has been discharged for cause rests with the employer and after a thorough review of the evidence in this case we have concluded that the employer has not met that burden. The disparate testing results concern us and while the employer may not accept an off-site drug test, we cannot ignore a drug test result taken the same day as the employer's exam, processed by the same laboratory, indicating the claimant was drug free. Therefore, we find the claimant was separated under nondisqualifying circumstances and the Appeal Tribunal decision is reversed.

**SOUTH CAROLINA DEPARTMENT OF
EMPLOYMENT AND WORKFORCE**


E. B. Ayers


Tim Dangerfield


Stephen S. Kelly, Jr.

Hearing Date: 11/17/10
Date Mailed: 11/19/10
Mailed By: _____

November 19, 2010

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
(SCDEW)
Columbia, South Carolina

LETTER OF TRANSMITTAL OF APPELLATE PANEL DECISION

Attached is a copy of the Appellate Panel Decision in your case. If you have questions about the effect of the decision, you may consult an agency representative at the local SCDEW office in your area or at the Benefits Division at the central office in Columbia, S.C.

If you wish to obtain judicial review of the decision, you must comply with the requirements of S.C. Code Ann. §41-35-750 and the Rules of Procedure for the Administrative Law Court.

The law requires that a Petition for Judicial Review must be filed and served within thirty (30) days after the agency's final decision (**see the mailing date above**). The Court may require a filing fee.

The Petition must be filed in the S.C. Administrative Law Court in Columbia, South Carolina:

**Jana E. Shealy, Clerk of Court
South Carolina Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
803.734.0550 (phone)**

You must name the SCDEW and any other party in the case as defendants in the action and you must serve a copy of the Petition for Judicial Review at the following address:

**Legal Department
S.C. Department of Employment and Workforce
Post Office Box 995
Columbia, SC 29202**

For assistance or guidance in filing an appeal to the Administrative Law Court, you should consult an attorney licensed to practice in South Carolina.

Form App-115,
Rev. 6/25/10

NAME: KIM A LEGETTE

SSN: [REDACTED]

BYE: 04/17/11

CLAIMSTAKER ID: DXSMT LO #: 180

FILED: 04/23/10

EFF DATE: 04/18/10

MAILING ADDRESS: 517 LAUREL RIDGE RD

CITY: NORTH CHARLESTON

STATE: SC

ZIP: 29418-3073

OTHER NAME:

☒ 1-UI ☐ 4-UI/UCFE/UCX ☐ 7-UCX
☐ 2-UI/UCFE ☐ 5-UCFE ☐ 8-CW
☐ 3-UI/UCX ☐ 6-UCFE/UCX ☐ OTHER

☒ NEW ☐ TRANSITIONAL
☐ ADDITIONAL ☐ R-ADD
☐ CONTINUED

BONA FIDE EMPLOYER NAME & PAYROLL ADDRESS INFORMATION:

NAME: NUCOR CORPORATION

STREET: C/O HUMAN RESOURCES, PO BOX 2259

CITY: MOUNT PLEASANT

ST: SC

ZIP: 29465-2259

EMP. ACCT. # 300900

DATES OF EMPLOYMENT:

FROM:

TO:

08/23/98

04/22/10

BONA FIDE EMPLOYER LOCAL ADDRESS INFORMATION:

STREET:

CITY: CHARLESTON

ST: SC

ZIP:

PHONE #: (843) 336-6000

SEPARATION REASON: ☐ LOW ☐ VQ ☒ DISCHARGE ☐ STILL WORKING

ISSUE CODES: 01

LIABLE EMPLOYER INFORMATION:

NAME:

EMP. ACCT #

JOB LOCATION (CITY/STATE):

DATES OF EMPLOYMENT:

FROM:

TO:

SEPARATION REASON: ☐ LOW ☐ VQ ☐ DISCHARGE ☐ STILL WORKING

NARRATIVE REASON FOR SEPARATION FROM LIABLE EMPLOYER:

NET 101
Rev 8/05

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
REQUEST FOR INFORMATION
UNEMPLOYMENT INSURANCE BENEFITS

CLAIMANT'S NAME KIM A LEGETTE

SS# [REDACTED]

NAME WORKED UNDER

DATE MAILED 2010-04-28

EMPLOYER'S ACCOUNT # 300900

EMPLOYER'S NAME NUCOR CORPORATION
& ADDRESS C/O HUMAN RESOURCES
PO BOX 2259
MOUNT PLEASANT SC 29465-2259

RETURN WITHIN SCESC
7 DAYS OF THE 2885 W 5th N Street
ABOVE DATE TO P O BOX 1888
SUMMERVILLE SC 29484

FAX NUMBER 843-871-1448

This person has filed a claim for Unemployment Insurance Benefits and named you as a previous employer. Please explain the reason this person no longer works for you so that a determination can be made on eligibility for benefits. If you reply by letter, fax or email, you must include all information requested as well as the claimant's name and social security number. For instructions about responding by email, please go to our agency website at www.sces.org. YOU WILL RECEIVE A DETERMINATION ON THIS CLAIM ONLY IF IT IS FOUND THAT YOU ARE THE BONA FIDE AND/OR LIABLE EMPLOYER.

☒ CLAIMANT'S Reason for Separation DISCHARGED/FIRED/TERMINATED

DS THEY TRIED TO GET ME TO RESIGN AND I REFUSED SO I WAS TERMINATED

☒ An in person interview has already been scheduled for the claimant on 05/03/2010 at 11:00 AM.
Please respond by mail, fax, email, telephone or personal visit to the local ESC office above.

SEPARATION INFORMATION

☐ LACK OF WORK (No additional written explanation is necessary)

☒ DISCHARGED (Give specific reason) *see attached*

State company policy that claimant violated, if applicable, and describe the final incident leading to the separation.

List any warnings, note if verbal or written and give dates.

If discharged for absenteeism, list dates of absences.

SC Employment Comm

☐ VOLUNTARILY QUIT (Give specific reason)

MAY 06 2010

☐ OTHER (Explain in detail)

Received Benefits Div

Dates of Employment FROM 08-24-1998 TO 04-22-2010
During all terms of employment, have you paid this claimant as much as \$ 2808.00 ☒ YES ☐ NO

If NO, how much have you paid this claimant in all terms of employment? \$

Are you paying or WILL YOU PAY, this claimant a pension or retirement pay? ☒ YES ☐ NO

If YES, what amount? \$ 77,215.99 PER available for full withdrawal after May 10, 2010

Did claimant contribute to pension plan? ☐ YES ☐ NO If YES, what percent? %

EMPLOYER NAME Nucor Steel Berkeley ACCOUNT NUMBER 300900

EMPLOYER SIGNATURE ** Meliah Reynolds TITLE HR Supervisor

TELEPHONE NUMBER 843-336 6668 DATE 4-30-10

**FORM MUST BE SIGNED IN ORDER FOR INFORMATION TO BE CONSIDERED

NUCOR

FAX

P O Box 2259
Mt Pleasant, South Carolina 29465
Phone (843) 336-6000
Fax (843) 336-6176

To	SC ESC - Summerville Office	From.	Meleah Reynolds, HR Supervisor
Fax	(843) 871-1446	Phone:	(843) 336-6668
Phone		Date.	May 3, 2010
RE.	Kimberly Legette Employer Response	Pages.	4 + cover

To follow is Nucor Steel Berkeley's response to Mrs Legette's claim for unemployment benefits. If you do not receive this fax in full or if you have any questions regarding the contents, please feel free to contact me at (843) 336-6668

Thank you.

Meleah Reynolds

SC Employment Comm

MAY 06 2010

Received Benefits Div

SEPARATION INFORMATION

Kimberly A. Legette
SS# [REDACTED]

Discharged (Give Specific reason)

Mrs. Kimberly A. Legette was terminated from Nucor Steel Berkeley on April 22, 2010 based upon violation of Nucor's Drug and Alcohol Policy (attached). Mrs. Legette was randomly selected for a drug and alcohol test. She submitted a hair sample on April 6, 2010. The results of the hair specimen collected were confirmed positive for an illegal substance. Per Policy E-3-6, disciplinary action for violation of this policy concerning illegal drugs. Employees who violate this Policy regarding illegal drugs will be immediately terminated. Consistent with all Nucor employees who have tested positive for alcohol or illegal substance, Mrs. Legette's employment was terminated.

List any warnings, note if verbal or written and give dates

All disciplinary warnings listed below were written warnings and were reviewed by the employee at the time of the counseling. Disciplinary warnings are listed in date order with the most recent listed first.

1. March 19, 2010 – Violation of Work/Safety Rules (Page B-29)

Work Performance – Mrs. Legette allocated a coil as secondary. Customer purchased secondary coil based on her notes regarding the properties of the coil. Her notes indicated Galvanized product. The coil was actually a Full Hard coil.

SC Employment Comm

MAY 06 2010

Received Benefits Div.

NUCOR STEEL BERKELEY DRUG AND ALCOHOL POLICY

General Policy

To protect the well being of its employees customers and the public Nucor prohibits all of its employees from doing any of the following

- 1 Engaging in the unlawful manufacture distribution dispensation possession or use of drugs or alcohol on the job or on Nucor's premises (including in any locker desk or other facility provided by Nucor) in any company vehicle at any time or place or in a non-Nucor owned vehicle on Nucor property or at Nucor worksites (including parking lots)
- 2 Reporting to work or otherwise being on the job under the influence of any illegal drugs (including inhalants other than nicotine) any prescription drugs not prescribed for the employee's current use by a licensed health care professional or not used as prescribed and over-the-counter drugs that are not used for their intended purpose and according to manufacturer's directions) or using illegal drugs off the job where such use is detrimental to Nucor's business or could affect the employee's performance and
- 3 Reporting to work or otherwise being under the influence of alcohol on the job

Employee Consent

Prior to performing drug or alcohol testing on employees, the employee will be required to sign a form consenting to the testing listed on the form and acknowledging that a confirmed positive test result can result in disciplinary action. An employee's refusal to consent and submit to lawful testing will be considered misconduct and a voluntary termination by the employee. In addition, refusal to consent to post-accident testing as provided herein may result in the employee forfeiting the right to collect workers compensation benefits.

Drug and Alcohol Testing

- 1 Specimens to be Tested Nucor may use breath blood and urine specimens to test for alcohol. Urine blood specimens and hair specimens may be used to test for drugs.
- 2 Drug and Alcohol Testing Frequency and Conditions Nucor may administer drug and alcohol testing under the following circumstances and under the following conditions:

Pre-Employment All applicants will be tested for illegal drugs prior to an offer of employment. Further, all applicants in the same job category who have received an offer of employment conditioned on the results of a post-offer test may be tested for alcohol.

Reasonable Suspicion Any employee exhibiting signs and symptoms of using drugs or alcohol or being under the influence in violation of this policy may be tested. These signs and symptoms may include, but are not limited to, awkward or unusual behavior, recognizable body or breath odors, slurred speech, confusion, anxiety and altered mental status. An employee's involvement in an accident on the job to which the employee appears to have caused or contributed will be sufficient grounds for reasonable suspicion testing.

Random Employees may be tested on a periodic random basis for drugs and alcohol.

Plant-Wide Sweeps Nucor reserves the right at any time to perform plant-wide drug and alcohol testing on all employees as well as personnel performing services on site to the fullest extent permitted by applicable law.

Compliance Testing Employees who participate in alcohol or drug rehabilitation as a condition to continued employment may be tested to determine the employee's compliance with rehabilitation. Testing may occur at least once a year for two years with no advance notice.

SC Employment Comm

MAV 06 2010

Received Benefits Div.

Post Accident Employees will be subject to drug testing after every accident involving property damage. Any accident that is deemed a near miss will be subject to drug testing at the supervisor's discretion. Employees will also be subjected to possible drug testing after every injury.

Testing Required by Law Employees may be required to submit to other drug and alcohol testing when required by federal or state law, regulation, or by contractual obligation. All employees subject to Department of Transportation regulations will be tested for drugs and alcohol according to the procedures and policies of the DOT regulations. Testing under this Policy is under separate and independent authority from Department of Transportation regulations.

Disciplinary Actions

1. **Disciplinary Action for Positive Alcohol Test Results** Nucor shall use the following alcohol levels for administering disciplinary actions:

0 to 0.019 – Considered to be negative unless the employee's normal faculties are impaired due to alcohol consumption.

0.020 to 0.039 – A minimum of 1 day/shift disciplinary time off.
The General Manager has the discretion to approve additional days time off and disciplinary action.

0.040 and Over – Immediate termination.

2. **Disciplinary Action for Violations of this Policy Concerning Illegal Drugs** Employees who violate this Policy regarding illegal drugs will be immediately terminated. All applicants with a confirmed positive test result for illegal drugs will not be hired.

Employees Reporting for Drug Testing

Employees subject to random drug testing will be notified each week. Once selected and notified, the employee will have 24 hours to report to the safety office for testing. If the employee does not report within that 24 hours, the Department Manager will be notified. Any employee who fails to report to the Safety Office is subject to disciplinary action.

Confidentiality

Information, statements, memoranda, test results, and similar information received by Nucor, including information related to a disability disclosed by an employee or an employee's prior lawful drug use, shall be kept confidential and will not be disclosed except on a need to know basis or as permitted by applicable law. Any employee who requests disclosure of the information to a third party must sign a written consent form naming the person authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent.

No Expectation of Privacy

Upon reasonable suspicion of a violation of this Policy, Nucor may conduct unannounced searches of employees and their personal property while on Nucor premises. An employee's refusal to consent to and cooperate with such searches can result in disciplinary action up to and including termination. Nucor employees have no reasonable expectation of privacy on Nucor's premises, in company vehicles, at Nucor worksites, or in property brought onto Nucor premises, including Nucor's parking lots.

Where legally permitted, surveillance equipment may be used at any time and any place Nucor so chooses. Nucor reserves the right to seize all drugs, alcohol, paraphernalia, or other contraband found on Nucor premises.

Posting

A copy of this policy will be posted on an employee bulletin board in a conspicuous ~~SC~~ Employment Comm

MAY 06 2010

Received Benefits Div

McGraw, Jerri

From Reynolds, Meleah [Meleah Reynolds@nucor.com]
Sent Monday, May 03, 2010 12:03 PM
To McGraw, Jerri
Cc Reynolds, Meleah, Starr, Linda
Subject Employer Response for Unemployment - Kim Legette



fax001 PDF (195 KB)

Jerri,

Sorry to bother you. We had to terminate someone a couple weeks ago due to a positive drug result on a random. She had her unemployment interview in Summerville today at 11am. We've tried faxing our response all morning to 871-1446 with no success. Our error message shows busy/no answer. Also tried calling 821-0695 and it just continues to ring - no answer. Joe Benoit downtown gave me your email address. I hope that is OK. Attached you'll find our response to her claim for unemployment. Please confirm receipt of this email.

Feel free to contact me at the number below if you have any questions.
Thank you,
Meleah

Meleah Reynolds, PHR
Human Resource Supervisor
Nucor Steel Berkeley
(843) 336-6668 ph
(843) 336-6176 fax

CONFIDENTIALITY NOTICE

This e-mail contains privileged and confidential information which is the property of Nucor, intended only for the use of the intended recipient(s). Unauthorized use or disclosure of this information is prohibited. If you are not an intended recipient, please immediately notify Nucor and destroy any copies of this email. Receipt of this e-mail shall not be deemed a waiver by Nucor of any privilege or the confidential nature of the information.

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SC Employment Comm

MAY 08 2010

Received Benefits Div

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
UNEMPLOYMENT INSURANCE DIVISION
DISCHARGE FOR CAUSE
FACT FINDING

Effective Date of Issue 04-18-10	
Type of Claim	
New ☒	Add ☐
Trans ☐	Rein ☐
Cont ☐	
BYE 04-17-11	

L O No 1800

CLAIMANT'S NAME KIMBERLY A LEGETTE SOCIAL SECURITY NUMBER [REDACTED]

1 Most recent BONA FIDE employer (Name of Company) NUCOR CORPORATION
Address of Company P O BOX 2259 MT PLEASANT SC 29465 Telephone No. of Company 843-336-6000
Name of individual at Company to contact for more information MELEAH REYNOLDS HUMAN RESOURCE SUPERVISOR

2 Dates of employment with this company beginning 08-23-98 ending 04-15-10
Hours worked from 7AM to 5 30PM or which shift _____ for 4 days per week
Ending salary \$ 940 00 per WEEK Occupation COLD MILL SCHEDULER

3 CLAIMANT'S STATEMENT

a I was discharged by (Name of Person) GIEF DAUTHRIDGE Title GENERAL MGR

Because (Include reason for discharge on that particular day) ON 042210 DUE TO TESTING POSITIVE ON A DRUG TEST THE DRUG TEST WAS ADMINISTERED ON 041510 THE TEST ON 041510 WAS A RETEST FROM 040610 THIS WAS A RANDOM DRUG TEST ON 040610 THE TEST RESULTS CAME BACK POSITIVE FOR MARIJUNIA I KNOW I AM NOT A DRUG USER I IMMEDIATELY ASKED FOR A RETEST THIS WAS ADMINISTERED ON 041510 THIS CAME BACK POSITIVE I IMMEDIATELY WENT TO A DOCTOR TO HAVE THE SAME TEST ADMINISTERED WITHIN ONE HOUR OF EACH OTHER THE TEST RESULTS CAME BACK NEGATIVE ON 041210 NUCOR WAS USING OMEGA LABORATORY TO DO THE TESTING, BUT THEY USE INDIVIDUALS FROM THE SAFETY DEPARTMENT TO TAKE THE SAMPLES THE DOCTOR THAT I WENT TO USED OMEGA LABORATORIES FOR ALL THE RETAKES ALL THE RETAKES WERE NEGATIVE I HAVE HAD FOUR DRUG TEST ADMINISTERED SINCE FEBRUARY 2010 ALL THE DRUG TEST THAT WERE ADMINISTERED BY NUCOR CAME BACK POSITIVE EXCEPT FOR THE FIRST RETEST 022510 THE FIRST DRUG TEST CAME BACK POSITIVE BECAUSE IT WAS NOT COLLECTED/ ADMINSTRATED CORRECTLY THE RETEST CAME BACK NEGATIVE I WAS INFORMED BY MY DOCTOR THAT IT WAS NOT POSSIBLE FOR IT TO GO FROM 6 21 TO 0 IN 10 DAYS AT THAT TIME NUCOR ACCEPTED THE NEGATIVE AND I WENT BACK TO WORK THERE ARE A LOT OF DISCREPANCIES WITH THIS CASE I HAVE AN ATTORNEY IN THIS MATTER PLEASE SEE ATTACHED DOCUMENTATION FROM CLAIMANT

b If you were discharged for violation of a company rule please explain rule and violation NO COMPANY RULE WAS VIOLATED

c Has your employer ever warned you about the condition causing your discharge? Yes ☐, No ☒

If "Yes," when were you warned (Dates) and by whom? NO WARNINGS

d Did you discuss your discharge with your employer? Yes ☐, No ☒ If "Yes," with whom _____

What were the results of this discussion? I INFORMED THEM I WAS NOT DOING AN EXIT INTERVIEW I KNEW I HAD NOT DONE ANY THING TO CAUSE ME TO BE TERMINATION I WILL PROVE THIS IN MY COURT CASE

4 CLAIMANT'S CERTIFICATION I certify that the information stated herein is true I understand that the Law prescribes penalties for false statements for the purpose of securing benefits to which I am not entitled

CLAIMANT'S SIGNATURE Kimberly Legette DATE 05-03-10

5 INTERVIEWER'S STATEMENT Employer reply received? Yes ☒, No ☐ (If "Yes," all the employer's allegations not covered in the claimant's initial statement must be presented to the claimant for rebuttal in item 7 If "No," or information was not adequate was employer contacted to obtain adequate information? Yes ☒, No ☐ If "NO," give date of attempt(s) to contact and explain) _____

INTERVIEWER'S SIGNATURE [Signature] DATE OF REPORT 05-03-10

SC Employment Comm

MAY 06 2010

Received Benefits Div

South Carolina Employment Security Commission

FACT FINDING ATTACHMENT

Employer / Claimant Statements NUCOR CORPORATION

Claimant's Name KIMBERLY A LEGETTE

SSN [REDACTED]

Date 5/3/2010

Time 11 51 15 AM

Number Called 843-336-6000

Person contacted or left message with MELEAH REYNOLDS

Title of above person HUMAN RESOURCE MANAGER

Left message with above to have MELEAH REYNOLDS HR MGR call by 05/05/2010 AT 12 NOON
(Name / Title) (Date / Time)

or a decision would be made based on available information

Leave your name, title, agency name, claimant's name, SS#, time, date, and reason called

Dates Absent / Tardy / Early Departures _____

Warnings / Dates / Written or Verbal / Reasons _____

Final Incident / Date Meleah Reynolds, HRM stated she agreed with the

Company Policy test results in Feb 2010. There is no way it could be a

Other Comments 6-21 to "0" in ten days. Therefore she was reinstated. Each
time a drug test was given, she was retested. We do not accept any
outside testing from the employees.

FFAT-1 June 1998 Computer Form

SC Employment Comm

MAY 06 2010

Received Benefits Div

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 995, COLUMBIA, S.C. 29202

1 NUCOR CORPORATION
1 C/O HUMAN RESOURCES
1 PO BOX 2259
1
1

DATE OF THIS NOTICE 05/26/10

1 MOUNT PLEASANT SC 29465
1

CLAIMANT'S NAME				SOCIAL SECURITY NUMBER	EFFECTIVE DATE		DISQUALIFICATION ENDS	
KIM A LEGETTE				[REDACTED]	04/18/10		10/16/10	
LO NO	TYPE	CATEGORY	WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL ENTITLEMENT	LESS REDUCTION OF	NET TOTAL BENEFITS	BENEFIT YEAR ENDS	
180	I	01	\$ 326.00	\$ 8476.00	\$ 8476.00	\$ 0.00	04/17/11	

1
DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

1 _____ You are eligible for benefits from the above effective date.

1 ☒ You have been disqualified from receiving benefits or have been found to be ineligible for benefits for the following reason(s).

1 YOU WERE DISCHARGED FROM YOUR JOB WITH YOUR MOST RECENT BONA FIDE EMPLOYER FOR VIOLATION OF THE
1 COMPANY DRUG TESTING POLICY. POLICIES VIOLATED WERE NOT UNREASONABLE AND YOU DID HAVE THE
1 OPPORTUNITY TO HAVE KNOWLEDGE OF THE COMPANY POLICIES. FAILURE TO COMPLY WITH COMPANY POLICIES
1 CONSTITUTES DISCHARGE FOR CAUSE IN CONNECTION WITH THE WORK UNDER THE SOUTH CAROLINA CODE,
1 SECTION 41-35-120(2). YOU ARE DISQUALIFIED FOR 26 WEEKS. YOUR MAXIMUM BENEFITS ARE ALSO REDUCED
1 BY 26 TIMES YOUR WEEKLY BENEFIT AMOUNT.
1
1

1 THE RECORD SHOWS THAT YOU TESTED POSITIVE FOR A CONTROLLED SUBSTANCE NOT PRESCRIBED FOR YOUR
1 USE. THE TEST WAS CONDUCTED BY A SAMSHA CERTIFIED LABORATORY USING GAS CHROMATOGRAPHY/MASS
1 SPECTROMETRY (GC/MS) OR A SCIENTIFICALLY EQUIVALENT METHOD.
1
1
1
1
1

1 _____ LAST SEPARATION FROM NON-LIABLE EMPLOYER
1

UI CLAIMS ADJUDICATOR

1 MAILING DATE 05/27/2010

IMPORTANT. THIS DETERMINATION WILL BE THE FINAL DECISION OF THE COMMISSION UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED IN PERSON AT ANY EMPLOYMENT SECURITY OFFICE, OR BY MAIL, ADDRESSED TO THE "APPEAL TRIBUNAL," P.O. BOX 995, COLUMBIA, SOUTH CAROLINA 29202 FOR ADDITIONAL INFORMATION OR ASSISTANCE IN FILING AN APPEAL, CONTACT YOUR LOCAL EMPLOYMENT SECURITY OFFICE

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
P. O. Box 995, Columbia, South Carolina 29202

4-17-11

Notice of Appeal to Appeal Tribunal

Sent
6/4
HKE

Claimant's Name: Kim A Legette Social Security Number: [REDACTED]
Claimant's Address: 517 Laurel Ridge Road, North Charleston, SC 29418
Date of Birth: 08/10/61 Date of Initial Claim: 04-23-10 Telephone: 843-709-7073
(Month/Day/Year) (Month/Day/Year)
Employer's Name: Nucor Steel Corporation Telephone: 843-336-6000
Employer's Address: PO Box 229, Mt Pleasant, SC 29465

On 05-28-10 I received a claims examiner's determination mailed 05-27-10 from
(Date) (Date)

which I appeal and hereby apply for a hearing because I believe it was issued in error for the following reasons:
The drug screen that was done on me was improperly handled and collection of hair was not done properly.

If appeal is untimely, state the reason: _____

I know that I must continue to file my claim for each week of unemployment until I receive the Appeal Tribunal's or Commission's decision, until I return to work, or until my claim is exhausted. If I win the appeal, I know I can only be paid for those weeks that I have claimed timely.

KL
(Claimant's Initials)

Does claimant need an interpreter? ☐ YES ☒ NO What language/dialect? _____ Claimant is ☐ Deaf ☐ Mute
(If it appears necessary to subpoena witnesses or documents, the Workforce Center representative should use Form 107 and attach them to this form at the time of transmittal to the Central Office.)

SUBPOENA ☐ YES ☐ NO

Appellant: Claimant

Signed By: Kim Legette

Title: _____

Date: June 2nd 2010

Date Determination Delivered
by Workforce Center: _____

(Date)

Signed: _____

(Workforce Center Representative)

Filed at: Summerville WFC (1800)
(Workforce Center Name and Number)

Date: June 2, 2010
(Month) (Day) (Year)

APP-100...Revised 2/05
Catalog#: 05080

Received By: J Villegas, Summerville, SC 1800
(Workforce Center Representative)

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
P.O. Box 995, Columbia, South Carolina 29202

NOTICE OF HEARING BEFORE APPEAL TRIBUNAL

Claimant's Name: KIM A LEGETTE Social Security Number: [REDACTED]
Address: 517 LAUREL RIDGE RD
NORTH CHARLESTON SC 29418-3073

Employer's Name: NUCOR CORP

Appeal Number: 1010377 Hearing Date: 07/12/10 Hearing Time: 3:00 PM
Month/Day/Year Hour/Minute

Hearing Location: SC EMPLOYMENT SECURITY COMMISSION
176 LOCKWOOD DRIVE EXT, 2ND FLOOR - RM 229 CHARLESTON SC

Before: JOAN MARSHALL

IMPORTANT: IF YOU HAVE APPEALED AND FAIL TO APPEAR WITHIN TEN (10) MINUTES AFTER THE SCHEDULED TIME FOR THE HEARING TO BEGIN, YOUR APPEAL MAY BE DISMISSED. FAILURE OF EITHER PARTY TO PARTICIPATE MAY RESULT IN YOUR INTERESTS BEING ABANDONED.

THE HEARING WILL NOT BE POSTPONED EXCEPT FOR AN EMERGENCY. Contact a representative of the Commission at (803) 737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing. Also, if you require any special needs, such as an interpreter, please contact us prior to the hearing.

ISSUES

☒ Voluntary Quit (for good cause)	☐ Voluntary Retirement	☐ Timeliness of Appeal
☒ Discharge (for disqualifying cause)	☐ Absence from Hearing	☐ Fraud & Overpayment
☐ Availability	☐ Overpayment	☐ Job Offer & Referral
☐ Eligibility	☐ Other _____	

EVIDENCE: This hearing is your only chance to testify and present evidence. Sworn testimony is required from witnesses with first-hand knowledge. Only documents, such as business records (for example: timesheets, employer's policies or handbook, warnings) can be considered and must be submitted with an original and two copies. The original will be returned. No testimony or evidence will be considered from witnesses who are not present.

SUBPOENAS: If a witness is reluctant to appear, you may apply for a subpoena through the Workforce local office or the Appeal Tribunal at (803) 737-2520.

LEGAL REPRESENTATION: An attorney licensed to practice in South Carolina may represent you. It is your responsibility to obtain representation prior to the hearing. Fees charged to represent claimants are limited by the Commission.

BENEFITS: A claimant should continue to file for benefits during the appeal process. Weeks not claimed cannot be paid, even if the claimant is held eligible.

THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.

MAILING DATE: 06/25/2010

SMALL CHILDREN AND PETS ARE NOT ALLOWED IN HEARINGS

GENERAL INFORMATION ON THE S.C. EMPLOYMENT SECURITY LAW IS ON THE BACK OF THIS NOTICE.

SUBPOENA

South Carolina Department of Employment and Workforce
Columbia, S.C.

To: **Al Smith**
2215 Branch Creek Drive, Mt. Pleasant, SC 29466
County of Charleston, State of South Carolina

GREETINGS:

YOU ARE HEREBY STRICTLY REQUIRED, and firmly enjoined That, all business being laid aside and excuses ceasing, you do, in your proper person, appear before **V. Joan Marshall** Administrative Hearing Officer constituting an Appeal Tribunal at a hearing to be held at

SCDEW - 176 Lockwood Drive Ext., 2nd Floor - Room 229 Charleston SC 29403
County of Charleston, At 3:00 PM., on July 12, 2010

and from day to day thereafter, to give evidence of what you know regarding any and all matters relating to the dispute claim for benefits filed by one **Kim Legette**

under the SOUTH CAROLINA CODE, which evidence is deemed necessary in connection with the disputed claim, and to produce books, papers, correspondence,

memoranda or other records which are deemed necessary as evidence in connection with the disputed claim.

HEREIN FAIL NOT, under penalty of the punishment provided in the law.

Dated at Columbia, S.C., this 1st of July 2010.

Appeals Division

By: *J.M. Anderson*
J.M. Anderson, UI Supervisor
Authorized Representative
803-737-2520

SUBPOENA

South Carolina Department of Employment and Workforce
Columbia, S.C.

To: Julie Gordon
Accu Diagnostic 2470 Mall Drive ste A, North Charleston, SC 29406
County of Charleston, State of South Carolina

GREETINGS:

YOU ARE HEREBY STRICTLY REQUIRED, and firmly enjoined That, all business being laid aside and excuses ceasing, you do, in your proper person, appear before V. Joan Marshall

Administrative Hearing Officer constituting an Appeal Tribunal

at a hearing to be held at

SCDEW - 176 Lockwood Drive Ext., 2nd Floor - Room 229 Charleston SC 29403
County of Charleston, At 3:00 PM., on July 12, 2010

and from day to day thereafter, to give evidence of what you know regarding any and all matters

relating to the dispute claim for benefits filed by one Kim Legette

under the SOUTH CAROLINA CODE, which evidence is deemed necessary in connection with the disputed claim, and to produce books, papers, correspondence,

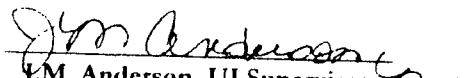
memoranda or other records which are deemed necessary as evidence in connection with the disputed claim.

HEREIN FAIL NOT, under penalty of the punishment provided in the law.

Dated at Columbia, S.C., this 1st of July 2010.

Appeals Division

By:


J.M. Anderson, UI Supervisor

Authorized Representative

803-737-2520

SUBPOENA

South Carolina Department of Employment and Workforce
Columbia, S.C.

To: **Dave English**
2011 Wadswbury Lane , Charleston, SC 29414
County of Charleston, State of South Carolina

GREETINGS:

YOU ARE HEREBY STRICTLY REQUIRED, and firmly enjoined That, all business being laid aside and excuses ceasing, you do, in your proper person, appear before **V. Joan Marshall** Administrative Hearing Officer constituting an Appeal Tribunal at a hearing to be held at

SCDEW - 176 Lockwood Drive Ext., 2nd Floor - Room 229 Charleston SC 29403
County of Charleston, At 3:00 PM., on July 12, 2010

and from day to day thereafter, to give evidence of what you know regarding any and all matters relating to the dispute claim for benefits filed by one **Kim Legette** under the SOUTH CAROLINA CODE, which evidence is deemed necessary in connection with the disputed claim, and to produce books, papers, correspondence, memoranda or other records which are deemed necessary as evidence in connection with the disputed claim.

HEREIN FAIL NOT, under penalty of the punishment provided in the law.

Dated at Columbia, S.C., this 1st of July 2010.

Appeals Division

By: *J.M. Anderson*
J.M. Anderson, UI Supervisor
Authorized Representative
803-737-2520

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT &
WORKFORCE**

Columbia, South Carolina

**Transcript of Testimony
Before**

Joan Marshall, Administrative Hearing Officer

Kim A. Legette	)	CLAIMANT
517 Laurel Ridge Road	)	
North Charleston, SC 29418	)	
Claimant SSN: xxx-xx-8079	)	

Nucor Corporation	)	LIABLE EMPLOYER
C/O Human Resource	)	
P.O. Box 2259	)	
Mount Pleasant, SC 29465	)	

PLACE OF HEARING: SC Dept of Employment & Workforce
176 Lockwood Blvd.
Charleston, SC

HEARING DATE: July 12, 2010

APPEARANCES:

For Claimant:	In person
	Two witnesses

For Employer:	Two witnesses

TESTIFYING WITNESSES

CLAIMANT:

Kim Legette
Dr. Robert Bennett, Forensic Toxicologist, Expert Witness
Christopher Gypin, Vice President of Operations for Accu
Diagnostics

EMPLOYER WITNESSES:

Linda Starr, Payroll Benefits Administrator
Margaretta Grimm, Adult Nurse Practitioner

1 Before: Joan Marshall, Administrative Hearing Officer

2 **HEARING OFFICER'S PREAMBLE.**

3 **ALL WITNESSES SWORN.**

4 HEARING OFFICER: I will initially ask questions. I'll give each of you the
5 opportunity to respond. If there is anything further you'd like to tell me please
6 bring that to my attention. Also, if you have documents or exhibits that you'd like
7 to make me aware of, make me aware of those as they become relative in your
8 testimony and I will consider them at that time. You will be given the opportunity
9 to question your own witnesses and to cross-examine opposing witnesses. A
10 decision will be mailed to you as soon as possible at your most address of record.
11 Miss Legette, is your correct address 517 Laurel Ridge Road, North Charleston,
12 SC 29418?

13 CLAIMANT: Yes, it is.

14 HEARING OFFICER: And is your phone number 843-709-7073?

15 CLAIMANT: Yes.

16 HEARING OFFICER: Okay and for Nucor Corporation is the correct address in
17 C/O Human Resources, P.O. 2259, Mount Pleasant, SC 29465?

18 EMPLOYER WITNESS-1: Correct.

19 HEARING OFFICER: Is the...excuse me, is the phone number 843-336-6000?

20 EMPLOYER WITNESS-1: Correct.

21 HEARING OFFICER: Okay, this was initially ruled a discharge so I'll begin
22 taking testimony with the employer. Before I do so, do any of the parties have
23 questions for me regarding the issues or procedures of the hearing? Any questions
24 at all?

1 EMPLOYER WITNESS-1: No.

2 HEARING OFFICER: Okay, all right, I have in front of me a document that is a
3 UCB103. This is a Determination that was mailed to the parties by our Agency on
4 May 27, 2010. This Determination would advise the parties that Miss Legette was
5 actually disqualified for 26 weeks effective April 18 through October 16, 2010.
6 Miss Legette, is that what you're appealing today?

7 CLAIMANT: Yes, ma'am.

8 HEARING OFFICER: Is that the only thing you're appealing during today's
9 hearing, just that one Determination? Is that the only thing you received?

10 CLAIMANT: Well actually, it says two different things on here.

11 HEARING OFFICER: Okay, that's...that's the notice of the appeal and...

12 CLAIMANT: Okay.

13 HEARING OFFICER: ...that would have indicated they would have been
14 checked discharge and voluntary quit because when we get in to a hearing we
15 never actually know...

16 CLAIMANT: Okay.

17 HEARING OFFICER: ...what the cause may be so we will cover both issues
18 just so that we explore both options, so is this the actual only Determination that
19 you would have received that would have advised you of a disqualification?

20 CLAIMANT: Yes.

21 HEARING OFFICER: Okay, may I enter that as an Agency Exhibit to show that
22 that is in fact the only thing being appealed today?

23 CLAIMANT: Okay.

1 HEARING OFFICER: All right and let me show that to you as well. Miss Star,
2 do you have any objection to that document being entered into evidence as Agency
3 Exhibit 1?

4 EMPLOYER WITNESS-1: No.

5 HEARING OFFICER: Okay, without objection the UCB103 as described will be
6 entered into evidence as described and that is a one page document. Okay, Miss
7 Starr, will you please state and spell your name for the record?

8 EMPLOYER WITNESS-1: Linda Star L-I-N-D-A S-T-A-R-R.

9 HEARING OFFICER: Okay, and can you verify that Miss Legette worked for
10 Nucor Corporation from August 24, 1998 through April 22, 2010?

11 EMPLOYER WITNESS-1: Correct.

12 HEARING OFFICER: What was her job title?

13 EMPLOYER WITNESS-1: She was Cold Mill Scheduler.

14 HEARING OFFICER: Was she discharged?

15 EMPLOYER WITNESS-1: Yes.

16 HEARING OFFICER: And why was she discharged?

17 EMPLOYER WITNESS-1: She submitted a random...she was randomly
18 se...selected for a drug test on April the 6th, 2010. The sample tested positive for
19 marijuana with an amount of 1.25 picograms per milligram. She was given the
20 opportunity at that time in a meeting with our General Manager, [UNCLEAR], to
21 then resign. She chose to stay and tes...to take a second test. That sample then
22 was taken on April the 15th, 2010. It also tested positive with a reading of .78
23 picograms per milligram and again marijuana. At that point then on the 22nd of
24 April she was discharged for cause.

1 HEARING OFFICER: Okay, and does the employer have a communicated drug
2 policy?

3 EMPLOYER WITNESS-1: Yes, we do.

4 HEARING OFFICER: Okay, and is that policy provided to employees at hire?

5 EMPLOYER WITNESS-1: Yes, it is and I do have copies of that.

6 HEARING OFFICER: Okay, if I may see both copies please.

7 EMPLOYER WITNESS-1: There's four copies.

8 HEARING OFFICER: Okay, actually I'm going to need the two. Thank you.
9 Let me give that to you Miss Legette. Take a minute and review that Miss Legette
10 as I do the same. This is the employer communicated drug policy. Are you
11 familiar with that policy?

12 CLAIMANT: Yes, ma'am.

13 HEARING OFFICER: Do you have any objection to the policy being entered
14 into evidence as Employer Exhibit 1?

15 CLAIMANT: No.

16 HEARING OFFICER: Okay, would you like to state for the record specifically
17 what the policy states, Miss Starr?

18 EMPLOYER WITNESS-1: Yes, it does say that anyone who is an employee of
19 Nucor has the opportunity to be random drug tested at any time regardless of the
20 person's title, [UNCLEAR], or general manager down to someone who's only
21 worked for the company for a day. The random testing is just that and we have
22 no...no way of...of making a random testing less random.

1 HEARING OFFICER: Okay, all right and according to policy, if someone tests
2 positive do they have any option to seek outside resources as far as obtaining a
3 drug test on their own outside of employment?

4 EMPLOYER WITNESS-1: The second test that they would be requesting
5 would be again performed by the person in-house. In this particular instance, or
6 both of these instances, it was Margaretta Grimm so both the tests are then handled
7 by the laboratory that we use for all of our testing.

8 HEARING OFFICER: Okay, and what laboratory do you use for testing
9 purposes?

10 EMPLOYER WITNESS-1: Omega Laboratories.

11 HEARING OFFICER: Is this a certified laboratory?

12 EMPLOYER WITNESS-1: That's correct, and I do have copies of their
13 certifications and all of their recent permits.

14 HEARING OFFICER: Okay, did you want to offer that as an exhibit?

15 EMPLOYER WITNESS-1: Yes.

16 HEARING OFFICER: Okay, and are these originals?

17 EMPLOYER WITNESS-1: No, they're all copies.

18 HEARING OFFICER: Okay, if you would, I'm going to ask that you give me
19 my copy and then give me the copy for the claimant if you'll just separate those?

20 EMPLOYER WITNESS-1: Sure.

21 HEARING OFFICER: Okay, so just the...the one page that you wanted to offer
22 at this time?

1 EMPLOYER WITNESS-1: The one page for these, but I actually have about
2 seven other certifications that they would also like to...

3 HEARING OFFICER: Okay, is that everything?

4 EMPLOYER WITNESS-1: Yes.

5 HEARING OFFICER: Okay, all right, the employer has offered a multi-page
6 document in regard to the credentials for Omega Laboratories. Let me give you
7 your copies. Do you have any objection to the certification and credentialing of
8 the laboratory that performed the test for the employer being entered into evidence
9 as Employer Exhibit 2? Just tell me you've had an opportunity to review it ma'am,
10 any objection? You need a moment?

11 CLAIMANT: Yes.

12 CLAIMANT WITNESS-1: [UNCLEAR] since I'm the expert and the testing
13 she needs to ask me...

14 HEARING OFFICER: Okay.

15 CLAIMANT WITNESS-1: ...a question.

16 HEARING OFFICER: Well actually, she can't question you at this particular
17 time. When I come to her she can ask...she can actually question you at that
18 particular time, okay? If you object, state your objection now and I'm going to
19 note it for the record. I'm going to allow the documentation, but you'll be allowed
20 to question your expert witness when I come to you for testimony.

21 CLAIMANT: Okay.

22 HEARING OFFICER: Any objections to the documents being entered into
23 evidence?

24 CLAIMANT: No.

1 HEARING OFFICER: Okay, the multi-page document in regard to
2 Omega...okay, I'm to ask you to keep all of it over there since you have
3 everything separated, thank you...in regard to Omega Laboratory's credentials and
4 certification will be allowed and entered into evidence without claimant objection
5 as Employer Exhibit 2. Okay, now let me clarify my question. After going
6 through the procedure of being tested in-house, does your policy allow for an
7 employee who may disagree with the findings to obtain their own independent
8 testing?

9 EMPLOYER WITNESS-1: No.

10 HEARING OFFICER: Okay, all right, and if an employee tests positive does the
11 policy allow for any sort of intervention, drug counseling or anything in that regard
12 to retain employment?

13 EMPLOYER WITNESS-1: The employee always has the opportunity before
14 the drug test to let us know that they'd like intervention. At that point there will be
15 intervention made, but once a testing is tested then the intervention is not going to
16 be made. The termination is pretty final actually.

17 HEARING OFFICER: Okay, and so the Omega Laboratory...they are a certified
18 laboratory by the College of American Pathologists with the U.S. Department of
19 Health and Human Services, is that correct?

20 EMPLOYER WITNESS-1: Correct.

21 HEARING OFFICER: Okay, and what testing means was performed by the
22 Laboratory?

23 EMPLOYER WITNESS-1: They do a gas chromatology, mass
24 spectrom...spectro....spectrometry, or gas chromatography mass spectrometry,
25 mass spectrometry process. Either of those two processes.

26 HEARING OFFICER: Okay, and for this particular...what type of sampling was
27 taken for the claimant?

1 EMPLOYER WITNESS-1: There were hair samples taken from the head.
2 Both of the samples were.

3 HEARING OFFICER: And did Miss Grimm perform both of those...

4 EMPLOYER WITNESS-1: Correct.

5 HEARING OFFICER: ...tests? Did see actually obtain the hair samples on both
6 occasions?

7 EMPLOYER WITNESS-1: Correct.

8 HEARING OFFICER: Did the employee at any time communicate to the
9 employer any perceived problem with the testing?

10 EMPLOYER WITNESS-1: No, I do have her signed release and consent form
11 for both of the tests that were performed along with Miss Margaretta Grimm's
12 signature and information as the witness and as the person who was doing the
13 testing.

14 HEARING OFFICER: Okay, is there anything further you'd like to tell me at
15 this particular time Miss Starr?

16 EMPLOYER WITNESS-1: Yes, I also have a signed, dated copy from our
17 handbook regarding the fact that the drug policy was communicated out by...and
18 Miss Legette had signed that then so she was aware of the policy.

19 HEARING OFFICER: Okay, did you want to offer that at this time?

20 EMPLOYER WITNESS-1: Yes, thank you.

21 HEARING OFFICER: Thank you. Let me give that to you, Miss Legette. The
22 employer has offered a one page disclaimer and acknowledgement in regard to
23 Nucor Steel's drug policy. This is dated December 19, 2002. Do you have any
24 objection or I apologize, actually there's two different dates on this. What are the

1 two documents? It seems like one has a 2002 and the other is a 2007? Are these
2 two different...let me...let me give those back to you. Can you clarify the...the
3 discrepancy in the dates?

4 EMPLOYER WITNESS-1: Yes, the 2002 dated employee handbook was an
5 acknowledgement form. She received the latest handbook copies that we had that
6 was actually printed November 1, 2002. The 2007, disclaimer says that this is not
7 an expressed or implied contract for employment. So just because you're working
8 at Nucor Steel, at any time you can leave the company. It also says that there were
9 omissions to the handbook November 1, 2002, April 1, 2003 and May 25, 2003.
10 She received those.

11 HEARING OFFICER: Okay, all right, do you have any objection on the...for
12 that one page document being entered into evidence, Miss Legette?

13 CLAIMANT: No.

14 HEARING OFFICER: Okay, the one page document as described will...will be
15 entered into evidence as Employer Exhibit 3. Okay, Miss Starr, did the employer
16 at any time question Miss Legette regarding her use of marijuana?

17 EMPLOYER WITNESS-1: Not to my knowledge.

18 HEARING OFFICER: Okay, anything further before I leave you for testimony?

19 EMPLOYER WITNESS-1: I'd like to go ahead and submit each of the release
20 and authorization forms from the two tests that were done April the 6th and April
21 the 15th.

22 HEARING OFFICER: Okay.

23 EMPLOYER WITNESS-1: Here's one and there's the other.

24 HEARING OFFICER: Okay, actually let's do these separately.

1 EMPLOYER WITNESS-1: Sure, [UNCLEAR].

2 HEARING OFFICER: Let's do the...if you could chronologic order. I'm going
3 to give that one back to you.

4 EMPLOYER WITNESS-1: Thank you.

5 HEARING OFFICER: This is the release for the test performed on April 6,
6 2010. Miss Legette, do you have any objection to that multi-page release
7 document being entered into evidence as Employer Exhibit 4?

8 CLAIMANT: No.

9 HEARING OFFICER: I'm sorry, talk loud for me.

10 CLAIMANT: No.

11 HEARING OFFICER: Thank you. All right, the four page document as
12 described will be allowed and entered into evidence without claimant objection as
13 Employer Exhibit 4. Okay, and then you had the follow-up.

14 EMPLOYER WITNESS-1: [UNCLEAR].

15 HEARING OFFICER: ...for the 15th. Okay, there you go, ma'am. Okay, the
16 employer has also offered a document regarding the claimant's release for the test
17 to be performed on April 15, 2010. Do you have any objection to that document
18 being entered into evidence as Employer Exhibit 5, Miss Legette?

19 CLAIMANT: Yes.

20 HEARING OFFICER: Okay, what's your objection for that particular
21 document?

22 CLAIMANT: It was done on a level of detection.

1 HEARING OFFICER: I'm sorry, state that again.

2 CLAIMANT: Level of detection. The test was performed as a
3 limit of detection.

4 HEARING OFFICER: Okay, I'm sorry what...what...can you explain?

5 CLAIMANT: Yeah, but it's...I know I'm not supposed to go
6 way there but there was other drug tests before these two and they have not
7 brought those in today.

8 HEARING OFFICER: Okay, all right, I'm going to note your objection on that
9 date so when I come to you for testimony you can elaborate at that particular time.

10 CLAIMANT: Okay.

11 HEARING OFFICER: I'm going to allow the document as described with
12 claimant's noted objection and again I will come to...I'll allow her to clarify when
13 I come to her for testimony. Is there anything further you'd like to add, Miss
14 Starr?

15 EMPLOYER WITNESS-1: Yes, the type of testing that was done was a five
16 panel test in which we were looking for amphetamines, cocaine, marijuana,
17 metabolite, [UNCLEAR], and opiates. The samples were actually not only
18 handled by Margaretta Grimm but she also mailed them via chain of custody to the
19 lab then and [UNCLEAR].

20 HEARING OFFICER: Okay, and did you have documentation that you wanted
21 to provide at this time regarding that?

22 EMPLOYER WITNESS-1: No.

23 HEARING OFFICER: Okay, okay, anything further?

1 EMPLOYER WITNESS-1: The first testing that was done was 1.25. The
2 second testing that was done was .78. When we work with the first test results,
3 we're looking for a test of .10. The test of 1.25 was obviously higher than that.
4 That's what prompted, you know, the opportunity for her to have a second test or
5 the opportunity for her at that point to go ahead and voluntarily resign.

6 HEARING OFFICER: Okay, so do I understand correctly that anything above a
7 .10 could result in result in termination?

8 EMPLOYER WITNESS-1: Correct.

9 HEARING OFFICER: Okay, anything further?

10 EMPLOYER WITNESS-1: No.

11 HEARING OFFICER: Okay, Miss Legette, this is your opportunity to cross-
12 examine Miss Starr. Do you have any questions for Miss Starr at this particular
13 time?

14 CLAIMANT: On February 13th...

15 HEARING OFFICER: Okay.

16 CLAIMANT: On February 13th, I got notified of the drug test by
17 email. I called the [UNCLEAR]...

18 HEARING OFFICER: Okay, all right, this is your opportunity to ask her
19 questions...

20 CLAIMANT: Oh, okay.

21 HEARING OFFICER: What's your question for her?

22 CLAIMANT: Oh, okay, today you did not bring these two tests
23 into the room and I was wondering why, the first two tests.

1 EMPLOYER WITNESS-1: The reason that you're here today is because you
2 had a test performed on April the 6th and April the 15th. Any tests prior to that are
3 not relevant to what's happening right now.

4 HEARING OFFICER: Do you have any follow-up questions?

5 CLAIMANT: Yeah, why would that be not? I got tested on the
6 25th of April, or...

7 HEARING OFFICER: Okay, all right, I don't...I want to limit to you at this
8 point in time, I don't want any testimony okay...

9 CLAIMANT: Okay.

10 HEARING OFFICER: So...

11 CLAIMANT: Okay, I had a drug test come back at 6.25 and then
12 I asked for a retest. It came back negative.

13 HEARING OFFICER: You're giving me testimony now.

14 CLAIMANT: Oh, I'm sorry.

15 HEARING OFFICER: What's your question?

16 CLAIMANT: Why...what is the reason that these two tests
17 would not be submitted in because it all leads in to the same thing? The 30 days
18 later they called me over because...

19 HEARING OFFICER: Okay, a...again...

20 CLAIMANT: So I would like to know why these weren't entered
21 today?

22 EMPLOYER WITNESS-1: Again...

- 1 CLAIMANT: It was all together.
- 2 HEARING OFFICER: Okay, ma'am.
- 3 CLAIMANT: As far as that.
- 4 HEARING OFFICER: Okay, is your question...
- 5 CLAIMANT: I'm sorry.
- 6 HEARING OFFICER: ...why would the prior tests not be relevant...
- 7 CLAIMANT: Right.
- 8 HEARING OFFICER: ...to these particular...
- 9 CLAIMANT: Right.
- 10 HEARING OFFICER: ...tests? Okay, I'll allow you to answer that. I think you
11 already have, but I'll allow you to address that again.
- 12 EMPLOYER WITNESS-1: The reason we're here today is because the test of
13 April the 6th and April the 15th. That's anything prior I don't have any information
14 about that. I also don't have any notes. You can speak to Miss Margareta Grimm
15 to see if she has any information about that but I'm not here to talk to about
16 anything prior. I'm here only to talk about the fact that your termination date was
17 April the 22nd, 2010, based upon two positive drug tests.
- 18 HEARING OFFICER: Okay, any follow-up questions? I'm going to...
- 19 CLAIMANT: No.
- 20 HEARING OFFICER: ...I'll give you an opportunity to present your case.
- 21 CLAIMANT: Okay.

1 HEARING OFFICER: Okay, so you can give me testimony at that time, okay?
2 Do you have any questions for her at this particular time?

3 CLAIMANT: No.

4 HEARING OFFICER: Okay, all right, anything further Miss Starr before I leave
5 you for testimony?

6 EMPLOYER WITNESS-1: No.

7 HEARING OFFICER: Okay, Miss Grimm, will you please state and spell your
8 name for the record?

9 EMPLOYER WITNESS-2: It's Margaretta Grimm. M-A-R-G-A-R-E-T-T-A.
10 Last name G-R-I-M-M.

11 HEARING OFFICER: Okay, Miss Grimm, are you the nurse practitioner who
12 performed the testing on Miss Legette?

13 EMPLOYER WITNESS-2: That's correct.

14 HEARING OFFICER: Okay, and did you perform two separate tests on her on
15 two differ...individual dates?

16 EMPLOYER WITNESS-2: That's correct.

17 HEARING OFFICER: Okay, and were those two dates that you performed the
18 tests April 6th and April 22, 2010?

19 EMPLOYER WITNESS-2: That is correct.

20 HEARING OFFICER: Okay, was it your understanding that Miss Legette was
21 selected for a random drug testing on April 6?

22 EMPLOYER WITNESS-2: That is correct.

1 HEARING OFFICER: Okay, what was the purpose of giving her the second test
2 on the 22nd?

3 EMPLOYER WITNESS-2: She was brought over by her Cold Mill Supervisor
4 for retest at her request.

5 HEARING OFFICER: Does policy allow for that?

6 EMPLOYER WITNESS-2: Yes.

7 HEARING OFFICER: Okay, and what type of test did you perform?

8 EMPLOYER WITNESS-2: We do the five panel hair test but we do it as a
9 level of detection.

10 HEARING OFFICER: Okay, can you explain to me what that means?

11 EMPLOYER WITNESS-2: That means that when they actually process the test
12 they take it down to the...to what it actually is quantitatively so that if there is any
13 trace that it is detected.

14 HEARING OFFICER: Okay, and...

15 EMPLOYER WITNESS-2: And that's done in the lab and that's really how
16 we've done all second tests.

17 HEARING OFFICER: Okay, and is that laboratory...is that an independent
18 laboratory?

19 EMPLOYER WITNESS-2: It's...yes, it's the Omega Lab.

20 HEARING OFFICER: Okay, and that is...that's outsource is that correct?

21 EMPLOYER WITNESS-2: That is correct.

1 HEARING OFFICER: Okay, and when you perform a hair follicle...when you
2 take the sample, what's the procedure that you follow?

3 EMPLOYER WITNESS-2: You basically allow the person a choice of where
4 they'd like the hair sample to come from. You use alcohol to clean the
5 instruments. You don't want to make it an obvious cut so you lift up the hair and it
6 could...can be done underneath and you want to collect at least 200 hairs. I wear
7 gloves you know. You want to seal the envelope with the hair follicle and at the
8 right side of the envelope, there's two sides, so that they are testing from the root
9 not the end of the hair and you want to make sure that it's all sealed in front of
10 the...the participate maybe with the donor and they that they acknowledge that it's
11 sealed in their presence and they do that by dating and...and signing on this
12 envelope.

13 HEARING OFFICER: Okay, so...

14 EMPLOYER WITNESS-2: At that point it's contained in a locked box.

15 HEARING OFFICER: Okay, and when you performed the test on Miss
16 Legette...

17 EMPLOYER WITNESS-2: U-hum.

18 HEARING OFFICER: ...was she the only person in the room that you were
19 performing that particular test on at that time?

20 EMPLOYER WITNESS-2: For the second test her supervisor was there.

21 HEARING OFFICER: Was she the only person you actually obtained the hair
22 sample from?

23 EMPLOYER WITNESS-2: Yes.

24 HEARING OFFICER: Okay, and did she observe you sealing...

- 1 EMPLOYER WITNESS-2: Yes.
- 2 HEARING OFFICER: ... the envelope and did she label the envelope?
- 3 EMPLOYER WITNESS-2: Yes.
- 4 HEARING OFFICER: Okay, and after that was done did you send the sample to
5 the laboratory?
- 6 EMPLOYER WITNESS-2: Correct.
- 7 HEARING OFFICER: And what was your understanding of the results from the
8 lab?
- 9 EMPLOYER WITNESS-2: The lab report was resulted as a positive test at the
10 .78 picogram per milligram of marijuana. That was the result.
- 11 HEARING OFFICER: Okay that was the second test, is that correct?
- 12 EMPLOYER WITNESS-2: Yes.
- 13 HEARING OFFICER: Okay, is there anything further you'd like to tell me?
- 14 EMPLOYER WITNESS-2: I believe Chris has an actual copy of how the...
- 15 HEARING OFFICER: I'll come to her for testimony...
- 16 EMPLOYER WITNESS-2: [UNCLEAR].
- 17 HEARING OFFICER: ...in a moment.
- 18 EMPLOYER WITNESS-2: Right.
- 19 HEARING OFFICER: Okay.

- 1 EMPLOYER WITNESS-2: Was presented to the lab so...
- 2 HEARING OFFICER: Okay.
- 3 EMPLOYER WITNESS-2: That's it.
- 4 HEARING OFFICER: When you performed the tests on Miss Legette did she at
5 any time acknowledge the use of marijuana?
- 6 EMPLOYER WITNESS-2: No.
- 7 HEARING OFFICER: Did she at any time object to the manner in which the
8 sample was being collected?
- 9 EMPLOYER WITNESS-2: No.
- 10 HEARING OFFICER: Are you aware of any...anything that may cause a hair
11 follicle test to misread...
- 12 EMPLOYER WITNESS-2: No.
- 13 HEARING OFFICER: ...for marijuana? Okay, is there anything further you'd
14 like to add?
- 15 EMPLOYER WITNESS-2: No.
- 16 HEARING OFFICER: Miss Starr do you have any questions for Miss Grimm?
- 17 EMPLOYER WITNESS-1: No.
- 18 HEARING OFFICER: Okay, Miss Legette, do you have any questions for Miss
19 Grimm?
- 20 CLAIMANT: I did. I asked you.

1 HEARING OFFICER: Okay, well any questions...

2 CLAIMANT: This...

3 HEARING OFFICER: ...for at this time.

4 CLAIMANT: Whenever you did my hair...

5 EMPLOYER WITNESS-2: Okay.

6 CLAIMANT: ...I did on the second test ask you to take it...

7 HEARING OFFICER: Okay.

8 CLAIMANT: ...out of the ponytail.

9 HEARING OFFICER: Okay.

10 CLAIMANT: Is that correct?

11 EMPLOYER WITNESS-2: I don't recall.

12 CLAIMANT: I had a ponytail right here.

13 HEARING OFFICER: Okay, no testimony at this time.

14 CLAIMANT: Okay.

15 HEARING OFFICER: Any...any follow-up questions for her?

16 CLAIMANT: No.

17 HEARING OFFICER: Okay, let me follow-up. Did recall her asking you

18 specifically...

1 EMPLOYER WITNESS-2: No.

2 HEARING OFFICER: And let me finish. Do you recall her requesting you
3 taking the sample from any specific part of her hair?

4 EMPLOYER WITNESS-2: No.

5 HEARING OFFICER: Do you recall what portion of her head you removed the
6 hair?

7 EMPLOYER WITNESS-2: I believed it was from base, from the base.

8 HEARING OFFICER: Can...can results be manipulated...determi...by the
9 portion of the head that the hair is removed from?

10 EMPLOYER WITNESS-2: Not to my knowledge.

11 HEARING OFFICER: Okay, so when you ask someone where they want the
12 hair to be removed from is that just a matter of preference as far as cosmetically
13 where the hair should be removed from? What's the purpose?

14 EMPLOYER WITNESS-2: Some...some employees don't have hair on their
15 head so we allow them to choose other sites which would be backs, leg area, the
16 groin.

17 HEARING OFFICER: Okay, all right, any follow-up questions Miss Legette?

18 CLAIMANT: No.

19 HEARING OFFICER: Okay, all right, Miss Legette will you please state and
20 spell your name for the record.

21 CLAIMANT: Kim Legette. K-I-M L-E-G-E-T-T-E.

1 HEARING OFFICER: Okay, Miss Legette, were you familiar with the drug
2 policy for the employer?

3 CLAIMANT: Yes, ma'am.

4 HEARING OFFICER: Okay, and were you asked to take a random test on April
5 6th?

6 CLAIMANT: April 5th. I was off work that day.

7 HEARING OFFICER: Okay, so it was actually the 5th, that the test was taken.

8 CLAIMANT: No, I got notified by email I had a Nucor computer
9 at home...

10 HEARING OFFICER: Okay.

11 CLAIMANT: ...and was notified by email on the 5th.

12 HEARING OFFICER: Okay, so that the test was performed on the 6th?

13 CLAIMANT: On the 6th I cannot tell that I went over to take the
14 test on that morning and they told me they were too busy and they could not take
15 the test and to come back in the afternoon.

16 HEARING OFFICER: Okay, and did you freely do so?

17 CLAIMANT: Yes, in the afternoon I went over with a co-worker
18 that also got pulled for a test. We walked over and the office was crowded. There
19 were lots of people in their getting tested that day, I'd say approximately around
20 10. So we all got in line and I was next up and Marg wanted to Buffy my co-
21 worker before me.

22 HEARING OFFICER: Okay, I'm going to ask that you refer to individuals as
23 their last name...

1 CLAIMANT: Okay.

2 HEARING OFFICER: ...just for clarity. Okay, so...so Miss Grimm requested
3 that she do your...

4 CLAIMANT: Right.

5 HEARING OFFICER: ...co-worker.

6 CLAIMANT: I was next in line and she said no, I'm going to
7 take Buffy next.

8 HEARING OFFICER: Okay, all right, so when she performed the test for you...

9 CLAIMANT: U-hum.

10 HEARING OFFICER: ...tell me what happened.

11 CLAIMANT: She was professional about it. She cleaned the
12 scissors, which I had not seen done there before, cleaned the area, and cut my hair,
13 and that was the first test, and I didn't pick a specific place for her to cut it the first
14 time.

15 HEARING OFFICER: Okay, did you observe her taking the hair and putting it
16 in an envelope and sealing it?

17 CLAIMANT: Yes, and then they have a box right underneath and
18 they just throw them in there and I guess they're collected every couple days or
19 maybe every day I'm not sure.

20 HEARING OFFICER: Okay, did she ask you to record on the envelope...

21 CLAIMANT: U-hum.

22 HEARING OFFICER: ...your name and date?

1 CLAIMANT: Yes, ma'am.

2 HEARING OFFICER: And did you do so?

3 CLAIMANT: Yes, ma'am.

4 HEARING OFFICER: Okay, and did you become aware at a later date that
5 according to laboratory results that that tested positive for marijuana?

6 CLAIMANT: I did. My supervisor came in and said 'you're not
7 going to believe this you tested positive again.'

8 HEARING OFFICER: Okay, well what do you mean again?

9 CLAIMANT: Again, I was. On February 25, I took a test. I was
10 notified on February 13. I was heading out of town for my uncle's funeral. When
11 I got...I called them to see if they wanted me to come in since I'd been notified of
12 the drug test. They told me just come when I got back in town so I went into work
13 on February 25th. I went to the safety office first thing in the morning. There was
14 no one in there so I got to the last door which was Mike [UNCLEAR] the safety
15 manager's job that's...he was in that office and I asked him...I told him I was
16 there for a drug test. He told me to...he had Dave English that's why...his name is
17 Dave English. He had him sitting there and he had two vendors in office and he
18 told Dave to go practice on me. He said "you've seen me do the drug test several
19 times here I need you to go practice on Kim."

20 HEARING OFFICER: Okay, and when you had the drug test on that particular
21 did you test positive for marijuana?

22 CLAIMANT: I tested 6.25.

23 HEARING OFFICER: Okay, how did you continue employment?

24 CLAIMANT: I was called into my manager's office with my
25 supervisor and my manager. They wanted me to resign. I told them I did not do

1 drugs. I was you know very shocked by the whole thing. I've always worked for a
2 drug-free environment. I've worked there for 13 years and I've never done drugs.

3 HEARING OFFICER: Okay, so how did you continue employment?

4 CLAIMANT: I got suspended for six days because I requested a
5 second test. A second test was performed that day on March 5th. That's the day I
6 was notified March 5th, that it was positive.

7 HEARING OFFICER: Okay, so you had a second test done that same day is that
8 correct?

9 CLAIMANT: That's correct. I had two tests done. I had one off-
10 site and on-site.

11 HEARING OFFICER: Okay, what were the results of those?

12 CLAIMANT: Negative both of them.

13 HEARING OFFICER: Okay, were those both hair follicle tests?

14 CLAIMANT: Yes, ma'am.

15 HEARING OFFICER: Okay, and were either of the laboratories that performed
16 the test that...for any of those tests were...were...were...were the tests performed
17 by Omega to the best of your knowledge?

18 CLAIMANT: To the best of my knowledge. I have paperwork
19 here that I got from Accu Diagnostics. At the time of my termination I wasn't
20 given any paperwork. I asked for it from the General Manager. He told me he
21 didn't have it. I had asked for it from Marg and they said it was locked up in a
22 [UNCLEAR] and we had a key to it so I could not get any documentation so I went
23 to Accu Diagnostics and I met Julie and she gave me all the documentation.

1 HEARING OFFICER: Okay, and is the purpose of you bringing that to my
2 attention to make me aware that even though you tested positive, additional tests
3 showed that you...

4 CLAIMANT: Negative.

5 HEARING OFFICER: ...tested negative?

6 CLAIMANT: Yes, ma'am.

7 HEARING OFFICER: Was there any explanation given as to how they may
8 have occurred?

9 CLAIMANT: Well, when Dave English, that's why I had him
10 subpoenaed, he's the one that went...him and I went in the room to do the drug
11 test. Like I said it was very sloppy. It was not professional. It was his first time
12 doing a drug test to my knowledge according to Mike [UNCLEAR] and...

13 HEARING OFFICER: Go ahead go.

14 CLAIMANT: ...he cut my hair. He proceeded on, you know,
15 putting everything in the bag and all that and when he sealed the bag he realized
16 that he didn't sign the right...he didn't have me sign or him sign so he had to tear
17 the bag back open, dump it on the counter...

18 HEARING OFFICER: Now, this is all this information is relative to the test that
19 was performed on...

20 CLAIMANT: 2/25.

21 HEARING OFFICER: Okay, all right, so...so Mr. English performed that
22 particular test is that correct?

23 CLAIMANT: That's correct.

1 HEARING OFFICER: Okay, but now Miss Grimm performed the two tests that
2 are in question today, is that correct?

3 CLAIMANT: That's correct.

4 HEARING OFFICER: Okay, and as far what you observed with when Miss
5 Grimm performed two tests did you observe any abnormalities or any failure to
6 follow procedure in obtaining the specimen on those days?

7 CLAIMANT: Whenever I went in there to get the second test, I
8 tried to ask why her why this would be happening cause it already happened with a
9 6.25 positive, then a negative, then the 1.25 so I asked for the retest so I was asking
10 her if she could explain what could cause something like this because I know I did
11 smoke marijuana. At that point she was very unprofessional and kind of put her
12 hand up at me and zipped her lip and wouldn't talk to me so Bob Waldron, my
13 supervisor, witnessed that and I...

14 HEARING OFFICER: Well, did you observe any abnormalities when Miss
15 Grimm...

16 CLAIMANT: Very, very...

17 HEARING OFFICER: ...per...

18 CLAIMANT: ...nervous...

19 HEARING OFFICER: ...per...

20 CLAIMANT: She was shaking really...

21 HEARING OFFICER: ..when she performed the test...

22 CLAIMANT: Yes.

1 HEARING OFFICER: ...did you observe any abnormalities as far as how she
2 conducted the testing?

3 CLAIMANT: Yes was very, very nervous to cut my hair. She
4 was shaking all over.

5 HEARING OFFICER: Did you...

6 CLAIMANT: Very nervous, and I had a ponytail right here and I
7 was wanting the same test done because I went off-site to get the test so I took a
8 piece of hair back here because my hair is all cut up anyway from all these other
9 tests. I was getting them off-site and on-site so my hair was chopped up and I had
10 like hair sticking up everywhere so I took my hair back here and put it in a ponytail
11 and I asked that she cut it from there and then I left it in the little ponytail here and
12 I went to Dr. Bennett's office and had the same area cut because I was really
13 getting upset that all these kept coming back so random here. A 6.25, then a
14 negative, then the 1.25 so I was really upset about the whole thing because I know
15 that I don't participate in any of that and I didn't have any reason for these tests to
16 be coming back like this so I was very upset so I was going off-site getting tests
17 done also.

18 HEARING OFFICER: Okay, all right, let me go back to the procedure that...

19 CLAIMANT: Okay.

20 HEARING OFFICER: ...Miss Grimm followed. Did you...when she cut your
21 hair did see put the specimen, the hair specimens, in the envelope, seal it in your
22 presence...

23 CLAIMANT: Yes.

24 HEARING OFFICER: ...and label it in your presence?

25 CLAIMANT: Yes.

1 HEARING OFFICER: Okay, so as far you know from the procedure that she
2 followed in the envelope that was in fact your hair specimen is that correct?

3 CLAIMANT: Yes.

4 HEARING OFFICER: Okay, do you use marijuana?

5 CLAIMANT: No.

6 HEARING OFFICER: Have you ever used marijuana?

7 CLAIMANT: When I was in ninth grade.

8 HEARING OFFICER: How many years ago would that have been?

9 CLAIMANT: I'm 49...

10 HEARING OFFICER: Okay, so in 4...

11 CLAIMANT: So...

12 HEARING OFFICER: You haven't...

13 CLAIMANT: That would be, yeah, I graduated in '79, so you
14 would...it would be '75.

15 HEARING OFFICER: Okay, so you've not used marijuana since 1975, is that
16 correct?

17 CLAIMANT: That's correct, and I tried it once freshman year of
18 high school.

19 HEARING OFFICER: Do you use any other drug?

1 CLAIMANT: No.

2 HEARING OFFICER: Do you use any prescription medication that possibly
3 would cause a test to be positive for marijuana?

4 CLAIMANT: The only thing that was going on with me at that
5 time was I had a bad case of arthritis hit in my legs and my lower back and I was
6 eating Advil and Aleve left and right. I went to the doctor. He gave me something
7 called Tramadol.

8 HEARING OFFICER: Okay, when you took the test did you advise Miss Grimm
9 of any medications that you were taking?

10 CLAIMANT: She never asked. They used to ask and that's one
11 thing that me and other employees have talked about. That used to be a common
12 question and it's not asked to our knowledge anymore, or up to me.

13 HEARING OFFICER: Does the policy advise you that if you take a drug test
14 that it's your responsibility to advise the employer of any medications that possibly
15 you would be taking that may have an effect on...

16 CLAIMANT: I've been there almost 13 years I wouldn't
17 remember if the policy said that or not. I mean, you sign the policy in when you
18 first get hired and then they have updates but it could be. I'm not sure.

19 HEARING OFFICER: Okay, and at the time that you took the test were
20 you...had you recently used Advil, Aleve, or the Tramadol?

21 CLAIMANT: Yes, and I went back to my doctor because it
22 wasn't working and he gave me Flexeril. So I got Flexeril and I also take a blood
23 pressure medicine, Atenolol.

24 HEARING OFFICER: And again I want to make sure I understand, did you
25 advise Miss Grimm of any of these medications?

- 1 CLAIMANT: No.
- 2 HEARING OFFICER: What was the blood pressure medication?
- 3 CLAIMANT: It's Atenol. A-T-E-N-O-L-N...A-T-E-N-O-L.
- 4 HEARING OFFICER: Okay, so is there anything further you'd like to add?
- 5 CLAIMANT: That I feel like the first test, which is not in
6 question today, the very first test was a mistake because 6.2 from my knowledge of
7 researching, you can't go from a 6.2 to a negative in less than 10 days.
- 8 HEARING OFFICER: Okay, all right...
- 9 CLAIMANT: and...
- 10 HEARING OFFICER: ...all right, I'd like to...
- 11 CLAIMANT: ...I don't have any medical knowledge or anything
12 like that and just from what I've been researching. I've spent day and night trying
13 to figure it all out.
- 14 HEARING OFFICER: Okay, all right, let me...let me clarify the last two tests.
15 Did you go to an independent lab and have an independent test performed after the
16 last two tests?
- 17 CLAIMANT: Yes, ma'am.
- 18 HEARING OFFICER: Okay, what were the results from the independent lab?
- 19 CLAIMANT: Negative.
- 20 HEARING OFFICER: What was the timeframe in going to the independent lab?

1 CLAIMANT: Within 30 minutes. I was escorted off property
2 from after the first test, the 1.25, I was escorted off property so I went...I had to be
3 driven home by a co-worker because they felt I was under the influence and if I
4 was under the influence they should have given me a urine test I think instead of
5 embarrassing me that way but...and it's never been done to anybody else. No one
6 else has ever been driven home but they said that they had manager's meeting the
7 week before and that was put into effect.

8 HEARING OFFICER: Okay, so...so on the 6th of April within 30 minutes of
9 having the test performed?

10 CLAIMANT: Yes, ma'am.

11 HEARING OFFICER: Did you receive those results that same day?

12 CLAIMANT: No, they went to Omega Labs also. Both tests
13 were Omega Lab.

14 HEARING OFFICER: Okay, so on the same day that the test was performed on
15 the 6th...

16 CLAIMANT: Yes, they both were sent to Omega Lab, and I had
17 an off-site test done.

18 HEARING OFFICER: Okay, are you telling me that you went to an independent
19 lab the same date?

20 CLAIMANT: On...

21 HEARING OFFICER: On the same day?

22 CLAIMANT: No, no, no, I'm sorry on 4/15. I'm sorry.

23 HEARING OFFICER: So that's when you received the results, is that correct?

- 1 CLAIMANT: Wait, wait a minute, I'm confused now.
- 2 HEARING OFFICER: Tell me the date...
- 3 CLAIMANT: Here we go.
- 4 HEARING OFFICER: ...that you went to the independent lab.
- 5 CLAIMANT: Okay, I went to the [UNCLEAR] and the
6 independent lab on 3/5, the first test, and it came back negative and Nucor came
7 back negative.
- 8 HEARING OFFICER: Okay, all right, you had the most recent two tests on the
9 6th of April and the 22nd of April, is that correct?
- 10 CLAIMANT: No. Okay, I'm confused. I'm sorry. The two tests
11 that aren't presented here today...
- 12 HEARING OFFICER: Okay, I want to focus on the most recent two that you
13 have.
- 14 CLAIMANT: Okay.
- 15 HEARING OFFICER: Okay and from what I understood from the employer
16 those were conducted on April 6th and April 22nd.
- 17 CLAIMANT: [UNCLEAR].
- 18 HEARING OFFICER: Is that correct?
- 19 CLAIMANT: No, 4/15. 4/6 and 4/15.
- 20 HEARING OFFICER: Okay, did you have independent tests performed from
21 those particular tests?

- 1 CLAIMANT: On the last test.
- 2 HEARING OFFICER: Okay.
- 3 CLAIMANT: It had been 30 days since these two tests so that
4 was one of the biggest mistakes ever made in my life.
- 5 HEARING OFFICER: Okay, give...give me the various dates that you had
6 independent tests made.
- 7 CLAIMANT: Okay, you want just these two or...
- 8 HEARING OFFICER: Just give me all of the independent dates...
- 9 CLAIMANT: Okay.
- 10 HEARING OFFICER: ...that you have.
- 11 CLAIMANT: Okay, 2/25 I had a test.
- 12 HEARING OFFICER: Okay, who...what were the labs involved in that
13 particular test?
- 14 CLAIMANT: Omega.
- 15 HEARING OFFICER: So that's the same lab.
- 16 CLAIMANT: Yes.
- 17 HEARING OFFICER: Is that correct?
- 18 CLAIMANT: That's correct.
- 19 HEARING OFFICER: Okay, and what was the result?

1 CLAIMANT: The result came back positive.

2 HEARING OFFICER: And that was one that you...you paid for is that correct?

3 CLAIMANT: No, this is Nucor.

4 HEARING OFFICER: Okay, give me the ones that you had.

5 CLAIMANT: Okay, it was, okay, the ones I went out and paid
6 for are March 5th.

7 HEARING OFFICER: Okay, was that with Omega?

8 CLAIMANT: Yes.

9 HEARING OFFICER: What was the result?

10 CLAIMANT: Negative.

11 HEARING OFFICER: Was that a hair test?

12 CLAIMANT: Yes.

13 HEARING OFFICER: Okay, and did you have...

14 CLAIMANT: I also had...

15 HEARING OFFICER: ...also an independent done?

16 CLAIMANT: Excuse me, on 3/5 I also had everything else done,
17 urine and blood.

18 HEARING OFFICER: All that came back negative,...

1 CLAIMANT: Yes.

2 HEARING OFFICER: ...is that correct? Okay, did you additional independent
3 tests?

4 CLAIMANT: Yes, I had...

5 HEARING OFFICER: Done what date?

6 CLAIMANT: [UNCLEAR] here, that's 3/5. 4/15.

7 HEARING OFFICER: Okay, who...what lab performed that particular test?

8 CLAIMANT: Omega.

9 HEARING OFFICER: That's the same laboratory?

10 CLAIMANT: Yes.

11 HEARING OFFICER: Is that correct?

12 CLAIMANT: That's correct.

13 HEARING OFFICER: What type of tests were done then?

14 CLAIMANT: Just hair.

15 HEARING OFFICER: And what were the results?

16 CLAIMANT: Negative.

17 HEARING OFFICER: Okay, is there anything else further you'd like to tell me
18 or offer?

1 CLAIMANT: No, I just think that it all...I'm just confused by all
2 the different tests and I know that I did not partake in any drugs. I'm totally
3 innocent and I would like to know...I've done a lot of research. There's a lot of
4 things that factor in and I'm...I'm no medical expert so I can't say what would
5 cause this.

6 HEARING OFFICER: Okay.

7 CLAIMANT: But...

8 HEARING OFFICER: When you had the independent test did they do anything
9 any differently than Miss Grimm had done?

10 CLAIMANT: More professionally.

11 HEARING OFFICER: Well, as far as the procedure...

12 CLAIMANT: [UNCLEAR].

13 HEARING OFFICER: ...that was followed?

14 CLAIMANT: No.

15 HEARING OFFICER: Was it the same procedure?

16 CLAIMANT: Same procedures, same exactly and sent to same
17 labs.

18 HEARING OFFICER: Okay, I have no additional questions.

19 CLAIMANT: But there's just one more thing.

20 HEARING OFFICER: Go ahead.

1 CLAIMANT: The reason that I had subpoenaed Julie Gordon is
2 the very first test I had which I know is not brought in today, the 6.25, when I went
3 down there to get this paperwork so that I'd have documentation after I was
4 terminated on the 22nd, she told me that Lauren from Omega Labs had called her
5 and said there was problem with my hair. The test of 6.25 she said the hair was red
6 and black and when I asked for the retest that went to Omega the hair was blonde
7 and brown and the texture of the hair was different and that there had been a
8 problem with my hair at Omega, and that's when I went down and got this
9 paperwork from her.

10 HEARING OFFICER: Okay, so those were tests prior to April 6th is that correct?

11 CLAIMANT: U-hum.

12 HEARING OFFICER: So, that was when Mr. English had taken the samples, is
13 that correct?

14 CLAIMANT: That's correct, and I walked in to ask her for
15 documentation here since I could not get it from Nucor and she looked at me funny
16 and asked me if I ever had red and black hair and I said no why are you asking. I
17 thought she thought I was someone else and then she told me the story with the
18 hair. That's the only reason I know anything about the hair being a discrepancy,
19 and I called Omega Labs and I left them two messages to ask them. I was willing
20 to pay for DNA testing if we could samples of hair back because I hear that the
21 Omega Labs keeps the hair samples for two years when they're positive so I was
22 trying to get a sample of the hair for DNA testing. I was willing to pay for that. I
23 was willing to take a lie detector's test from my General Manager. He dismissed
24 all that. He wouldn't look at any of my paperwork and said that he doesn't look at
25 any paperwork that's not affiliated with Nucor.

26 HEARING OFFICER: Okay, anything further?

27 CLAIMANT: No, ma'am.

1 HEARING OFFICER: Okay, Miss Starr, do you have any questions for Miss
2 Legette?

3 EMPLOYER WITNESS-1: No.

4 HEARING OFFICER: Okay, all right, Miss Legette who's best suited for me to
5 question next of your witnesses?

6 CLAIMANT: Dr. Bennett.

7 HEARING OFFICER: Okay, Dr. Bennett, will you will please state and spell
8 your name for the record.

9 CLAIMANT: Robert Bennett. R-O-B-E-R-T B-E-N-N-E-T-T.

10 HEARING OFFICER: Okay, Mr. Bennett, will you describe for the record what
11 your title is and what your area of expertise is.

12 CLAIMANT WITNESS-1: I'm a toxicologist and I perform drug and alcohol
13 testing as a full-time profession. I've done so for 20 years and my specialty is drug
14 testing.

15 HEARING OFFICER: Okay, can you state for the record what the normal
16 procedure is as far as the chain of custody in obtaining a hair sample follicle test.

17 CLAIMANT WITNESS-1: Sure, a subject is first verified by identity to ensure
18 that the person being tested is the proper person that's there to be tested and then
19 the hair is examined to ensure that the hair specimen to be collected is a hair that's
20 suitable for testing. Some people may have some problems with the hair such as in
21 cosmetics alterations or some perming or some dying that may influence the
22 outcome of the test so proper hair needs to be collected in order to perform the
23 proper test.

24 HEARING OFFICER: Okay, well let me stop you there. So are...if someone's
25 hair has been dyed are you able to perform the hair follicle test?

1 CLAIMANT WITNESS-1: Well, you can still perform the test but you're not
2 going to get an accurate reading.

3 HEARING OFFICER: Okay, is that a question that should be asked before you
4 obtain a hair follicle from...

5 CLAIMANT WITNESS-1: Absolutely in my opinion. Research has shown
6 that cosmetic alterations of the hair can influence the outcome on findings on a
7 drug test. That's well documented in the medical literature.

8 HEARING OFFICER: Okay, and that cosmetic alteration would be coloring and
9 perming is that correct?

10 CLAIMANT WITNESS-1: Perming and coloring, specifically coloring that
11 contains peroxide or [UNCLEAR].

12 HEARING OFFICER: Okay, go ahead.

13 CLAIMANT WITNESS-1: Once...

14 HEARING OFFICER: [UNCLEAR].

15 CLAIMANT WITNESS-1: ...once the proper hair is collected, that hair is cut
16 right at the scalp using scissors and that the...the hair is then wrapped in aluminum
17 foil to keep the root ends of the hair aligned for proper analysis because the length
18 of the hair determines the timeframe of the analysis so it's important that the hairs
19 be properly aligned in the specimen envelope that goes to the lab. Any shifting of
20 the hair would alter the timeframe of the test. Typically a test is a 3 month hair test
21 and to the best of my knowledge this was the type of testing that's performed in all
22 of these tests in this case.

23 HEARING OFFICER: Okay, you heard Miss Grimm's description of what
24 procedure she followed in obtaining the hair specimen. According to her
25 description did she accurately follow the proper procedure?

1 CLAIMANT WITNESS-1: All the statements I heard were accurate. I didn't
2 hear the complete process of the specimen collection but the statements she did
3 make in my opinion were accurate.

4 HEARING OFFICER: Okay, and to the best of your knowledge can an
5 individual taking certain drugs have an effect either a positively or negatively on a
6 hair follicle test?

7 CLAIMANT WITNESS-1: It depends on the drug but typically not. The
8 procedure the laboratories perform an initial screening by [UNCLEAR] which
9 can't have [UNCLEAR] appearances that's why laboratories routinely will have
10 confirmation testing consisting of gas chromatography mass spectrometry which
11 specifically identifies the drug that is potentially in the hair based on the
12 [UNCLEAR] screening. Once it gets to the GCMS confirmation phase, typically
13 no drugs or prescriptions or other medications will interfere and cause a false
14 positive [UNCLEAR].

15 HEARING OFFICER: Okay, so you heard the claimant state specific drugs that
16 she was taking. As far as if I'm understanding you correctly then, do I understand
17 that these drugs would have been identified by the method that was used to do the
18 test?

19 CLAIMANT WITNESS-1: And ruled out, that's correct.

20 HEARING OFFICER: Okay.

21 CLAIMANT WITNESS-1: Yes, so it's my opinion that the drugs she was
22 taking would not have interfered with the final results of the testing being
23 performed. However, that's assuming that the hair that is reported to have been
24 tested was indeed tested. Miss Legette stated that she has information that the hair
25 that was tested was red and black in color and not her hair is what she's claiming.

26 HEARING OFFICER: Okay, this was the actual prior testing though. There's
27 no evidence that I heard regarding the most recent test being the incorrect color.

1 CLAIMANT WITNESS-1: That's correct.

2 HEARING OFFICER: Okay, all right, not sure if you'll know this but has the
3 claimant's hair been altered as far as coloration?

4 CLAIMANT WITNESS-1: Not to my knowledge or after my examination,
5 there was no evidence of any alteration of her hair.

6 HEARING OFFICER: Okay, so it's based on your examination was her hair
7 good to be tested?

8 CLAIMANT WITNESS-1: Yes, it was.

9 HEARING OFFICER: Okay, and in your expert opinion are you aware of any
10 false readings using this method for hair follicle for a marijuana test?

11 CLAIMANT WITNESS-1: That's assuming that the testing that was
12 performed to provide the final result was indeed using gas chromatography mass
13 spectrometry and I...

14 HEARING OFFICER: Okay, the employer has stated that that was case. Do you
15 have any reason to doubt that?

16 CLAIMANT WITNESS-1: I do not. No.

17 HEARING OFFICER: Okay, so in your findings are these types of tests
18 accurate?

19 CLAIMANT WITNESS-1: Yes.

20 HEARING OFFICER: Typically.

21 CLAIMANT WITNESS-1: Yes.

1 HEARING OFFICER: Is there any explanation that you might be able to provide
2 that may have led to a false reading?

3 CLAIMANT WITNESS-1: Yes.

4 HEARING OFFICER: Okay, and what would that be.

5 CLAIMANT WITNESS-1: She...she had had a test performed on March 5th,
6 which was negative by her employer and 30 days later she had another test which
7 was positive for marijuana. That would indicate that she used drugs in between
8 those two time periods. The testing that I performed at the end of the 30 days was
9 negative, contrary to the positive test on April...

10 CLAIMANT: 15th.

11 HEARING OFFICER: Okay.

12 CLAIMANT WITNESS-1: Yes.

13 HEARING OFFICER: U-hum, okay, go ahead.

14 CLAIMANT WITNESS-1: The type of testing that I do...by the way the
15 facility, the laboratory that was used by me was Omega. I did that on purpose to
16 ensure that the laboratory procedure was the same for both tests. I did not want
17 differences in laboratories to affect any outcome of the test and so I intentionally
18 used Omega Laboratories to perform the testing that I did to correspond with the
19 testing that Nucor did. Now, the testing that was done on April 15th was a limited
20 detection test and it's been stated that they do that routinely but I have no
21 knowledge that if that's a routine test done. It appears that on some tests they
22 perform a limited detection test and some they don't and I'm confused as to why
23 there's different testing methods performed in Nucor. Why some tests are not LD
24 and some are, because it does...it can result in a positive in one case and a negative
25 in another and this is a classic example. The last test that was performed had a
26 reading of marijuana .78. That is below the limit of detection on a standard test
27 and therefore this test would have been negative if a standard hair test was

1 performed but because a limited detection test was performed at lower levels that
2 negative test was now positive so there's a difference in the type of test that's
3 performed. I don't know of what the reason why one would be performed over
4 another. Nucor would have to answer that.

5 HEARING OFFICER: Okay.

6 CLAIMANT WITNESS-1: Now, it's my understanding is Miss Legette
7 wanted her supervisor here today because her supervisor has direct contact with
8 her specifically during the 30 days between her negative and her positive test and
9 we wanted to ask him questions related to her...her work performance during those
10 30 days [UNCLEAR].

11 HEARING OFFICER: Okay, talk loudly for me. I'm sorry to say.

12 CLAIMANT WITNESS-1: Sure, we wanted her supervisor here, the person
13 who was in contact with her on a regular basis, daily basis during those 30 days
14 between when she tested negative and when she tested positive to...to get an
15 understanding of what her work performance was like during those 30 days.
16 We're unable to do that because he did not comply with the subpoena.

17 HEARING OFFICER: Okay, in your expert opinion can someone perform their
18 own duties while taking marijuana?

19 CLAIMANT WITNESS-1: They can all be it less as...as...as compared to not
20 being under the influence of marijuana especially at the level that was detected in
21 the hair specimen. Let me add that a hair test will not detect minimal drug use. It
22 takes a significant amount of drug use to be positive on a hair test. One time use
23 will not be detected on a hair specimen. That's been proven and well documented
24 in medical literature as well. Therefore, being that she was positive on a hair test
25 30 days after being negative would indicate that she would have had to use a
26 significant amount of marijuana during that 30 day time period.

27 HEARING OFFICER: Okay, and had she been exposed to marijuana use but not
28 used it herself could that resulted in a positive?

1 CLAIMANT WITNESS-1: Correct, and that's been well documented in
2 literature too and that may be an explanation in this case based on some
3 information of her environment.

4 HEARING OFFICER: Okay, all right, is there anything further you'd like to
5 add?

6 CLAIMANT WITNESS-1: The credentials that were submitted on behalf of
7 Nucor on Omega Laboratories, I did have concerns about those credentials.

8 HEARING OFFICER: Okay, and what were your concerns?

9 CLAIMANT WITNESS-1: Well the first credential was a, what's called a
10 Clinical Laboratory Permit. Let me clarify that that clinical test, tests done for
11 health related purposes, drug testing is not a clinical test so this credential would
12 not apply.

13 HEARING OFFICER: Okay, go ahead.

14 CLAIMANT WITNESS-1: The second test is specific from the...entitled
15 Centers for Medicare and Medicaid Clinical Laboratory [UNCLEAR] then again
16 this is a clinical certification which does not apply to drug testing. Second
17 credential is Forensic Quality Services Forensic Accreditation Program. This is a
18 workplace test not a forensic test so this...this would not apply. Another credential
19 is from the Maryland Department of Health and Mental Hygiene it's called a
20 Medical Laboratory Permit. A drug test is not a medical procedure so this
21 credential does not apply. Finally a Certificate of Accreditation showing that they
22 are anti AST National Accreditations. I'm not sure of the details of what that is but
23 I'm not sure if it applies to drug testing. The reason I bring this up is because the
24 premiere and primary accreditation body for drug testing is the Substance Abuse
25 and Mental Health Service Administration of the Department of the [UNCLEAR]
26 Health. That is the accrediting body that deter...that certifies laboratories
27 specifically for drug testing and I want to state for the record that Omega is not
28 certified by the Substance Abuse and Mental Health Services Administration.

1 HEARING OFFICER: Do you have any reason to believe that this particular
2 laboratory would not be certified by the College of American Pathologists or the
3 U.S. Department of Health and Human Services?

4 CLAIMANT WITNESS-1: It states in the brochure provided by Meg...Omega
5 Laboratories that they are enrolled in the forensic urine drug testing program of the
6 College of American Pathologists but not have yet passed that credentialing
7 procedure.

8 HEARING OFFICER: Okay, is there anything further you want to bring to my
9 attention?

10 CLAIMANT WITNESS-1: No.

11 HEARING OFFICER: Okay, I have an additional question for you. You stated
12 that according to Miss Legette's environment that the possibility of second hand
13 smoke would be a possibility. Do you have any information regarding what her
14 environment may have been?

15 CLAIMANT WITNESS-1: Yes.

16 HEARING OFFICER: That may have subjected her second-hand marijuana
17 smoke?

18 CLAIMANT WITNESS-1: Yes.

19 HEARING OFFICER: Okay, is that...do you want to provide that information at
20 this particular time?

21 CLAIMANT WITNESS-1: With her permission.

22 CLAIMANT: Yes.

23 HEARING OFFICER: Okay, go ahead.

1 CLAIMANT WITNESS-1: Her husband is a user of marijuana and has been
2 for...

3 CLAIMANT: Many years.

4 HEARING OFFICER: Okay, go ahead.

5 CLAIMANT WITNESS-1: ...many, many years, their entire marriage and he
6 is a regular user of marijuana and she's in that environment regularly.

7 HEARING OFFICER: Okay, and in your opinion does second-hand smoke...do
8 you have to have a certain proximity to the person who uses it or...?

9 CLAIMANT WITNESS-1: Yes.

10 HEARING OFFICER: ...can you just be in the room what...

11 CLAIMANT WITNESS-1: Yes.

12 HEARING OFFICER: ...what...what are the requirements?

13 CLAIMANT WITNESS-1: Yes, minimal exposure will not result in a positive
14 hair testing. It would have to be significant exposure over a long time period so
15 walking through an environment such as a party or a club that has marijuana
16 smoke will not result in a positive hair drug test. However, research has shown
17 and those of my own research that continual and regular exposure to second-hand
18 marijuana smoke will result in slow accumulation of marijuana in the body
19 resulting in accumulation in the hair that could be result in a positive hair drug test.

20 HEARING OFFICER: Okay, is there anything further you'd like to add?

21 CLAIMANT WITNESS-1: The very first test that she mentioned the February
22 25th in which the hair she was...was confirmed by the laboratory as red/black in
23 color indicates that there was a specimen mix-up.

- 1 HEARING OFFICER: Okay.
- 2 CLAIMANT WITNESS-1: That causes me concern as far as is there any
3 possibility of any other specimens.
- 4 HEARING OFFICER: Okay, anything further?
- 5 CLAIMANT WITNESS-1: That's it.
- 6 HEARING OFFICER: Okay, Miss Legette, do you have any follow-up
7 questions for Dr. Bennett?
- 8 CLAIMANT: No.
- 9 HEARING OFFICER: Okay, Miss Starr, do you have any questions for Dr.
10 Bennett?
- 11 EMPLOYER WITNESS-1: No.
- 12 HEARING OFFICER: Okay, all right, Mr...I'm sorry, let me make sure. Mr.
13 Gypin?
- 14 CLAIMANT WITNESS-2: U-hum.
- 15 HEARING OFFICER: State and spell your name please for the record.
- 16 CLAIMANT WITNESS-2: Christopher Gypin C-H-R-I-S-T-O-P-H-E-R
17 Gypin G-Y-P-I-N.
- 18 HEARING OFFICER: Okay, Mr. Gypin you are a Vice President Operation for
19 Aqua Diagnostics is that correct?
- 20 CLAIMANT WITNESS-2: It's Accu Diagnostics, yes that's correct.
- 21 HEARING OFFICER: Okay, are you affiliated at all with Omega?

1 CLAIMANT WITNESS-2: Omega is one of our primary labs that we utilize
2 for...we're a third party administrator for the Nucor Steel drug testing program.
3 We generate the random drug selections or the random selections as well as
4 facilitate the processing and reporting of the drug test results.

5 HEARING OFFICER: Okay, so were you involved personally with the tests that
6 were performed and the results that were registered for Miss Legette?

7 CLAIMANT WITNESS-2: I've been involved in the random selection process
8 as well as the reporting of the test results.

9 HEARING OFFICER: Okay, so you did not actually diagnosis the tests
10 themselves but you actually were involved in the reporting of the test is that
11 correct?

12 CLAIMANT WITNESS-2: That's correct.

13 HEARING OFFICER: Okay, do you have any knowledge regarding the
14 procedures that were used for...by Omega?

15 CLAIMANT WITNESS-2: I do, and I have some documentation.

16 HEARING OFFICER: Okay.

17 CLAIMANT WITNESS-2: [UNCLEAR].

18 HEARING OFFICER: All right, state for the record first of all what your
19 knowledge would have been regarding the procedures that were used by Omega
20 and then I'll allow you to give me the documents.

21 CLAIMANT WITNESS-2: Well for Omega Labs, they...they utilize DC math
22 processing to chronologize. The initial step is to perform the screen on the...the
23 hair samples and get an indication on the strain that should be processed further
24 then we'll...it'll go into a GCMS confirmation phase.

- 1 HEARING OFFICER: Okay.
- 2 CLAIMANT WITNESS-2: Okay.
- 3 HEARING OFFICER: You're using an acronym, state that out for me so I'll
4 know what you're talking about.
- 5 CLAIMANT WITNESS-2: Gas chromatography mass spectrometry...
- 6 HEARING OFFICER: Okay.
- 7 CLAIMANT WITNESS-2: ...phase that will confirm the presence of the
8 substance.
- 9 HEARING OFFICER: Okay...
- 10 CLAIMANT WITNESS-2: [UNCLEAR]
- 11 HEARING OFFICER: ...do you...you heard earlier testimony or concerns that
12 there had been possible confusion of the hair sample from prior tests for Miss
13 Legette...
- 14 CLAIMANT WITNESS-2: Well...
- 15 HEARING OFFICER: ...if there subsequent tests performed, would there be any
16 possibility of them using any prior specimen that...that had been used or tested?
- 17 CLAIMANT WITNESS-2: No.
- 18 HEARING OFFICER: Okay, so...so are prior samples kept...kept on file?
- 19 CLAIMANT WITNESS-2: Prior samples are kept on file but they're...they're
20 transferred in and out of storage using the chain of custody. When the sample first
21 arrives at Omega, the stickers and the chain of custody numbers have to be

1 compared and matched up for them to perform that test. If they were going to do a
2 secondary test on them they would have to check the sample in and out of custody.

3 HEARING OFFICER: Talk, just talk loud for me.

4 CLAIMANT WITNESS-1: Okay.

5 HEARING OFFICER: Okay, and in your experience do you find that second-
6 hand smoke can cause a positive reading?

7 CLAIMANT WITNESS-2: I...I had no knowledge of that nor have I seen any
8 peer review reports stating that.

9 HEARING OFFICER: Okay, all right what did you like...what did you want to
10 provide?

11 CLAIMANT WITNESS-2: Well, I've got copies of all the tests. Do you want
12 me to extract the first two?

13 HEARING OFFICER: Actually, let's see, these are...are these identical copies?

14 CLAIMANT WITNESS-2: They are.

15 HEARING OFFICER: Okay, and these are specific to every test that was taken,
16 is that correct?

17 CLAIMANT WITNESS-2: They are.

18 HEARING OFFICER: Okay, are these just for the most recent two tests?

19 CLAIMANT WITNESS-2: That are for all four and here in these copies are
20 the random selection perimeters we use to perform the random selections.

1 HEARING OFFICER: Okay, just bear with me. I'm going to go ahead and just
2 give that to you collectively then. I'm going to allow you to describe...I'll...I'll
3 accept them collectively.

4 CLAIMANT WITNESS-2: Okay.

5 HEARING OFFICER: If you'll describe for the record what they'll show and be
6 specific regarding the dates. Go ahead.

7 CLAIMANT WITNESS-2: The first set of documents refers to the first test
8 that you took.

9 HEARING OFFICER: Go ahead, I'm sorry.

10 CLAIMANT WITNESS-2: It states the Random Selection Process that we use
11 for our software program. There are the perimeters. The second page lists the
12 perimeters that we use. The third page lists...a list of all the participants that were
13 selected and the next page is the certificate...the certification of enrollment in
14 random selection. It tells us that Batch #2385 was generated on 2/12/2010.

15 HEARING OFFICER: Okay, was this initial test that was performed?

16 CLAIMANT WITNESS-2: This is the very first test.

17 HEARING OFFICER: Okay, all right, go ahead.

18 CLAIMANT WITNESS-2: The page after that is the actual test result that we
19 received from Omega Laboratories regarding that...indicating that there was a
20 positive THC metabolite at 6.21 picograms per milligram. The following page is
21 the chain of custody and this is an actual photocopy of the chain of the custody that
22 was provided to Omega. The next page is the accompanying consent form that
23 was sent with the chain of custody to Omega Labs. The following page is the...the
24 picture of the hair pouch and the following page is the other side of that.

25 HEARING OFFICER: Okay.

1 EMPLOYER WITNESS-2: That documentation when you look at...and the
2 documentation would also be used, provided now when you look at the...the
3 collection date for the sample ID of 1151548 and that's the actual sample that was
4 taken on 4/6/2010 and it's same type of documentation. It shows they ran a batch
5 number to the selected perimeter. It indicates who was selected on that date. It
6 also provides a certificate. The Batch 2441 was generated on April 2, 2010 along
7 with the chain of custody, the actual chain of custody, a copy of the sample, the
8 consent form, picture of the envelope, and a picture of the reverse of the envelope.

9 HEARING OFFICER: Okay, is there any further description of the
10 documentation that you wanted to provide at this time?

11 EMPLOYER WITNESS-2: No.

12 HEARING OFFICER: Okay, have you had a moment to review the
13 documentation, Miss Legette?

14 CLAIMANT: [UNCLEAR], yes.

15 HEARING OFFICER: Okay, I'm sorry, I can't hear you.

16 CLAIMANT: Yes, ma'am.

17 HEARING OFFICER: Okay, do you have any objection to that documentation
18 being entered into evidence? And this is actually...this is actually from the third
19 party. Would this be employer evidence or is this actually third party independent
20 evidence?

21 CLAIMANT WITNESS-2: That's actually employer evidence.

22 HEARING OFFICER: Okay, all right, so are you offering this as an exhibit for
23 the employer?

24 CLAIMANT WITNESS-2: I, you know, I think I stated earlier I was confused
25 whether I was sum...summoned for the employer or the employee.

1 HEARING OFFICER: Is this...these are the tests that were used by the
2 employer...

3 CLAIMANT WITNESS-2: Yes.

4 HEARING OFFICER: ...as a result is that correct?

5 CLAIMANT WITNESS-2: Yes those are the tests we administered.

6 HEARING OFFICER: Okay.

7 CLAIMANT WITNESS-2: That we...

8 HEARING OFFICER: All right.

9 CLAIMANT WITNESS-2: administered results of.

10 HEARING OFFICER: Okay, these will be offered as Employer Exhibit 6. Do
11 you have any objection to the documentation being allowed collectively as
12 Employer Exhibit 6?

13 CLAIMANT: No.

14 HEARING OFFICER: Okay, without objection the documentation will be
15 allowed and entered into evidence as Employer Exhibit 6 collectively. Okay, is
16 there anything further that you would like to add at this time Mr. Gypin?

17 CLAIMANT WITNESS-2: I have additional documentation which...which
18 details all the quality assurance procedures and the checking in...in and out. I just
19 didn't copy those because they're fairly voluminous but I can provide those to you
20 if you want to see them.

21 HEARING OFFICER: Totally at your discretion. If you give me something
22 though it is you...if you want it back you have to request it back. Do you have a
23 copy for the claimant?

1 CLAIMANT WITNESS-2: No, I don't. I just have a single copy of it.

2 HEARING OFFICER: Okay, I...I will not be able to make copies for the
3 claimant.

4 CLAIMANT WITNESS-2: Okay, that's fine.

5 HEARING OFFICER: What will that show me? Tell me what that would show.

6 CLAIMANT WITNESS-2: It shows the actual checking in and out of samples
7 to the lab. It shows the calibrations that were done on the machines used to test the
8 samples. It actually gives you the specifications for who did the actual test and
9 when they were certified as well.

10 HEARING OFFICER: Okay, would that be something that you would want
11 to...

12 CLAIMANT WITNESS-2: Yes.

13 HEARING OFFICER: ...but in exhibit? Okay, may I see that? Okay, all right
14 now, so you gave me two copies. Are these copied?

15 CLAIMANT WITNESS-2: No.

16 HEARING OFFICER: Is this mine and the...are these individual documents
17 or...

18 CLAIMANT WITNESS-2: They are individual documents. One's related to
19 the first test and one is related to the second test.

20 HEARING OFFICER: So these are actually not related to the most recent two
21 tests...

22 CLAIMANT WITNESS-2: No.

- 1 HEARING OFFICER: ...Is that correct?
- 2 CLAIMANT WITNESS-2: This is...excuse me for just a minute. These were
3 related to the most recent two tests for Nu...Nucor Steel.
- 4 HEARING OFFICER: So these were the April tests?
- 5 CLAIMANT WITNESS-2: Yes.
- 6 HEARING OFFICER: Is that correct?
- 7 CLAIMANT WITNESS-2: Those are the two April tests, yes.
- 8 HEARING OFFICER: Okay, all right, let me show that to you. Take a moment
9 and review that. Let me know if you have any objection to that being entered into
10 evidence as Employer Exhibit 7.
- 11 CLAIMANT WITNESS-1: No objection [UNCLEAR] get a copy.
- 12 HEARING OFFICER: Any objection?
- 13 CLAIMANT: No objections.
- 14 HEARING OFFICER: Okay.
- 15 CLAIMANT: Can I get a copy of it?
- 16 HEARING OFFICER: I'm not going to be able to make copies for you. If you
17 want to see it they'll allow you to make copies here, then you may do so otherwise
18 you can request this from the Tribunal and they can give you copies. Okay, any
19 objection to the documentation being entered into evidence?
- 20 CLAIMANT: No, ma'am.

1 HEARING OFFICER: Okay, the multi-page document offered by the employer
2 as Employer Exhibit 7 will be allowed and entered into evidence as Employer
3 Exhibit 7 without claimant objection, with a note to the record the employer did
4 not provide copies for the claimant for this particular exhibit. Okay, is there
5 anything further that you would like to add before I leave you for testimony?

6 CLAIMANT WITNESS-2: Just the two documents that were just entered into
7 evidence. Those...the documents that were...are notified for...that do not have
8 Accu Diagnostics logo on them were provided by Omega Labs and referred to as a
9 litigation [UNCLEAR].

10 HEARING OFFICER: Okay, anything further before I leave you for testimony?
11 I'm sorry, I don't hear you.

12 CLAIMANT WITNESS-2: No.

13 HEARING OFFICER: Okay, thank you. All right, Miss Legette, do you have
14 any additional questions for this witness?

15 CLAIMANT: Yes.

16 HEARING OFFICER: Go ahead.

17 CLAIMANT: Can the sloppiness of a drug test effect the
18 collection of the hair, like for example hair, how the hair is all sticking out and not
19 packaged properly?

20 CLAIMANT WITNESS-2: The...the sample would have been sealed in a
21 specimen envelope as well as an over seal with a plastic specimen container. I am
22 not the expert witness so I [UNCLEAR] any opinion.

23 HEARING OFFICER: Okay, any follow-up questions?

24 CLAIMANT: [UNCLEAR].

- 1 HEARING OFFICER: And state for the record what the date of that particular...
- 2 CLAIMANT: 2/25.
- 3 HEARING OFFICER: Okay, so...so your questioning him regarding prior
4 testing...
- 5 CLAIMANT: Right.
- 6 HEARING OFFICER: ...and not the most recent testing is that correct?
- 7 CLAIMANT: That's correct.
- 8 HEARING OFFICER: Okay, all right, any follow-up questions?
- 9 CLAIMANT: If a drug test comes back as 6.25 and seven days
10 later comes back as a negative, is that possible?
- 11 CLAIMANT WITNESS-2: Again, I'm not the expert in that but based on our
12 tests that we do, we a lot of tests, that I would say it is possible. I've seen that
13 situation before.
- 14 CLAIMANT: Is 6.25 to you a high...
- 15 CLAIMANT WITNESS-2: I think so.
- 16 CLAIMANT: ...amount?
- 17 HEARING OFFICER: Okay, let her answer the question. Let her ask the
18 question. You don't know what she's going to ask, okay? What was the question?
- 19 CLAIMANT: Is 6.25...I...you know from hearsay and from
20 evidence I've been trying to collect in research...
- 21 HEARING OFFICER: What's your questions?

- 1 CLAIMANT: My question is, is 6.25 considered a high level...
- 2 CLAIMANT WITNESS-2: Once again...
- 3 CLAIMANT: ...of marijuana use?
- 4 CLAIMANT WITNESS-2: ...I'm not the expert on this and I...all I do is
5 report the information. I'm not expert enough to interpret the data [UNCLEAR].
- 6 HEARING OFFICER: Okay, any follow-up questions?
- 7 CLAIMANT: No.
- 8 HEARING OFFICER: Okay, all right, Miss Starr, do you have any follow-up
9 questions for Mr. Gypin?
- 10 EMPLOYER WITNESS-1: No.
- 11 HEARING OFFICER: Okay, let me come back to you Miss Legette. Are you
12 around drug use?
- 13 CLAIMANT: I've been married for 28 years and when I met my
14 husband he had the habit. I never partake in any of it. I've always had jobs where
15 like I said drug-free environment. I never thought that him partaking in it would
16 ever result on me. I've been married to him for 28 years, been with him 29 years.
17 This was a major shock when the day that that happened and that's whenever I
18 went to seek out other help and got another test done because I never thought after
19 all these years it's never happened to me. I've always worked drug-free
20 environment and I've never had anything like this happen before so I thought it
21 was you know it's very shocking to find out that something like that can affect
22 you.
- 23 HEARING OFFICER: Okay.
- 24 CLAIMANT: I...

1 HEARING OFFICER: Did...did you prior to the most recent two tests do you
2 recall being subjected to your husband's marijuana use and close proximity or any
3 prolong period of time?

4 CLAIMANT: The...the day that the 6.25 came from Nucor, like
5 I said I was devastated so I went home, everything was taken off my property. It's
6 not back on there. I haven't been exposed to it since but whenever...when it came
7 out neg...you know that same day I got...asked for a retest and it came back
8 negative. I spoke with my manager at that time. We had a long meeting about it.
9 He was telling me, that's why I wanted him, that's why I had him subpoenaed, he
10 was telling me of different cases that he's helped other Nucor employees with that
11 this has happened to. He also told me that there is other ways of testing positive.
12 He said that you and excuse my language in here but he said he's had a case that
13 oral sex made it be ingestible into the system that's why I had him subpoenaed so
14 he...we had a long conversation about an hour after I came back negative and I
15 asked him why this would happen and was it the person who took the test or what
16 it was and at coming back at 1.2, I don't know how that could happen because I
17 was not around it from then, but I have been told and read in research off the
18 internet that once it contaminates your area I still could get it from like...like
19 sitting on a couch and I don't know how true none of that is because I'm not like
20 I'm saying I'm not in the medical field. I'm not an expert or anything like that.
21 I've just been told that other contaminates in the house could have resulted in that
22 showing up but I don't know whether to believe that or not. Seems farfetched for
23 me but...

24 HEARING OFFICER: Okay.

25 CLAIMANT: ...so unless he can explain it better.

26 HEARING OFFICER: Is there anything further you'd like to add?

27 CLAIMANT: Not at this time.

28 HEARING OFFICER: Okay, Miss Starr, do you have any follow-up questions
29 for Miss Legette?

- 1 EMPLOYER WITNESS-1: No questions.
- 2 HEARING OFFICER: Dr. Bennett, I'm going to come back to you. Are you
3 aware of any other activity that the claimant may have been involved in that may
4 have possibly caused her to read positive for marijuana when she states that she
5 didn't use it personally?
- 6 CLAIMANT WITNESS-1: Only the proximity of her husband and whatever
7 activity could be a potential cause for [UNCLEAR].
- 8 HEARING OFFICER: Okay, anything further before I close the hearing Miss
9 Legette?
- 10 CLAIMANT: No, ma'am.
- 11 HEARING OFFICER: Anything further, Miss Starr, before I close the hearing?
- 12 EMPLOYER WITNESS-1: Yes, I did have one other exhibit. I inadvertently
13 left out Margaretta Grimm's credentials, as far as her nursing and also her
14 information showing that she has completed the hair test collector's certification
15 exam and remains in good standing as far as performing the exam.
- 16 HEARING OFFICER: Okay, let me give that to you. Miss Legette, take a
17 moment please and review that two page doc...document in regards to Miss
18 Grimm's credentials. Let me know if you have any objection to that being offered
19 and entered into evidence as Employer Exhibit 8.
- 20 CLAIMANT WITNESS-1: Where was this done? [UNCLEAR].
- 21 CLAIMANT: Can I ask a question?
- 22 HEARING OFFICER: Well, tell me first of all if you have any objection to the
23 document being entered into evidence.
- 24 CLAIMANT: Yes.

- 1 HEARING OFFICER: Okay, what's your objection?
- 2 CLAIMANT: Where was this certification taken?
- 3 HEARING OFFICER: Okay, all right, I'll come back to you. I'm going to allow
4 the document as described and I'm going to enter it into evidence as Employer
5 Exhibit 8 with the claimant's noted objection. I'll allow you to question Miss
6 Grimm, okay, any further objection?
- 7 CLAIMANT: No.
- 8 HEARING OFFICER: Okay, all right, did you have a follow-up question for
9 Miss Grimm?
- 10 CLAIMANT: Yes.
- 11 HEARING OFFICER: Okay, and what's your question?
- 12 CLAIMANT: Where did you take the certification for?
- 13 EMPLOYER WITNESS-2: I took it online.
- 14 CLAIMANT: Online?
- 15 EMPLOYER WITNESS-2: U-hum.
- 16 HEARING OFFICER: Any follow-up question?
- 17 CLAIMANT: Yes, Dave English to your knowledge, is he
18 certified?
- 19 EMPLOYER WITNESS-2: Yes.
- 20 HEARING OFFICER: Any follow-up question?

1 CLAIMANT: He doesn't work in Health and Safety, is that
2 correct?

3 EMPLOYER WITNESS-2: He's EMT.

4 HEARING OFFICER: Okay I don't...I don't want acronyms. Just state what
5 that is.

6 EMPLOYER WITNESS-2: He's an Emergency Medical Technician.

7 HEARING OFFICER: Thank you, all right, any follow-up question?

8 CLAIMANT: So, do you have a copy of his certification?

9 EMPLOYER WITNESS-2: Not with me.

10 HEARING OFFICER: Any follow-up question?

11 CLAIMANT: No.

12 HEARING OFFICER: Okay, anything further Miss Legette before I close the
13 hearing?

14 CLAIMANT: No, ma'am.

15 HEARING OFFICER: Anything further Miss Starr before I close the hearing?

16 EMPLOYER WITNESS-1: No.

17 HEARING OFFICER: Okay, I have sufficient information to render a decision.
18 I now declare that the hearing is closed and no additional testimony will be taken.

19 **HEARING CLOSED.**

STATE OF NEW JERSEY)
)
COUNTY OF: MIDDLESEX)

This is to certify that the above is a true and correct transcript of recorded testimony transcribed to the best of my ability.

Maria-Ann Dolch

SWORN to before me this the
2nd day of November, 2010
_____(LS)

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 995, COLUMBIA, S.C. 29202

1 KIM A LEGETTE
1 517 LAUREL RIDGE RD
1 NORTH CHARLESTON SC 29418

DATE OF THIS NOTICE 05/26/10

CLAIMANT'S NAME				SOCIAL SECURITY NUMBER	EFFECTIVE DATE	DISQUALIFICATION ENDS	
KIM A LEGETTE				[REDACTED]	04/18/10	10/16/10	
LO NO	TYPE	CATEGORY	WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL ENTITLEMENT	LESS REDUCTION OF	NET TOTAL BENEFITS	BENEFIT YEAR ENDS
180	I	01	\$ 326.00	\$ 8476.00	\$ 8476.00	\$ 0.00	04/17/11

DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

- 1 _____ You are eligible for benefits from the above effective date
- 1 ☒ You have been disqualified from receiving benefits or have been found to be ineligible for benefits for the following reason(s).

1 YOU WERE DISCHARGED FROM YOUR JOB WITH YOUR MOST RECENT BONA FIDE EMPLOYER FOR VIOLATION OF THE
1 COMPANY DRUG TESTING POLICY. POLICIES VIOLATED WERE NOT UNREASONABLE AND YOU DID HAVE THE
1 OPPORTUNITY TO HAVE KNOWLEDGE OF THE COMPANY POLICIES. FAILURE TO COMPLY WITH COMPANY POLICIES
1 CONSTITUTES DISCHARGE FOR CAUSE IN CONNECTION WITH THE WORK UNDER THE SOUTH CAROLINA CODE,
1 SECTION 41-35-120(2). YOU ARE DISQUALIFIED FOR 26 WEEKS. YOUR MAXIMUM BENEFITS ARE ALSO REDUCED
1 BY 26 TIMES YOUR WEEKLY BENEFIT AMOUNT.

1 THE RECORD SHOWS THAT YOU TESTED POSITIVE FOR A CONTROLLED SUBSTANCE NOT PRESCRIBED FOR YOUR
1 USE. THE TEST WAS CONDUCTED BY A SAMSHA CERTIFIED LABORATORY USING GAS CHROMATOGRAPHY/MASS
1 SPECTROMETRY (GC/MS) OR A SCIENTIFICALLY EQUIVALENT METHOD.

EXHIBIT

1: 1. lp
FILE NO: 101 6377

1 _____ LAST SEPARATION FROM NON-LIABLE EMPLOYER

UI CLAIMS ADJUDICATOR

1 MAILING DATE 05/27/2010

IMPORTANT: THIS DETERMINATION WILL BE THE FINAL DECISION OF THE COMMISSION UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED IN PERSON AT ANY EMPLOYMENT SECURITY OFFICE, OR BY MAIL, ADDRESSED TO THE "APPEAL TRIBUNAL," P.O. BOX 995, COLUMBIA, SOUTH CAROLINA 29202. FOR ADDITIONAL INFORMATION OR ASSISTANCE IN FILING AN APPEAL, CONTACT YOUR LOCAL EMPLOYMENT SECURITY OFFICE.

SAFETY**Purpose**

It is the policy of Nucor Steel - Berkeley to create the safest work environment possible for all employees. The corporate goal is to have the best safety record in the steel industry. The purpose of this policy is to set minimum standards as a guide to attaining our goal.

General

Nucor Steel - Berkeley adheres to all local, state and federal safety regulations and follows the principles of safety in the workplace. We require that you do the same. All employees are required to use the safety equipment provided by the Company and to attend all Company-directed safety training, and failure to do so may result in disciplinary action up to and including termination. The Company strives to provide:

- Compliance with federal, state and local laws.
- Safety orientation and training for all new employees.
- Regular and periodic safety training for all employees.
- Written safety/operating procedures and policies.
- Regular and periodic plant safety inspections and audits of employee work practices and equipment.
- Audits to ensure adherence regarding the wearing of personal protective clothing and equipment.
- Planning, conducting and coordinating monthly crew safety meetings.
- Providing record keeping requirements under OSHA 300 logs, workers' compensation and safety training records.
- Review of records for problem areas and trends.
- Conducting medical surveillance of employees.
- Qualified medical teams for responses to medical emergencies.

If you discover a condition which you feel is unsafe, report it immediately to your Supervisor, Safety Administrator/Coordinator, Department Manager, or the General Manager.

Drugs

All Nucor employees, from the CEO to the newest hourly production worker, are eligible for random drug testing at any time. All employees involved in a plant accident, either as a party to the accident or a victim are given drug tests. In addition, employees may be tested "for cause where warranted.

Enforcing Safety Rules and Procedures**Preconditions to Enforcement Activity:****1. Management Must:**

- Publish plant Safety Rules and Procedures.
- Inform all employees of Safety Rules and Procedures.
- Know and abide by Safety Rules and Procedures.

2. The Supervisor Must:

- Know Safety Rules and Procedures.
- Abide by Safety Rules and Procedures.
- Teach subordinates those Rules and Procedures.
- Keep Records of Safety Training.
- Enforce Rules and Procedures.

Enforcement Activity:

If an employee violates any safety regulation, law or Nucor Safety standard or work practice, or displays substandard performance disciplinary action shall be taken by the Supervisor in accordance to the Discipline for Violation of Work and/or Safety Rules. Depending upon the severity of the infraction, disciplinary action may result in any number of consequences up to and including termination of employment.

EXHIBIT

E# 1,29
FILE NO: 1010377

DRUG AND ALCOHOL POLICY

General Policy

To protect the well-being of its employees, customers and the public, Nucor prohibits all of its employees from doing any of the following:

1. Engaging in the unlawful manufacture, distribution, dispensation, possession, or use of drugs or alcohol on the job or on Nucor's premises (including in any locker, desk or other facility provided by Nucor), in any company vehicle at any time or place, or in a non-Nucor owned vehicle on Nucor property or at Nucor work sites (including parking lots);
2. Reporting to work or otherwise being on the job under the influence of any illegal drugs (including inhalants (other than nicotine), any prescription drugs not prescribed for the employee's current use by a licensed health care professional or not used as prescribed, and over-the-counter drugs that are not used for their intended purpose and according to manufacturer's directions), or using illegal drugs off the job where such use is detrimental to Nucor's business or could affect the employee's performance; and
3. Reporting to work or otherwise being under the influence of alcohol on the job.

Employee Consent

Prior to performing drug or alcohol testing on employees, the employee will be required to sign a form consenting to the testing listed on the form and acknowledging that a confirmed positive test result can result in disciplinary action. An employee's refusal to consent and submit to lawful testing will be considered misconduct and a voluntary termination by the employee. In addition, refusal to consent to post-accident testing as provided herein may result in the employee forfeiting the right to collect workers compensation benefits.

Drug and Alcohol Testing

1. Specimens to be Tested: Nucor may use breath, blood and urine specimens to test for alcohol. Urine, blood specimens and hair specimens may be used to test for drugs.
2. Drug and Alcohol Testing Frequency and Conditions: Nucor may administer drug and alcohol testing under the following circumstances and under the following conditions:

Pre-Employment: All applicants will be tested for illegal drugs prior to an offer of employment. Further, all applicants in the same job category who have received an offer of employment conditioned on the results of a post-offer test may be tested for alcohol.

Reasonable Suspicion: Any employee exhibiting signs and symptoms of using drugs or alcohol or being under the influence in violation of this policy may be tested. These signs and symptoms may include, but are not limited to, awkward or unusual behavior, recognizable body or breath odors, slurred speech, confusion, anxiety and altered mental status. An employee's involvement in an accident on the job to which the employee appears to have caused or contributed will be sufficient grounds for reasonable suspicion testing.

Random: Employees may be tested on a periodic, random basis for drugs and alcohol.

Plant-Wide Sweeps: Nucor reserves the right at any time to perform plant-wide drug and alcohol testing on all employees as well as personnel performing services on site to the fullest extent permitted by applicable law.

Compliance Testing: Employees who participate in alcohol or drug rehabilitation as a condition to continued employment may be tested to determine the employee's compliance with rehabilitation. Testing may occur at least once a year for two years, with no advance notice.

Post Accident: Employees will be subject to drug testing after every accident involving property damage. Any accident that is deemed a near miss will be subject to drug testing at the supervisor's discretion. Employees will also be subjected to possible drug testing after every injury.

Testing Required by Law: Employees may be required to submit to other drug and alcohol testing when required by federal or state law, regulation, or by contractual obligation. All employees subject to Department of Transportation regulations will be tested for drugs and alcohol according to the procedures and policies of the DOT regulations. Testing under this Policy is under separate and independent authority from Department of Transportation regulations.

Disciplinary Actions

1. Disciplinary Action for Positive Alcohol Test Results: Nucor shall use the following alcohol levels for administering disciplinary actions:

0 to 0.019 – Considered to be negative unless the employee's normal faculties are impaired due to alcohol consumption.

0.020 to 0.039 – A minimum of 1 day/shift disciplinary time off. The General Manager has the discretion to approve additional days time off and disciplinary action.

0.040 and Over – Immediate termination.

2. Disciplinary Action for Violations of this Policy Concerning Illegal Drugs: Employees who violate this Policy regarding illegal drugs will be immediately terminated. All applicants with a confirmed positive test result for illegal drugs will not be hired.

Employees Reporting for Drug Testing

Employees subject to random drug testing will be notified each week. Once selected and notified, the employee will have 24 hours to report to the safety office for testing. If the employee does not report within that 24 hours, the Department Manager will be notified. Any employee who fails to report to the Safety Office is subject to disciplinary action.

Confidentiality

Information, statements, memoranda, test results and similar information received by Nucor, including information related to a disability disclosed by an employee or an employee's prior lawful drug use, shall be kept confidential and will not be disclosed except on a need to know basis or as permitted by applicable law. Any employee who requests disclosure of the information to a third party must sign a written consent form naming the person authorized to obtain the information, the purpose of the disclosure, the precise information to be disclosed, and the duration of the consent.

No Expectation of Privacy

Upon reasonable suspicion of a violation of this Policy, Nucor may conduct unannounced searches of employees and their personal property while on Nucor premises. An employee's refusal to consent to and cooperate with such searches can result in disciplinary action up to and including termination. Nucor employees have no reasonable expectation of privacy on Nucor's premises, in company vehicles, at Nucor worksites, or in property brought onto Nucor premises, including Nucor's parking lots.

Where legally permitted, surveillance equipment may be used at any time and any place Nucor so chooses. Nucor reserves the right to seize all drugs, alcohol, paraphernalia, or other contraband found on Nucor premises.

Posting

A copy of this policy will be posted on an employee bulletin board in a conspicuous place.

New York State Department of Health

PFI: 8176

Clinical Laboratory Permit

CLIA: 36D1009503

Omega Laboratories Inc

400 N Cleveland Ave

Mogadore OH 44260

Director: David A. Engelhart, Ph.D.

Owner: Omega Laboratories Inc

is hereby authorized to perform laboratory procedures at the above location in the following categories in accordance with Article 5, Title V, Section 575 of the Public Health Law. This permit shall become void upon a change in the director, owner or location of the laboratory, and an application for a new permit shall be made to the Department.

*Toxicology**Clinical Toxicology-Comprehensive
(for hair testing)**Forensic Toxicology-Comprehensive
(for hair testing)*STATE OF NEW YORK
DEPARTMENT OF HEALTH

EXHIBIT

E#

2, 88

FILE NO:

1010377

Renewal

Effective Date: July 1, 2009

Expiration Date: June 30, 2010

Subject to Revocation

Permit Not Transferable

POST CONSPICUOUSLY

Serial: LAP 45938

CENTERS FOR MEDICARE & MEDICAID SERVICES
CLINICAL LABORATORY IMPROVEMENT AMENDMENTS

CERTIFICATE OF COMPLIANCE

LABORATORY NAME AND ADDRESS

OMEGA LABORATORIES INC
400 NORTH CLEVELAND AVENUE
MOGADORE, OH 44260

CLIA ID NUMBER

36D1009503

EFFECTIVE DATE

07/01/2009

LABORATORY DIRECTOR

DAVID A ENGLEHART PHD

EXPIRATION DATE

06/30/2011

Pursuant to Section 353 of the Public Health Services Act (42 U.S.C. 263a) as revised by the Clinical Laboratory Improvement Amendments (CLIA), the above named laboratory located at the address shown hereon (and other approved locations) may accept human specimens for the purposes of performing laboratory examinations or procedures.

This certificate shall be valid until the expiration date above, but is subject to revocation, suspension, limitation, or other sanctions for violation of the Act or the regulations promulgated thereunder.



Judith A. Yost

Judith A. Yost, Director
Division of Laboratory Services
Survey and Certification Group
Center for Medicaid and State Operations

Omega Laboratories, Inc.

400 N. Cleveland Ave.
Mogadore, OH 44260

has been assessed by the

Forensic Quality Services Forensic Accreditation Program

and found to

comply with the requirements of ISO/IEC 17025:2005 and Forensic
Requirements for Accreditation (FRA-1:2008/1)

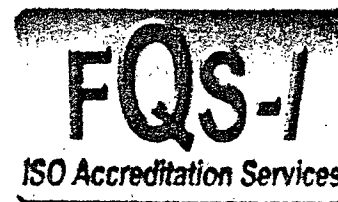
**The scope of the accreditation is identified in the FQS-I
Register of Accredited Laboratories**

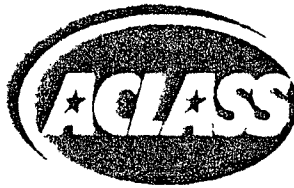
This Certificate Number is FQSI-Omega Laboratories-001
Accreditation is effective 2010/06/01 and expires 2015/06/01



A handwritten signature in black ink, appearing to read 'Terry Mills', with a stylized flourish at the end.

Terry Mills
Manager of Accreditations





CERTIFICATE OF ACCREDITATION

ANSI-ASQ National Accreditation Board/ACCLASS
500 Montgomery Street, Suite 625, Alexandria, VA 22314, 877-344-3044

This is to certify that

OMEGA LABORATORIES, INC
400 N. Cleveland Avenue
Mogadore, OH 44260

has been assessed by ACLASS
and meets the requirements of international standard

ISO/IEC 17025:2005

while demonstrating technical competence in the field(s) of

TESTING

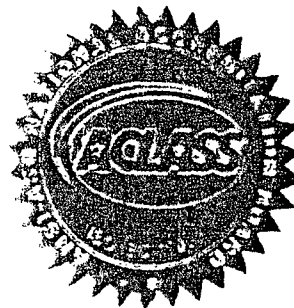
Refer to the accompanying Scope(s) of Accreditation for information regarding the types of tests to which this accreditation applies.

AT-1411

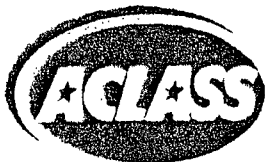
Certificate Number

ACCLASS Approval

Certificate Valid: 10/30/2009-10/30/2011
Version No. 001



This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2005. This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality management system (*refer to joint ISO-ILAC-IAF Communiqué dated January 2009*).



ANSI-ASQ National Accreditation Board/ACCLASS

SCOPE OF ACCREDITATION TO ISO/IEC 17025:2005

OMEGA LABORATORIES, INC.

400 N. Cleveland Avenue, Mogadore, OH 44260

Dave Engelhart, Ph.D. Phone: 330-628-5748

TESTING

Valid to: October 30, 2011

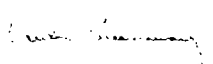
Certificate Number: AT - 1411

I. Forensic

FIELD OF TEST	ITEMS, MATERIALS OR PRODUCTS TESTED	SPECIFIC TESTS OR PROPERTIES MEASURED	SPECIFICATION, STANDARD METHOD OR TECHNIQUE USED	*DETECTION LIMIT/ RANGE/ EQUIPMENT
Chemical Analysis	Hair	Analysis of Drugs and Drug Metabolites	ELISA	Qualitative Screening
Chemical Analysis	Hair	Analysis of Drugs and Drug Metabolites	Solid Phase Extraction with Gas Chromatography /Mass Spectrometry (GC/MS) Detection	LOD/LOQ=0.1-100 pg/mg

Notes:

1. • - As Applicable
2. This scope is part of and must be included with the Certificate of Accreditation No. AT-1411



Vice President

500 Montgomery St. Suite 625 | Alexandria, VA 22314 | 703-636-0025 | www.aaclasscorp.com

Version 002

Page 1 of 1

ILAC-MRA





MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY

SPRING GROVE CENTER
BLAND BRYANT BUILDING
55 WADE AVENUE
CATONSVILLE, MD 21228-4663

MEDICAL LABORATORY PERMIT

NUMBER: 1316 EFFECTIVE PERIOD: 07/01/2010 - 06/30/2012

*Pursuant to the provisions of TITLE 17, subtitle 2, Health-General Article § 17-201 et seq.,
Annotated Code of Maryland, this permit is issued to:*

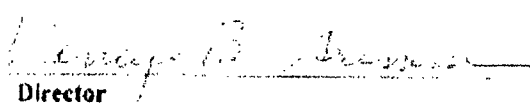
Omega Laboratories Inc
400 N CLEVELAND AVE
MOGADORE, OH 44260

Director: Dr DAVID ENGELHART
Owner: OMEGA LABORATORIES INC

For the performance of Medical Laboratory Tests in the following disciplines:

Forensic Toxicology - Job Related Test
Hair Drug Confirmation by GC/MS; GC/MS/MS; OR MS/MS

CONTROL: 41403


Director

Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.



Omega Laboratories Awarded ISO/IEC 17025 Accreditation

Ohio laboratory becomes first drugs of abuse in hair testing laboratory in the United States to be recognized for meeting highest international laboratory standards

MOGADORE, Ohio, Nov. 10 /PRNewswire/ -- Omega Laboratories, Inc. today announced that it has received International Organization for Standardization / International Electrotechnical Commission (ISO/IEC) 17025 accreditation for its analysis of drugs and drug metabolites in hair. ISO accreditation recognizes technical expertise within a defined scope, as well as the operation of a comprehensive laboratory quality management system. Omega Laboratories is one of a select group of laboratories worldwide to receive this prestigious accreditation and is the only hair testing laboratory to do so in the United States.

"At Omega we are focused on providing the highest-quality and most reliable testing procedure available," said Dr. John Vitullo, CEO of Omega Laboratories. "This internationally recognized accreditation means that we offer our clients an unsurpassed level of expertise and proficiency in our hair testing for drugs of abuse process. This accreditation is one more way Omega maintains its position as the industry leader in quality and service."

ISO/IEC 17025 accreditation requirements cover competency of laboratory-developed testing methods, laboratory operations, staff training and experience, safety, documentation and quality control procedures. Accreditation to the ISO/IEC 17025 standard provides both proof of proficiency and expertise to regulatory authorities worldwide. The management system requirements in ISO/IEC 17025:2005 meet the principles of ISO 9001:2008 Quality Management Systems. Omega's ISO/IEC 17025 accreditation was granted by ANSI-ASQ National Accreditation Board/ACLASS.

"We had our clients in mind when deciding to obtain ISO/IEC 17025 accreditation, since it provides them with a greater confidence level in choosing a laboratory," said Dr. Vitullo. "Several respected accrediting agencies have referred to ISO/IEC 17025 as the gold standard of laboratory accreditation, and we strongly feel that it is the most comprehensive quality process available to our industry."

According to the January 2009 FDA guidance document entitled *Submission of Laboratory Packages by Accredited Laboratories*, "ISO/IEC 17025 is the most widely used laboratory standard for federal testing laboratories, including FDA's own laboratories, and ISO/IEC 17025 is internationally recognized and accepted world-wide."

About ACLASS - The ANSI-ASQ National Accreditation Board under the ACLASS brand, is internationally recognized by ILAC, APLAC, and IAAC as a signatory of multilateral recognition arrangements (MRAs) that facilitate acceptance of test and calibration data between ACLASS-accredited laboratories and the international community.

About Omega Laboratories, Inc. - Omega Laboratories, Inc. is a state-of-the-art facility providing hair testing for drugs of abuse to over 4,000 clients worldwide. Omega's reputation for performing accurate, timely and cost effective testing, coupled with an unmatched reputation for client service, has positioned Omega as the leader in the hair drug testing industry. For more information, visit Omega's website at www.omegalabs.net.

SOURCE Omega Laboratories, Inc.

RELATED LINKS

<http://www.omegalabs.net>

About Omega Laboratories, Inc.

Omega Laboratories is the industry leader when it comes to hair analysis. Our rapid turnaround times and award-winning customer service have resulted in a wide client base spanning the United States, Canada, the European Union, Central America, South America and the Pacific Rim. Our tests are used on a daily basis by Fortune 500 companies, employment agencies, court systems and government agencies.

Since our founding in 1999, Omega has been the recipient of several awards recognizing growth and innovation. We are proud to have been recognized by the Case Western Reserve University Weatherhead School of Management, Cascade Capital, and Inside Business magazine.

Omega's ability to perform accurate, timely and cost effective testing keeps us in the forefront of the fight against illicit drug use.

Advantages of Working with Omega Laboratories

- *Fully accredited testing*
We are the only US drug testing lab to be awarded the international gold-standard, ISO/IEC 17025 Laboratory Accreditation.
- *Outstanding client service*
We will design a drug testing program around your needs. This includes benefits such as centralized reporting of test results and direct access to laboratory staff.
- *Industry-leading turnaround times*
A key factor in our success has been our rapid turnaround times. We report negative screening results the same day we receive the sample and confirmation test results in 48 hours, thereby allowing more timely decisions.
- *State-of-the-art facilities & technology*
Our modern facility allows us to perform 2,000 drug tests per day. We also utilize the latest in laboratory equipment and offer a HIPAA-compliant online reporting and web site.

Omega Laboratories Credentials

- Only US drug testing lab to have ISO/IEC 17025 Laboratory Accreditation (both Screening and GC/MS confirmation processes)
- Accredited by the U.S. Department of Health & Human Services Clinical Laboratory Improvement Amendment (CLIA)
- Approved by the State of New York
- Approved by the Ohio Department of Health
- Registered with the Food & Drug Administration (FDA) – Reg#3004847291
- Member of the Drug & Alcohol Testing Industry Association (DATIA)
- Participant in the Federal Voluntary Hair Proficiency Testing Program (administered by Research Triangle Institute)
- Enrolled in the Forensic Urine Drug Testing Program (administered by College of American Pathologists)

<http://www.omegalabs.net/aboutomega/certifications/certifications.aspx>

IMPORTANT NOTICE

DISCLAIMER AND ACKNOWLEDGEMENT

**THIS DISCLAIMER IS INTENDED TO COMPLY
WITH S.C. CODE ANN. 41-1-110.**

**THIS HANDBOOK SHALL NOT CREATE AN EXPRESS
OR IMPLIED CONTRACT OF EMPLOYMENT.**

I HAVE RECEIVED A COPY OF THE NUCOR STEEL BERKELEY EMPLOYEE HANDBOOK ISSUED NOVEMBER 1, 2002 WITH REVISIONS ON APRIL 1, 2003 AND MAY 25, 2003 AND I HAVE EITHER READ IT OR HAVE HAD IT READ TO ME CAREFULLY. I ALSO UNDERSTAND THAT THE POLICIES AND PROCEDURES OUTLINED IN THIS HANDBOOK SUPERSEDE ANY PREVIOUSLY PRINTED HANDBOOK. IT IS MY RESPONSIBILITY TO READ AND COMPLY WITH THE ENTIRE HANDBOOK AND ANY REVISIONS MADE TO IT. I UNDERSTAND THAT I HAVE THE OPPORTUNITY NOW AND IN THE FUTURE TO ASK MY SUPERVISOR OR HUMAN RESOURCES CONCERNING ANY QUESTIONS REGARDING THE MEANING OR APPLICATION OF ANY PART OF THIS HANDBOOK. I AGREE TO OBSERVE AND SUPPORT THE POLICIES, PROCEDURES, GUIDELINES, AND ALL OTHER PROVISIONS IN THE HANDBOOK AND I UNDERSTAND THAT VIOLATING THESE POLICIES, PROCEDURES, GUIDELINES, AND OTHER PROVISIONS MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF EMPLOYMENT. WHILE IT IS NUCOR'S GOAL TO PROVIDE BENEFICIAL PROGRAMS, BENEFITS, POLICIES, AND PROCEDURES, I UNDERSTAND THAT ALL PROGRAMS, BENEFITS, POLICIES, AND PROCEDURES ARE DEPENDENT ON ECONOMIC AND OTHER CONSIDERATIONS THAT CANNOT BE GUARANTEED. FOR THAT REASON, THE COMPANY RESERVES THE RIGHT TO AMEND, ALTER, MODIFY, MAKE EXCEPTIONS OR TERMINATE ITS PROGRAMS, BENEFITS, POLICIES, AND PROCEDURES AT ANY TIME WITHOUT NOTICE.

I UNDERSTAND THIS HANDBOOK IS DESIGNED TO PROVIDE GENERAL INFORMATION ONLY. NO STATEMENT BY ANY EMPLOYEE, OFFICER, OR AGENT OF THE COMPANY, CONTRARY TO THIS DISCLAIMER OR THE PROVISIONS OF THIS HANDBOOK OR ITS REVISIONS, SHALL HAVE ANY FORCE AND EFFECT UNLESS IT IS IN WRITING AND SIGNED BY THE PRESIDENT OF THE COMPANY.

I CERTIFY THAT I HAVE RECEIVED THE NUCOR STEEL BERKELEY EMPLOYEE HANDBOOK ISSUED NOVEMBER 1, 2002 WITH REVISIONS ON APRIL 1, 2003 AND MAY 25, 2003. I CERTIFY THAT I HAVE READ THE ABOVE DISCLAIMER AND EXPRESSLY UNDERSTAND THAT THE EMPLOYEE HANDBOOK DOES NOT CREATE AN EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. I UNDERSTAND THAT THE EMPLOYMENT RELATIONSHIP IS "AT-WILL" AND CAN BE TERMINATED BY EITHER NUCOR STEEL BERKELEY OR ME AT ANY TIME, FOR ANY REASON, OR FOR NO REASON.

Kimberly Ann Legette 575
Employee (Print Name) Employee #
Kimberly Ann Legette 1-18-07
Employee (Signature) Date

NUCOR STEEL - BERKELEY EMPLOYEE HANDBOOK

Acknowledgement Form

I have received a copy of the 2002 Employee Handbook and have either read it or have had it read to me carefully. I understand all of its rules, policies, terms, and conditions, and agree to abide by them, realizing that failure to do so may result in disciplinary action and/or termination. I understand that the policies and the procedures outlined in this handbook supersede any previously printed handbook. I understand and agree that my employment is terminable at will so that both the company and I remain free to choose to end our work relationship. I understand that nothing in this Handbook in any way creates an expressed or implied contract of employment between the Company and me, but rather is intended to provide only the guidelines for fostering a better work atmosphere while the employee/employer relationship exists.

Date 12/19/02

Kimberly A. Legette
PRINT EMPLOYEE NAME

575
EMPLOYEE #

Kimberly Legette
EMPLOYEE'S SIGNATURE

SUPERVISOR'S SIGNATURE

EMPLOYEE COPY

EXHIBIT
E# 31P
FILE NO: 1010377

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name): Kimberly Legette
Hereby consent to the taking of AAA Urine, AAA Breath, kel Hair
Or AAA blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such
as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. I understand and authorize these
Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director. I do understand that,
I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be
subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this
consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 4-6-10 Signature of Employee / Applicant: Kimberly Legette

Employee Number: 0575

Date: 4-6-10 Signature of Witness: Margaret C. Grimm APN

Urine Results: N/A

Breath Results: N/A

EXHIBIT
E# 4,4p
FILE NO: 1010377

Mike Farr, Safety Director

Copy 1 - Original employer's copy
Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

1151548

UMEGA (800) 686-5569
 Laboratory Fax: (330) 628-6

2835

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE**A. Requesting Agency, I.D. No.**
 ARCpoint - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136
B. MRO Name, Address, Phone and Fax No.**C. Donor Name**
 Leggett K. m b e r l y
 (Last, First, Middle)
Donor SSN or Employee I.D. No.

0575

D. Reason for Test:
☐ Pre-employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident
☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____
E. Drug Tests to be Performed:
☒ Hair 5 Drug Panel ☐ Other (specify) _____
F. Collection Site Address:
 ARCpoint - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136
STEP 2: COMPLETED BY COLLECTOR☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.**STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY**

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted accordance with applicable requirements.

 X Margaret C. Ginn 350 4/6/10
 Signature of Collector Time of Collection
Margaret C. Ginn 4/6/10
 (PRINT) Collector's Name (First, MI, Last) Date (Mo./Day/Yr.)
SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.**RECEIVED AT LAB:**

X

Signature of Accessioner

(PRINT) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.)

Specimen Seal Intact☐ Yes☐ No, Enter Remark Below**SPECIMEN RELEASED TO:****STEP 5: COMPLETED BY DONOR**

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

 X Kimberly Smith
 Signature of Donor

Kimberly Leggett
 (PRINT) Donor's Name (First, MI, Last)

Date (Mo./Day/Yr.)

Daytime Phone No. ()

Evening Phone No. (44) 511-7073

 Date of Birth 07/12/1981
 Mo. Day Yr.
STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED

REMARKS

X

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.)

COPY 3 - COLLECTOR COPY

Drug Testing Procedure for Random Drug Screens

Please answer yes, no, or N/A, to the following questions. Then sign your name to verify the following procedures took place.

1. Did the Safety Department employee explain the consent form? yes
2. Did the Safety Department employee explain that the hair sample could come from the head, leg, arm, underarm, or other area? yes
3. Did the Safety Department employee clean the scissors with an alcohol wipe before taking hair sample? yes
4. Did the Safety Department employee seal the hair envelope and then have you sign your initials to verify that your hair sample was placed into the envelope? yes
5. If your hair sample came from your pubic region, did the Safety Department employee witness that it came from you? no
6. Did the Safety Department employee require you to witness the sealing of the pouch with your hair sample inside? yes
7. Did the Safety Department employee give you a copy of the test? yes

Signature of employee

Kimberly Poythill

Date

4-6-10

Signature of Collector

M. Grimm

Date

4-6-10



2478 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6138

Results of Controlled Substance Test

Batch ID: R0002441

Participant: Kimberly A Legette

Test Type: Random Selection - Primary

SSN:

Specimen ID: 1151548

Record Status: Positive

ATTENTION:

Margaretta Grimm
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)

Collection Date/Time: 04/06/2010

Specimen Collector: Nucor Safety

Collection Site: Nucor Steel Berkeley

Laboratory: Omega Laboratories

400 N Cleveland St

Morgantown, OH

Date COC Received: 4/8/2010

Sample Type: Hair

Substance Tested	Result
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances:

Marijuana/Metabolite 1.25 pg/mg

This was printed on 4/14/2010 at 5:22:00PM

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name): Kimberly Legette
Hereby consent to the taking of N/A Urine, N/A Breath, Kd Hair
Or N/A blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such
as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. I understand and authorize these
Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director. I do understand that,
I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be
subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this
consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 4-15-10 Signature of Employee / Applicant: Kimberly Legette

Employee Number: 0575

Date: 4-15-2010 Signature of Witness: Margaret C. Gorman

Urine Results: N/A
Breath Results: A

EXHIBIT
E# 514P1010377
FILE NO:

Mike Farr, Safety Director

Copy 1 - Original employer's copy
Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

1151575

OMEGA
Laboratories
(330) 628-6748
(800) 666-6666
Fax: (330) 628-6

2835

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

ARCpoint - North Charleston ID# 2835
2470 Mall Drive #A
North Charleston, SC, 29406
843-745-6132
FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name

Leggett Kimberly
(Last, First, Middle)

Donor SSN or Employee I.D. No.

0575

D. Reason for Test:

☐ Pre-employment ☐ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident
☐ Return to Duty ☒ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify) _____

Level of detection requested

F. Collection Site Address:

ARCpoint - North Charleston ID# 2835
2470 Mall Drive #A
North Charleston, SC, 29406
843-745-6132
FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted accordance with applicable requirements.

x Margaretta C. Grimm

Signature of Collector

Margaretta C. Grimm

(PRINT) Collector's Name (First, MI, Last)

9:15 AM

Time of Collection

4/15/2012

Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB:

X

Signature of Accessioner

(PRINT) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.)

Specimen
Seal Intact☐ Yes☐ No, Enter Remark Below

SPECIMEN RELEASED TO:

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

x Kimberly Keith

Signature of Donor

Kimberly Keith

(PRINT) Donor's Name (First, MI, Last)

Daytime Phone No. 843-768-7073

Evening Phone No. 843-768-7073

Date of Birth 06/10/61
Mo. Day Yr.

STEP 6: COMPLETED BY MEDICAL REVIEW OFFICER - PRIMARY SPECIMEN

In accordance with applicable requirements, my determination/verification is:

☐ NEGATIVE ☐ POSITIVE ☐ TEST CANCELLED

REMARKS

X

Signature of Medical Review Officer

(PRINT) Medical Review Officer's Name (First, MI, Last)

Date (Mo./Day/Yr.)

COPY 3 - COLLECTOR COPY

Drug Testing Procedure for Random Drug Screens

Please answer yes, no, or N/A, to the following questions. Then sign your name to verify the following procedures took place.

1. Did the Safety Department employee explain the consent form? yes
2. Did the Safety Department employee explain that the hair sample could come from the head, leg, arm, underarm, or other area? yes
3. Did the Safety Department employee clean the scissors with an alcohol wipe before taking hair sample? yes
4. Did the Safety Department employee seal the hair envelope and then have you sign your initials to verify that your hair sample was placed into the envelope? yes
5. If your hair sample came from your pubic region, did the Safety Department employee witness that it came from you? NO
6. Did the Safety Department employee require you to witness the sealing of the pouch with your hair sample inside? yes
7. Did the Safety Department employee give you a copy of the test? yes

Signature of employee

Kimberly R. Smith

Date

4-15-10

Signature of Collector

Margaret C. Crum

Date

4-15-10



2478 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6136

Results of Controlled Substance Test

Batch ID: 20100421
Test Type: Expedited Confirmation
Specimen ID: 1151575

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

Margaretta Grimm
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 04/15/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkeley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgantown, OH
Date COC Received: 4/15/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances:

Marijuana/Metabolite

THC- Metabolite 0.78 pg/mg

Test was performed as a Limit of Detection Test. That tests all 5 major drug classes using the lower cutoff values than the standard test. The cutoff for this test for Marijuana/Metabolite is 0.10 pg/mg.

This was printed on 4/21/2010 at 1:15:12PM



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6138

Results of Controlled Substance Test

Batch ID: R0002385
Test Type: Random Selection - Primary
Specimen ID: 1105530

Participant: Kimberly A Legette
SSN:
Record Status: **Positive**

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 02/25/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 2/25/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances:

Marijuana(THC)Metabolite

THC Metabolite 6.21 pg/mg

EXHIBIT
E# 6,30p
FILE NO: 1010377



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Random Selection - Parameters

Profile Name: Nucor

Random Batch #: R0002385

Companies

Nucor Steel Berkeley (NUCOR)

Participant Eligibility

Include All Active Participants marked Include in Randoms

Selection Rates

Test For: Drugs only

Select 15 participants for Drug Testing.

Select 0 participants for Alcohol Testing.

Pool Size: 831

15 Participants were selected for drug testing.

Audit Trail Reports

Nucor Options



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6138

Random Selection - Selected Participants

Random Batch R0002385

Configuration Name: Nucor

Reprint of Audit Trail for batch generated on 02/12/2010

Company: NUCOR Nucor Steel Berkeley

Contact: Scott Deering

Phone: (843) 336-6140

Fax: (843) 336-6607

Home Base:

Contact:

Phone:

Fax:

ID	SSN	Selection ID	Name	Occupation	Test For	Observation Required	Suggested Test Date	Notification Date/Time
70		210	Leroy D Singleton		Drugs	No		
74		248	Andre Porcher		Drugs	No		
83		901	Darryl D Wright		Drugs	No		
120		213	Michael D Matthews		Drugs	No		
284		201	Leroy Martin		Drugs	No		
341		773	Kimberly A Legette		Drugs	No		
398		321	Kevin M Kelley		Drugs	No		
401		55	Michael S Todd		Drugs	No		
445		885	Daniel C Grant		Drugs	No		
566		32	John W Thomas		Drugs	No		
585		328	Garrett B Freeman		Drugs	No		
589		8	Michael A Valladares		Drugs	No		
621		241	Jeffery B Whetzel		Drugs	No		
659		71	Robert L Caison Jr		Drugs	No		
807		689	Helmut G Oltmann		Drugs	No		

15 Participant(s) in Home Base: ()

15 Participant(s) in Company: Nucor Steel Berkeley (NUCOR)

Report Totals: 1 Company
1 Home Base
15 Participant(s)

AccuDiagnostics - Charleston
2470 Mail Dr Suite A
Charleston, S.C. 29406
(843) 745-6132



2470 Mail Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Certification of Enrollment in Random Selection

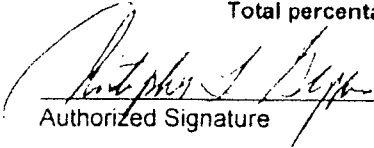
7/8/2010 1:19:00PM

Batch R0002385 Generated on 2/12/2010

This document certifies that your company's employees are subject to computer-generated random selections for alcohol and/or drug testing. You should store this document with your other permanent drug testing records.

Number of your employees eligible for selection:	831
Number of your employees selected for Drug testing only:	15
Total number of your employees selected for testing:	15

Total number of participants in this random pool:	831
Total number of participants selected from this random pool:	15
Total percentage of eligible participants selected for Drug Testing:	1.81
Total percentage of eligible participants selected for Alcohol Testing:	0.00


Authorized Signature

Requesting Agency:
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 764621
Specimen ID: 1105530
Reason For Test: Random
Date Collected: 2/25/2010
Date Received: 3/1/2010
Date Reported: 3/3/2010

Donor ID: Legette, Kimberly A SSN/ID: 0575

Test(s) Requested: **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes. These include:

Amphetamines - Amphetamine, Methamphetamine and Ecstasy (MDMA)
Cocaine - Cocaine/Cocaine Metabolites
Opiates - Codeine, Morphine, Heroin Metabolite
Phencyclidine (PCP)
THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Positive	100 pg/mg	0.30 pg/mg

Hair 5 Drug Panel Test Result(s)

THC Metabolite - Positive

6.21 pg/mg

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

Certified By: Lauren Vinsick
Omega Result Report REV 12.09

Dave Engelhart, Ph.D
Laboratory Director

1105530

1105530
SPECIMEN ID NO.

2835

 UMEGA
 LABORATORY, (800) 665-5569
 Fax: (330) 628-5803
 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.
 AccuDiagnostics - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name Legett Kimberly A.
 (Last, First, Middle)

Donor SSN or Employee I.D. No. 0575

D. Reason for Test: ☐ Pre-employment ☒ Random ☐ Reasonable Suspicion/Cause ☐ Post Accident
☐ Return to Duty ☐ Follow-up ☐ Other (specify) _____

E. Drug Tests to be Performed: ☒ Hair 5 Drug Panel ☐ Other (specify) _____

F. Collection Site Address:
 AccuDiagnostics - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR ☐ BODY _____ REMARKS _____

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service (noted in accordance with applicable requirements).

David L. Engle 3:15 AM 2/25/2010
 Signature of Collector Time of Collection
 (PRINT) Collector's Name (First, MI, Last) Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO:
 COURIER
 Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB: 3/1/10
 Signature of Accessioner
 (PRINT) Accessioner's Name (First, MI, Last) Date (Mo./Day/Yr.)

Specimen Seal Intact ☒ Yes ☐ No. Enter Remark Below

SPECIMEN RELEASED TO: 73

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

Kimberly A. Legett Kimberly A. Legett 2/25/10
 Signature of Donor (PRINT) Donor's Name (First, MI, Last) Date (Mo./Day/Yr.)

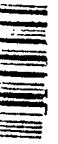
Daytime Phone No. (843) 334-6222 Evening Phone No. (843) 709-7073 Date of Birth 08/10/61
 Mo. Day Yr.

HAIR POUCH SEAL

100 - REV 12.08

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM



I (Full Name): Kimberly Ann Lyette

Hereby consent to the taking of _____ Urine, _____ Breath, X Hair

Or _____ blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. **I understand and authorize these Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director.** I do understand that, **I may refuse to sign this authorization** and I further understand that by refusing to sign this authorization I will be subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this consent form shall **not** be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 7-25-10 Signature of Employee / Applicant: [Signature]

Employee Number: _____

Date: 7-25-10 Signature of Witness: [Signature]

[Signature]
Copy - Employee - 5/1/10

Urine Results: _____

Breath Results: _____

Mike Furr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

1/12

HAIR POUCH SEAL



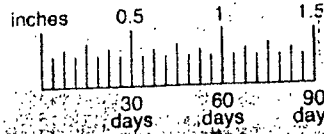
1105530

SPECIMEN ID NO.

Kay
Donor's Initials

2/25/10
Date (Mo Day Yr.)

MM



HAIR SPECIMEN POUCH



400 N. Cleveland Avenue, Mogadore, OH 44260
(330) 628-5748 • (800) 665-5569 • Fax (330) 628-5803
www.omegalabs.net

ITEM # OM 30 REV 12.08

ME



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6136

Results of Controlled Substance Test

Batch ID: 20100310
Test Type: Hair Analysis Screen
Specimen ID: 1105539

Participant: Kimberly A Legette
SSN:
Record Status: **Negative**

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 03/05/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkeley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 3/5/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	Negative
Phencyclidine	Negative
Opiates	Negative

1105539

1105539
SPECIMEN ID NO
 UMEGA
 (800) 685-5569
 Fax: (330) 628-8803

2835 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

 AccuDiagnostics - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name

 Leggett Kimberly
 (Last, First, Middle)

Donor SSN or Employee I.D. No.

575

D. Reason for Test:

☐ Pre-employment☐ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☐ Follow-up☒ Other (specify) 2nd Sample/Test

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify)

F. Collection Site Address:

 AccuDiagnostics - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch. Donor initials and dates seal. Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

x SWD

Signature of Collector

Scott Deering

(PRINT) Collector's Name (First, MI, Last)

7:40

Time of Collection

3/5/10

Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB:

x

Signature of Accessioner

Chris M. Ziemarski

(PRINT) Accessioner's Name (First, MI, Last)

3/8/10

Date (Mo./Day/Yr.)

Specimen
Seal Intact☒ Yes☐ No, Enter Remark Below

SPECIMEN RELEASED TO:

TS

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

x Kim Leggett

Signature of Donor

Kimberly Leggett

(PRINT) Donor's Name (First, MI, Last)

3/5/10

Date (Mo./Day/Yr.)

Daytime Phone No. ()

Evening Phone No. (843) 769-7073

Date of Birth 8/10/61

Mo. Day Yr.

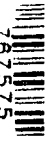
HAIR POUCH SEAL

100 - REV 12.08

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

MR

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM



I (Full Name): Kimberly Leggett

Hereby consent to the taking of N/A Urine, N/A Breath, X Hair

Or _____ blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. **I understand and authorize these Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director.** I do understand that, **I may refuse to sign this authorization** and I further understand that by refusing to sign this authorization I will be subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this consent form shall **not** be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 3-5-10 Signature of Employee / Applicant: [Signature]

Employee Number: 575

Date: 3/5/10 Signature of Witness: [Signature]

Urine Results: N/A

Breath Results: N/A

Mike Furr, Safety Director

Copy 1 - Original employer's copy
Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

MM

HAIR POUCH SEAL

1105539

SPECIMEN ID NO.

Donor Initials

Date (Mo Day Yr)

MR.



MR

Requesting Agency:
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 767575
Specimen ID: 1105539
Reason For Test: Other
Date Collected: 3/5/2010
Date Received: 3/8/2010
Date Reported: 3/8/2010

Donor ID: Legette, Kimberly SSN/ID: 575

Test(s) Requested: **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes.

These include:

Amphetamines - Amphetamine, Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine, Morphine, Heroin Metabolite

Phencyclidine (PCP)

THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Negative	1.00 pg/mg	0.30 pg/mg

Hair 5 Drug Panel Test Result(s)

Negative

A negative result indicates that none of the drugs listed above were detected at a concentration greater than their listed cutoff levels.

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

ified By: Tim Prots
mega Result Report REV 12.09

Dave Engelhart, Ph.D
Laboratory Director



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6138

Results of Controlled Substance Test

Batch ID: R0002441
Test Type: Random Selection - Primary
Specimen ID: 1151548

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

Accudiagnostix
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 04/06/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkeley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 4/6/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances;

Marijuana/Metabolite 1.25 pg/mg



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6136

Random Selection - Parameters

Profile Name: Nucor

Random Batch #: R0002441

Companies

Nucor Steel Berkeley (NUCOR)

Participant Eligibility

Include All Active Participants marked Include in Randoms

Selection Rates

Test For: Drugs only

Select 15 participants for Drug Testing.

Select 0 participants for Alcohol Testing.

Pool Size: 834

15 Participants were selected for drug testing.

Audit Trail Reports

Nucor Options



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Random Selection - Selected Participants

Random Batch R0002441

Configuration Name: Nucor

Reprint of Audit Trail for batch generated on 04/02/2010

Company: NUCOR Nucor Steel Berkeley

Contact: Scott Deering

Phone: (843) 336-6140

Fax: (843) 336-6607

Home Base:

Contact:

Phone

Fax

ID	SSN	Selection ID	Name	Occupation	Test For	Observation Required	Suggested Test Date	Notification Date/Time
105		1219	Christopher A Stow		Drugs	No		
109		330	Mark T Skelcher		Drugs	No		
135		235	Daniel S Burson		Drugs	No		
181		1155	Steven D Murray		Drugs	No		
341		757	Kimberly A Legette		Drugs	No		
344		1294	Paul S Hudson		Drugs	No		
464		378	Buffy L Fortner		Drugs	No		
478		1032	Michael H Oglesby		Drugs	No		
647		11	Brian P Kath		Drugs	No		
661		763	Timothy M Litzinger		Drugs	No		
683		429	Jonathan R Still		Drugs	No		
721		1046	William J Grant		Drugs	No		
729		979	Wallace D Dingle		Drugs	No		
844		1187	Kathleen G Norris		Drugs	No		
905		1021	Gaurav Malhitra		Drugs	No		

15 Participant(s) in Home Base: ()

15 Participant(s) in Company: Nucor Steel Berkeley (NUCOR)

Report Totals: 1 Company
1 Home Base
15 Participant(s)

AccuDiagnostics - Charleston
2470 Mall Dr Suite A
Charleston, S.C. 29406
(843) 745-6132



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Certification of Enrollment in Random Selection

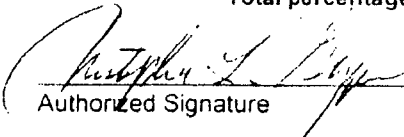
7/8/2010 1 21 41PM

Batch R0002441 Generated on 4/2/2010

This document certifies that your company's employees are subject to computer-generated random selections for alcohol and/or drug testing. You should store this document with your other permanent drug testing records.

Number of your employees eligible for selection:	834
Number of your employees selected for Drug testing only:	15
Total number of your employees selected for testing:	15

Total number of participants in this random pool:	834
Total number of participants selected from this random pool:	15
Total percentage of eligible participants selected for Drug Testing:	1.80
Total percentage of eligible participants selected for Alcohol Testing:	0.00


Authorized Signature

1151548

1151548
SPECIMEN ID NOUNICOR (800) 665-5569
Fax: (330) 628-5803

2835 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

ARCpoint - North Charleston ID# 2835

2470 Mall Drive #A

North Charleston, SC, 29406

843-745-6132

FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name

Legette Kimberly
(Last, First, Middle)

Donor SSN or Employee I.D. No.

0575

D. Reason for Test:

☐ Pre-employment☒ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☐ Follow-up☐ Other (specify) _____

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify) _____

F. Collection Site Address:

ARCpoint - North Charleston ID# 2835

2470 Mall Drive #A

North Charleston, SC, 29406

843-745-6132

FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, stored, sealed and released to the Delivery Service noted in accordance with applicable requirements.

Signature of Collector: Margaretta C. Grimmer 350 PM
 (PRINT) Collector Name (First, MI, Last): Margaretta C. Grimmer
 Date (Mo./Day/Yr.): 4/6/10

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB:

Specimen
Seal Intact

SPECIMEN RELEASED TO:

Signature of Accessioner: [Signature]
 (PRINT) Accessioner's Name (First, MI, Last): STEPHANIE BURR
 Date (Mo./Day/Yr.): 4/12/10

☒ Yes☐ No, Enter Remark Below

TS

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

Signature of Donor: Kimberly Legette
 (PRINT) Donor's Name (First, MI, Last): Kimberly Legette

Daytime Phone No. _____

Evening Phone No. 843-709-7073

Date of Birth

04/06/10
Date (Mo./Day/Yr.)04/10/61
Mo. Day Yr.

HAIR POUCH SEAL

100 - REV 12.08

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

MK

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name): Kimberly D. [unclear]

Hereby consent to the taking of N/A Urine, N/A Breath, N/A Hair

Or N/A blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. I understand and authorize these Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director. I do understand that, I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this consent form shall **not** be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 4-6-10 Signature of Employee / Applicant: [Signature]

Employee Number: 575

Date: 4-6-10 Signature of Witness: Margaret C. Grimm APN

Urine Results: N/A

Breath Results: A

Mike Furr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

MR

R POUCH SEAL



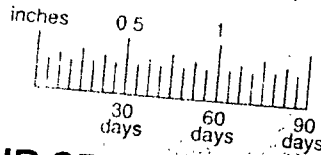
1151548

SPECIMEN ID NO.

Sal
Donor's Initials

04/06/10
Date (Mo. Day Yr.)

MR



HAIR SPECIMEN POUCH



OMEGA
Laboratories

400 N. Cleveland Avenue, Mogadore, OH 44260
(330) 628-5748 • (800) 665-5569 • Fax (330) 628-5803
www.omegalabs.com

ITEM # OM 30 REV 12-08

HAI

1112

Requesting Agency
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 784059
Specimen ID: 1151548
Reason For Test: Random
Date Collected: 4/6/2010
Date Received: 4/12/2010
Date Reported: 4/14/2010

Donor ID: Legette, Kimberly SSN-ID: 0575

Test(s) Requested: **Hair 5 Drug Panel**

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes

These include:

Amphetamines - Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine, Morphine, Heroin Metabolite

Phencyclidine(PCP)

THC Metabolite(Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Positive	100 pg/mg	0.30 pg/mg

Hair 5 Drug Panel Test Result(s)

THC Metabolite - Positive

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

1.25 pg/mg

REPORT NOTATIONS

1.5 inches in length (approximately 90 day time frame)

Certified By: Patrick Minno
Omega Result Report REV 12.09

Dave Engelhart, Ph.D
Laboratory Director

Omega Laboratories, Inc. - 400 N. Cleveland Ave. - Mogadore, OH 44260

Page 1 of 1



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Results of Controlled Substance Test

Batch ID: 20100421
Test Type: Expedited Confirmation
Specimen ID: 1151575

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 04/15/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 4/15/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances;

Marijuana/Metabolite

THC- Metabolite 0.78 pg/mg

Test was performed as a Limit of Detection Test. That tests all 5 major drug classes using the lower cutoff values than the standard test. The cutoff for this test for Marijuana/Metabolite is 0.10 pg/mg.

1151575



1151575

SPECIMEN ID NO

OMEGA

(330) 628-5718

(800) 665-5569

Fax: (330) 628-580

2835 LAB ACCESSION NO

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

ARCpoint - North Charleston ID# 2835

2470 Mall Drive #A

North Charleston, SC, 29406

843-745-6132

FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name

Leggett Kimberly

(Last, First, Middle)

Donor SSN or Employee I.D. No.

0575

D. Reason for Test:

☐ Pre-employment☐ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☒ Follow-up☐ Other (specify)

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify)

F. Collection Site Address:

ARCpoint - North Charleston ID# 2835

2470 Mall Drive #A

North Charleston, SC, 29406

843-745-6132

FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

x Margaretta C. Grimm

Signature of Collector

9:15 AM

Time of Collection

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

Margaretta C. Grimm

(PRINT) Collector's Name (First, MI, Last)

4/15/2016

Date (Mo./Day/Yr.)

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB

x [Signature]

Signature of Accessioner

Specimen Seal Intact

SPECIMEN RELEASED TO:

(PRINT) Accessioner's Name (First, MI, Last)

Date (Mo./Day/Yr.)

☐ Yes☐ No, Enter Remark Below

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

x Kimberly Leggett

Signature of Donor

Kimberly Leggett

(PRINT) Donor's Name (First, MI, Last)

Daytime Phone No. 843-709-7073

Evening Phone No. 709-7073

Date of Birth 08/10/61

Mo. Day Yr.

HAIR POUCH SEAL

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM



I (Full Name): Kimberly L. Galt
Hereby consent to the taking of N/A Urine, N/A Breath, X Hair

Or N/A blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. **I understand and authorize these Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director.** I do understand that, **I may refuse to sign this authorization** and I further understand that by refusing to sign this authorization I will be subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this consent form shall **not** be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 4-15-10 Signature of Employee / Applicant: [Signature]

Employee Number: 173

Date: 4-15-2010 Signature of Witness: [Signature]

[Signature] 4/19/10
Urine Results: N/A
Breath Results: A

Mike Furr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

ML

HAIR POUCH SEAL



1151575

SPECIMEN ID NO.

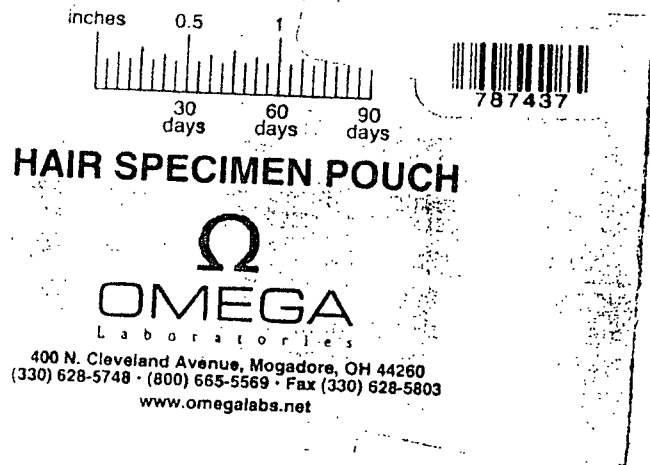
Kal

Donor's Initials

4/15/10
Date (Mo. Day Yr.)

112

ITEM # OM 30 REV 12-08



11/12

Requesting Agency:
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 787437
Specimen ID: 1151575
Reason For Test: Follow-L
Date Collected: 4/15/2010
Date Received: 4/19/2010
Date Reported: 4/21/2010

Donor ID: Legette, Kimberly SSN/ID: 0575

Test(s) Requested: Hair 5 Drug Panel Limit of Detection Test

The Hair 5 Drug Panel Limit of Detection Test includes the testing of the 5 major drug classes using the lower cutoff values than the standard test.

These include:
Amphetamines - Methamphetamine and Ecstasy (MDMA)
Cocaine - Cocaine/Cocaine Metabolites
Opiates - Codeine, Morphine, Heroin Metabolite
Phencyclidine (PCP)
THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening\ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	100 pg/mg	100 pg/mg
Cocaine/Metabolites	Negative	100 pg/mg	100 pg/mg
Opiates	Negative	100 pg/mg	100 pg/mg
Phencyclidine	Negative	100 pg/mg	100 pg/mg
THC Metabolite	Positive	0.10 pg/mg	0.10 pg/mg

Hair 5 Drug Panel Limit of Detection Test Test Result(s)

THC Metabolite - Positive

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

0.78 pg/mg

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

Certified By: Dave Engelhart, Ph.D
Negative Result Report REV 12.09


Dave Engelhart, Ph.D
Laboratory Director

Omega Laboratories, Inc. - 400 N. Cleveland Ave. - Mogadore, OH 44260

Page 1 of 1



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6136

Results of Controlled Substance Test

Batch ID: 20100421
Test Type: Expedited Confirmation
Specimen ID: 1151575

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

AccudiagnosTics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 04/15/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 4/15/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances;

Marijuana/Metabolite

THC- Metabolite 0.78 pg/mg

Test was performed as a Limit of Detection Test. That tests all 5 major drug classes using the lower cutoff values than the standard test. The cutoff for this test for Marijuana/Metabolite is 0.10 pg/mg.

EXHIBIT
E# 7
FILE NO: 1010377

1151575



1151575

SPECIMEN ID NO.

OMEGA

(330) 628-5748

(800) 665-5569

Fax: (330) 628-5

2835 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

ARCpoint - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

787437

C. Donor Name

Leggett Kimberly
 (Last, First, Middle)

Donor SSN or Employee I.D. No.

0575

D. Reason for Test:

☐ Pre-employment☐ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☒ Follow-up☐ Other (specify)

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify)

F. Collection Site Address:

ARCpoint - North Charleston ID# 2835
 2470 Mall Drive #A
 North Charleston, SC, 29406
 843-745-6132
 FAX: 1-843-745-6136

Level of detection requested

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted accordance with applicable requirements.

x Margaretta C. Grimm
 Signature of Collector

9:15 AM

Time of Collection

Margaretta C. Grimm
 (PRINT) Collector's Name (First, MI, Last)

4/15/2016

Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB

x [Signature]
 Signature of Accessioner

(PRINT) Accessioner's Name (First, MI, Last)

9/19/16

Date (Mo./Day/Yr.)

Specimen Seal Intact

☐ Yes☐ No, Enter Remark Below

SPECIMEN RELEASED TO:

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

x Kimberly Leggett
 Signature of Donor

Kimberly Leggett

(PRINT) Donor's Name (First, MI, Last)

Daytime Phone No. 843-709-7073

Evening Phone No. 1-709-7073

Date of Birth

4/15/10

Date (Mo./Day/Yr.)

08/10/61

Mo. Day Yr.

HAIR POUCH SEAL

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

MR

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name): Kimberly Loyette

Hereby consent to the taking of N/A Urine, N/A Breath, N/A Hair

Or N/A blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. I understand and authorize these Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director. I do understand that, I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date: 4-15-10 Signature of Employee / Applicant: Kimberly Loyette

Employee Number: 0575

Date: 4-15-2010 Signature of Witness: Margaret C. Annan

Urine Results: N/A

Breath Results: N/A

Mike Farr, Safety Director

Copy 1 - Original employer's copy
Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07
Rev. 3

ML

HAIR POUCH SEAL



1151575

SPECIMEN ID NO.

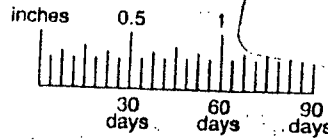
Kal

Donor's Initials

4/15/10

Date (Mo. Day Yr.)

MR



787437

HAIR SPECIMEN POUCH



OMEGA
Laboratories

400 N. Cleveland Avenue, Mogadore, OH 44260
(330) 628-5748 • (800) 668-5569 • Fax (330) 628-5803
www.omegalabs.net

ITEM # OM 30 REV 12-08

NR

Requesting Agency:
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 78743
Specimen ID: 115157
Reason For Test: Follow
Date Collected: 4/15/20
Date Received: 4/19/20
Date Reported: 4/21/20

Donor ID: Legette, Kimberly SSN/ID: 0575

Test(s) Requested: **Hair 5 Drug Panel Limit of Detection Test**

The Hair 5 Drug Panel Limit of Detection Test includes the testing of the 5 major drug classes using the lower cutoff values than the standard test.

These include:

Amphetamines - Methamphetamine and Ecstasy (MDMA)
Cocaine - Cocaine/Cocaine Metabolites
Opiates - Codeine, Morphine, Heroin Metabolite
Phencyclidine (PCP)
THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	100 pg/mg	100 pg/mg
Cocaine/Metabolites	Negative	100 pg/mg	100 pg/mg
Opiates	Negative	100 pg/mg	100 pg/mg
Phencyclidine	Negative	100 pg/mg	100 pg/mg
THC Metabolite	Positive	0.10 pg/mg	0.10 pg/mg

Hair 5 Drug Panel Limit of Detection Test Test Result(s)

THC Metabolite - Positive

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

0.78 pg/m

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

Certified By: Dave Engelhart, Ph.D
Omega Result Report REV 12.09

NA
Dave Engelhart, Ph.D
Laboratory Director

Omega Laboratories, Inc. - 400 N. Cleveland Ave. - Mogadore, OH 44260

Page 1 of 1

LITIGATION PACKAGE CHECKLIST

Lab Accession Number: 787437
 Specimen ID #: 1151575
 Report Date: 4/21/2010
 Given To (final check): LM

Date Requested: 7-2-10
 Requested By: Christopher Gypin
 Date Compiled: 7-7-10
 Compiled By: Morgan Robertson

- ☒ 1. Copy of Non-Federal Chain of Custody Form (CCF)
- ☒ 2. Copy of Hair Pouch w/donor initials
- ☒ 3. Copy of Hair Preparation Worksheet (appropriate page only)
- ☒ 4. Copy of Batch Review Checklist
- ☒ 5. Copy of Initial Batch Worklist
- ☒ 6. Copy of Initial Testing Batch Internal COC Document
- ☒ 7. Copy of EIA worksheet (Initial Test screening results)
- ☒ 8. Copy of appropriate QC data (blind QC, daily/monthly QC data, or other)
- ☒ 9. Copy of ICOC confirmation worksheet (if confirmation performed)
 - GC/MS results
 - tuning data
 - standards, controls & blanks
 - data review/final result summary
 - data pack (sample TICs, SIMs and results)
- ☒ 10. Copy of final report sent

Notes: _____

Total Number of Pages (including cover): 54

ADDRESS SENT TO:

Acc Diagnostics - ATTN: Christopher Gypin
2470 Mill Drive Suite A
North Charleston S.C.
29406
Phone 843-745-6132



2470 Mall Drive Suite A North Charleston, S.C. 29406
843-745-6132
Fax: 843-745-6136

July 02, 2010

Lauren Vinsick

Dr. David Englehart
Omega Laboratories
400 N. Cleveland Avenue
Mogadore, Ohio 44260

Dear Lauren,

I am requesting a litigation packet for:

Kimberly Legette, Id number - 575

Regarding tests:

1105530
1105539
1151548
1151575

Our account is ARCpoint - North Charleston ID # 2835

I realize this may be short notice since Dr Englehart is on vacation, but the client has requested this information as soon as possible in preparation for a hearing on July 9th.

I apologize for the short notice. Please call me if you require additional information or clarification. My cell phone number is (843) 442-8169.

Christopher L. Gypin
VP Operations
ARCpoint/ AccuDiagnostics Charleston



2470 Mall Drive Suite A North Charleston, S.C. 29406
843-745-6132
Fax: 843-745-6136

Fax Transmission

To: Omega Laboratories

Attn: Lauren Vinsick

Fax: (330) 628-5803

Phone: (800) 665-5569

Subject: Litigation Packet for
Kimberly Legette
Nucor Steel

CONFIDENTIAL

Part II of Record on Appeal Docket No: ALJ-22-0938-Ap, Kim Legette v SCDEW and Nucor Corp.

HAIR PREPARATION WORKSHEET/SPECIMEN INTERNAL CHAIN OF CUSTODY

Date: 4/19/2010

Batch #: 041910c

LAN #	weight if QNS(< 10mg)	COMMENTS
787430		
787431		Underarm
787432		VMA
787433		VMA
787434		SMA
787435		MA
787436		MA
787437		SMA
787438		Underarm
787439		1.5in - 2.5in
787440		SMA
787441		0.25in - 1.0in
787442		
787443		Body
787444		1.5in - 1.75in
787445		1.0in - 2.0in

Aliquot/weigh specimens for initial testing and return specimens to TS (Home Tray): cut

Aliquots pulverized: Al

Omega Laboratories, Inc.

Batch Review Checklist

Batch# 041910c

4/19/2010 3:15:35 PM

LAN#	Name	SS#/ID#	Code	Test	Agency	Date/Time Collected
787430	[REDACTED]	[REDACTED]	OT	Hair 5 Drug Panel	[REDACTED]	04/19/2010 00:00
Specimen ID:	0735152	Collection Site:		Additional Account Number:		
787431	[REDACTED]	[REDACTED]	PE	Hair 5 Drug Panel	[REDACTED]	04/16/2010 13:55
Specimen ID:	1075995	Collection Site:		Additional Account Number:		Body hair (approximately 12 month time frame)
787432	[REDACTED]	[REDACTED]	OT	Hair 5 Drug Panel	[REDACTED]	04/15/2010 12:10
Specimen ID:	0971733	Collection Site:		Additional Account Number:		1.5 Inches in length (approximately 0-90 day time frame)
787433	[REDACTED]	[REDACTED]	CO	Hair 5 Drug Panel	[REDACTED]	04/16/2010 10:30
Specimen ID:	0772167	Collection Site:		Additional Account Number:		1.5 inches in length (approximately 0-90 day time frame)
787434	[REDACTED]	[REDACTED]	CO	Hair 5 Drug Panel	[REDACTED]	04/16/2010 10:26
Specimen ID:	0772166	Collection Site:		Additional Account Number:		1.5 inches in length (approximately 0-90 day time frame)
787435	[REDACTED]	[REDACTED]	PE	Hair 5 Drug Panel	[REDACTED]	04/16/2010 11:00
Specimen ID:	1182914	Collection Site:		Additional Account Number:		1.5 inches in length (approximately 0-90 day time frame)
787436	[REDACTED]	[REDACTED]	PE	Hair 5 Drug Panel	[REDACTED]	04/16/2010 17:00
Specimen ID:	1207937	Collection Site:		Additional Account Number:	1080013659	1.5 inches in length (approximately 0-90 day time frame)
787437	Legette, Kimberly	0575	FU	Hair 5 Drug Panel Limit of Detection Test	ARCpoint - North Charleston	04/15/2010 09:15
Specimen ID:	1151575	Collection Site:		Additional Account Number:		1.5 Inches in length (approximately 0-90 day time frame)

4/19/2010 3:15:35 PM

Batch#:

Date:

Log-in Performed by:

041910c APR 19 2010

Printed:

Reviewed By:

Certification Review

4/19/2010 3:15:35 PM

Omega Laboratories, Inc.

Initial Batch Worklist - Batch 041910c

4/19/2010 12:55:23 PM

Test	Lab Notes	LAN	Results
Hair 5 Drug Panel		787424	
Hair 5 Drug Panel		787425	pending COC, THC
Hair 5 Drug Panel		787426	
Hair 5 Drug Panel		787427	pending opiates
Hair 5 Drug Panel		787428	
Hair 5 Drug Panel		787429	pending methamphetamine
Hair 5 Drug Panel		787430	pending PCP
Hair 5 Drug Panel		787431	
Hair 5 Drug Panel		787432	pending methamphetamine
Hair 5 Drug Panel		787433	
Hair 5 Drug Panel		787434	
Hair 5 Drug Panel		787435	
Hair 5 Drug Panel		787436	
Hair 5 Drug Panel Limit of Detection Test		787437	pending THC

BatchNumber: 041910c

4/19/2010 12:55:23 PM

Date Analyzed: APR 19 2010Posted By: [Signature]Analyzed By: [Signature]Certified By: [Signature]

4 of 7

n/r

147

ROA 719

OMEGA LABORATORIES, INC.
INITIAL TESTING HAIR ALIQUOT BATCH
INTERNAL CHAIN OF CUSTODY DOCUMENT

Specimen Home Tray Batch Number: 041910C

Batch Starting LAN: 787387

Batch Ending LAN: 787408

Rejected/QNS LAN # for Batch: _____

CORRESPONDING INITIAL TESTING BATCH ALIQUOT INTERNAL CHAIN OF CUSTODY

Date	Released By	Received By	Purpose
4/19/10	Accessioning TS	AL	☒ Removed batch aliquot from accessioning TS
4/19/10	AL	Screening TS	☒ Transfer batch to screening TS
4/19/10	Screening TS	SWP	☒ Sample vials verified ☐ Returned vials to screening TS Other: _____
4/19/10	Screening TS	SWP	☒ Remove batch from screening TS for ELISA analysis ☒ Transfer hair/acidified methanol addition for ELISA analysis Other: _____
4/19/10	SWP	Heating Block	☐ Place samples in heating block Time put in heating block: <u>10:55</u>
4/19/10	Heating Block	GB	☒ Remove samples from heating block Time removed from heating block: <u>11:57</u>
4/19/10	GB	Centrifuge	☒ Centrifuge for 10 minutes Other: _____
4/19/10	Centrifuge	GB	☒ Removed from Centrifuge Other: _____
4/19/10	GB	Screening TS	☒ Transfer to labeled silanized 12x75mm test tube
4/19/10	GB	Evaporator	☒ Dry in evaporator Other: _____
4/19/10	Evaporator	GB	☒ Remove from evaporator
4/19/10	GB	Screening TS	☒ Reconstitute sample with BSA/PBS buffer/Vortex ☒ Return to screening TS Other: _____
4/19/10	GB	Pipettor/Dilutor	☒ Remove from screening TS ☒ Load specimens onto Pipettor/Dilutor and analyze Other: _____
4/19/10	Pipettor/Dilutor	SS	☒ Verify sequence ☒ Remove tubes from Pipettor/Dilutor
4/19/10	Screening TS	SS	☒ Batch aliquot disposal

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NC1>LPC1 --> TRUE

LPC1>PC1 --> TRUE

PC1>HPC1 --> TRUE

Q110

1 Plate Test Names2 Sample - ID's3 Raw data4 Raw data - Mean5 Cutoff results

	1	2	3	4	5
A1	PCP	neg1	2.788	2.751	
B1	PCP	neg2	2.714		
C1	PCP	lpc1	1.262	1.21	
D1	PCP	lpc2	1.158		
E1	PCP	cut1	0.851	0.8095	
F1	PCP	cut2	0.768		
G1	PCP	hpc1	0.165	0.1745	
H1	PCP	hpc2	0.184		
A2	PCP	787382	1.746	1.746	NEG
B2	PCP	787383	1.686	1.686	NEG WSD
C2	PCP	787384	1.653	1.653	NEG WSD
D2	PCP	787385	1.668	1.668	NEG WSD
E2	PCP	787386	1.603	1.603	NEG WSD
F2	PCP	787387	1.676	1.676	NEG
G2	PCP	787388	1.655	1.655	NEG
H2	PCP	787389	1.673	1.673	NEG
A3	PCP	787390	1.697	1.697	NEG
B3	PCP	787391	1.689	1.689	NEG
C3	PCP	787392	1.638	1.638	NEG
D3	PCP	787393	1.66	1.66	NEG
E3	PCP	787394	1.74	1.74	NEG
F3	PCP	787395	1.639	1.639	NEG
G3	PCP	787396	1.627	1.627	NEG
H3	PCP	787397	1.654	1.654	NEG
A4	PCP	787398	1.74	1.74	NEG
B4	PCP	787399	1.701	1.701	NEG
C4	PCP	787400	1.678	1.678	NEG

7-19-10

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Date: 04/19/2010

Time: 14:11:58

APR 19 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	PCP	787401	1.741	1.741	NEG
E4	PCP	787402	1.78	1.78	NEG
F4	PCP	787403	1.681	1.681	NEG
G4	PCP	787404	1.761	1.761	NEG
H4	PCP	787405	1.741	1.741	NEG
A5	PCP	787406	1.727	1.727	NEG
B5	PCP	787407	1.672	1.672	NEG
C5	PCP	787408	1.665	1.665	NEG
D5	PCP	787409	1.693	1.693	NEG
E5	PCP	787410	1.712	1.712	NEG
F5	PCP	787411	1.602	1.602	NEG
G5	PCP	787412	1.766	1.766	NEG
H5	PCP	787413	1.719	1.719	NEG
A6	PCP	787414	1.764	1.764	NEG
B6	PCP	787415	1.713	1.713	NEG
C6	PCP	787416	1.69	1.69	NEG
D6	PCP	787417	1.743	1.743	NEG
E6	PCP	787418	1.7	1.7	NEG
F6	PCP	787419	1.738	1.738	NEG
G6	PCP	787420	1.829	1.829	NEG
H6	PCP	787421	1.776	1.776	NEG
A7	PCP	787422	1.864	1.864	NEG
B7	PCP	787423	1.704	1.704	NEG
C7	PCP	787424	1.7	1.7	NEG
D7	PCP	787425	1.728	1.728	NEG
E7	PCP	787426	1.685	1.685	NEG
F7	PCP	787427	1.748	1.748	NEG
G7	PCP	787428	1.872	1.872	NEG
H7	PCP	787429	1.766	1.766	NEG
A8	PCP	787430	0.12	0.12	POS
B8	PCP	787431	1.714	1.714	NEG
C8	PCP	787432	1.702	1.702	NEG
D8	PCP	787433	1.755	1.755	NEG
E8	PCP	787434	1.698	1.698	NEG

Date: 04/19/2010

Time: 14:11:58

APR 19 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	PCP	787435	1.692	1.692	NEG
G8	PCP	787436	1.772	1.772	NEG
H8	PCP	787437	1.811	1.811	NEG <i>wp</i>
A9	PCP	787438	1.616	1.616	NEG
B9	PCP	787439	1.708	1.708	NEG
C9	PCP	787440	1.688	1.688	NEG
D9	PCP	787441	1.588	1.588	NEG
E9	PCP	787442	1.536	1.536	NEG
F9	PCP	787443	1.673	1.673	NEG
G9	PCP	787444	1.69	1.69	NEG
H9	PCP	787445	1.664	1.664	NEG
A10	PCP	787446	1.66	1.66	NEG
B10	PCP	787447	1.687	1.687	NEG
C10	PCP	787448	1.641	1.641	NEG
D10	PCP	787449	1.664	1.664	NEG
E10	PCP	787450	1.73	1.73	NEG
F10	PCP	787451	1.717	1.717	NEG
G10	PCP	787452	1.668	1.668	NEG
H10	PCP	787453	1.585	1.585	NEG
A11	PCP	787454	1.814	1.814	NEG
B11	PCP	787455	1.741	1.741	NEG
C11	PCP	787456	1.681	1.681	NEG
D11	PCP	787457	1.725	1.725	NEG
E11	PCP	787458	1.758	1.758	NEG
F11	PCP	787459	1.883	1.883	NEG
G11	PCP	787460	1.862	1.862	NEG
H11	PCP	787461	1.727	1.727	NEG
A12	PCP	787462	1.801	1.801	NEG
B12	PCP	787463	1.727	1.727	NEG <i>wp</i>
C12	PCP	787464	1.696	1.696	NEG
D12	PCP	787465	1.666	1.666	NEG
E12	PCP	787466	1.749	1.749	NEG <i>N</i>
F12	PCP	787467	0.246	0.246	POS <i>u</i>
G12	PCP	787468	1.768	1.768	NEG <i>x</i>

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Date: 04/19/2010

Time: 14:11:58

APR 19 2010

Page 4

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H12	PCP	hpc3	0.223	0.223	POS

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Date: 04/19/2010

Time: 14:12:58

APR 19 2010

Page1

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NCI>LPCI --> TRUE

LPCI>PCI --> TRUE

PCI>HPCI --> TRUE

SWD

1 Plate Test Names2 Sample - ID's3 Raw data4 Raw data - Mean5 Cutoff results

		1	2	3	4	5
A1	Opiates	neg1	2.67	2.614		
B1	Opiates	neg2	2.558			
C1	Opiates	lpc1	1.331	1.315		
D1	Opiates	lpc2	1.299			
E1	Opiates	cut1	0.84	0.824		
F1	Opiates	cut2	0.808			
G1	Opiates	hpc1	0.122	0.1415		
H1	Opiates	hpc2	0.161			
A2	Opiates	787382	1.703	1.703	NEG	
B2	Opiates	787383	1.388	1.388	NEG	WSD
C2	Opiates	787384	1.667	1.667	NEG	WSD
D2	Opiates	787385	0.762	0.762	POS	WSD
E2	Opiates	787386	1.725	1.725	NEG	WSD
F2	Opiates	787387	1.678	1.678	NEG	
G2	Opiates	787388	1.76	1.76	NEG	
H2	Opiates	787389	1.63	1.63	NEG	
A3	Opiates	787390	1.789	1.789	NEG	
B3	Opiates	787391	1.724	1.724	NEG	
C3	Opiates	787392	1.748	1.748	NEG	
D3	Opiates	787393	1.722	1.722	NEG	
E3	Opiates	787394	1.817	1.817	NEG	
F3	Opiates	787395	1.714	1.714	NEG	
G3	Opiates	787396	1.627	1.627	NEG	
H3	Opiates	787397	1.778	1.778	NEG	
A4	Opiates	787398	1.856	1.856	NEG	
B4	Opiates	787399	1.511	1.511	NEG	
C4	Opiates	787400	1.662	1.662	NEG	

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1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Opiates	787401	1.705	1.705	NEG
E4	Opiates	787402	1.673	1.673	NEG
F4	Opiates	787403	1.5	1.5	NEG
G4	Opiates	787404	1.705	1.705	NEG
H4	Opiates	787405	1.753	1.753	NEG
A5	Opiates	787406	1.842	1.842	NEG
B5	Opiates	787407	1.795	1.795	NEG
C5	Opiates	787408	1.83	1.83	NEG
D5	Opiates	787409	1.844	1.844	NEG
E5	Opiates	787410	1.799	1.799	NEG
F5	Opiates	787411	1.729	1.729	NEG
G5	Opiates	787412	1.879	1.879	NEG
H5	Opiates	787413	1.923	1.923	NEG
A6	Opiates	787414	1.907	1.907	NEG
B6	Opiates	787415	1.787	1.787	NEG
C6	Opiates	787416	1.467	1.467	NEG
D6	Opiates	787417	1.759	1.759	NEG
E6	Opiates	787418	1.545	1.545	NEG
F6	Opiates	787419	1.538	1.538	NEG
G6	Opiates	787420	1.68	1.68	NEG
H6	Opiates	787421	1.731	1.731	NEG
A7	Opiates	787422	1.97	1.97	NEG
B7	Opiates	787423	1.5	1.5	NEG
C7	Opiates	787424	1.766	1.766	NEG
D7	Opiates	787425	1.597	1.597	NEG
E7	Opiates	787426	1.678	1.678	NEG
F7	Opiates	787427	0.808	0.808	POS
G7	Opiates	787428	1.675	1.675	NEG
H7	Opiates	787429	1.746	1.746	NEG
A8	Opiates	787430	1.71	1.71	NEG
B8	Opiates	787431	1.745	1.745	NEG
C8	Opiates	787432	1.533	1.533	NEG
D8	Opiates	787433	1.348	1.348	NEG
E8	Opiates	787434	1.063	1.063	NEG

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Date: 04/19/2010

Time: 14:12:58

APR 19 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Opiates	787435	1.216	1.216	NEG
G8	Opiates	787436	1.842	1.842	NEG
H8	Opiates	787437	1.78	1.78	NEG <i>wo</i>
A9	Opiates	787438	0.638	0.638	POS
B9	Opiates	787439	1.523	1.523	NEG
C9	Opiates	787440	1.568	1.568	NEG
D9	Opiates	787441	1.534	1.534	NEG
E9	Opiates	787442	1.701	1.701	NEG
F9	Opiates	787443	1.707	1.707	NEG
G9	Opiates	787444	1.753	1.753	NEG
H9	Opiates	787445	1.809	1.809	NEG
A10	Opiates	787446	1.641	1.641	NEG
B10	Opiates	787447	1.389	1.389	NEG
C10	Opiates	787448	0.52	0.52	POS
D10	Opiates	787449	1.626	1.626	NEG
E10	Opiates	787450	1.808	1.808	NEG
F10	Opiates	787451	1.82	1.82	NEG
G10	Opiates	787452	1.71	1.71	NEG
H10	Opiates	787453	1.187	1.187	NEG
A11	Opiates	787454	1.919	1.919	NEG
B11	Opiates	787455	1.836	1.836	NEG
C11	Opiates	787456	1.819	1.819	NEG
D11	Opiates	787457	1.841	1.841	NEG
E11	Opiates	787458	1.785	1.785	NEG
F11	Opiates	787459	1.953	1.953	NEG
G11	Opiates	787460	1.902	1.902	NEG
H11	Opiates	787461	1.801	1.801	NEG
A12	Opiates	787462	1.75	1.75	NEG
B12	Opiates	787463	1.585	1.585	NEG <i>wo</i>
C12	Opiates	787464	1.225	1.225	NEG
D12	Opiates	787465	1.58	1.58	NEG
E12	Opiates	787466	1.725	1.725	NEG <i>u</i>
F12	Opiates	787467	0.248	0.248	POS <i>u</i>
G12	Opiates	787468	1.912	1.912	NEG <i>u</i>

Date: 04/19/2010

Time: 14:12:58

APR 19 2010

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1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
1112	Opiates	hpc3	0.294	0.294	POS

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Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NC1>LPC1 --> TRUE

LPC1>PC1 --> TRUE

PC1>HPC1 --> TRUE

1 Plate Test Names2 Sample - ID's3 Raw data4 Raw data - Mean5 Cutoff results

	1	2	3	4	5
A1	Methamphetamine	neg1	2.365	2.317	
B1	Methamphetamine	neg2	2.269		
C1	Methamphetamine	lpc1	0.921	0.932	
D1	Methamphetamine	lpc2	0.943		
E1	Methamphetamine	cut1	0.686	0.6835	
F1	Methamphetamine	cut2	0.681		
G1	Methamphetamine	hpc1	0.156	0.1715	
H1	Methamphetamine	hpc2	0.187		
A2	Methamphetamine	787382	1.215	1.215	NEG
B2	Methamphetamine	787383	1.184	1.184	NEG WSD
C2	Methamphetamine	787384	1.116	1.116	NEG WSD
D2	Methamphetamine	787385	0.383	0.383	POS WSD
E2	Methamphetamine	787386	1.028	1.028	NEG WSD
F2	Methamphetamine	787387	1.221	1.221	NEG
G2	Methamphetamine	787388	0.257	0.257	POS
H2	Methamphetamine	787389	1.02	1.02	NEG
A3	Methamphetamine	787390	0.811	0.811	NEG
B3	Methamphetamine	787391	0.914	0.914	NEG
C3	Methamphetamine	787392	1.187	1.187	NEG
D3	Methamphetamine	787393	1.223	1.223	NEG
E3	Methamphetamine	787394	1.177	1.177	NEG
F3	Methamphetamine	787395	0.841	0.841	NEG
G3	Methamphetamine	787396	0.998	0.998	NEG
H3	Methamphetamine	787397	1.391	1.391	NEG
A4	Methamphetamine	787398	1.099	1.099	NEG
B4	Methamphetamine	787399	1.232	1.232	NEG
C4	Methamphetamine	787400	1.258	1.258	NEG

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Date: 04/19/2010

Time: 14:35:00

Page2

APR 19 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Methamphetamine	787401	1.291	1.291	NEG
E4	Methamphetamine	787402	1.273	1.273	NEG
F4	Methamphetamine	787403	1.272	1.272	NEG
G4	Methamphetamine	787404	1.217	1.217	NEG
H4	Methamphetamine	787405	1.18	1.18	NEG
A5	Methamphetamine	787406	1.216	1.216	NEG
B5	Methamphetamine	787407	1.316	1.316	NEG
C5	Methamphetamine	787408	1.371	1.371	NEG
D5	Methamphetamine	787409	1.365	1.365	NEG
E5	Methamphetamine	787410	1.139	1.139	NEG
F5	Methamphetamine	787411	1.138	1.138	NEG
G5	Methamphetamine	787412	1.348	1.348	NEG
H5	Methamphetamine	787413	1.302	1.302	NEG
A6	Methamphetamine	787414	1.253	1.253	NEG
B6	Methamphetamine	787415	1.287	1.287	NEG
C6	Methamphetamine	787416	1.102	1.102	NEG
D6	Methamphetamine	787417	1.068	1.068	NEG
E6	Methamphetamine	787418	1.14	1.14	NEG
F6	Methamphetamine	787419	1.168	1.168	NEG
G6	Methamphetamine	787420	1.282	1.282	NEG
H6	Methamphetamine	787421	1.154	1.154	NEG
A7	Methamphetamine	787422	1.223	1.223	NEG
B7	Methamphetamine	787423	0.107	0.107	POS
C7	Methamphetamine	787424	1.303	1.303	NEG
D7	Methamphetamine	787425	1.376	1.376	NEG
E7	Methamphetamine	787426	1.203	1.203	NEG
F7	Methamphetamine	787427	0.889	0.889	NEG
G7	Methamphetamine	787428	1.224	1.224	NEG
H7	Methamphetamine	787429	0.379	0.379	POS
A8	Methamphetamine	787430	1.375	1.375	NEG
B8	Methamphetamine	787431	1.029	1.029	NEG
C8	Methamphetamine	787432	0.488	0.488	POS
D8	Methamphetamine	787433	1.41	1.41	NEG
E8	Methamphetamine	787434	1.254	1.254	NEG

Date: 04/19/2010

Time: 14:35:00

Page3

APR 19 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Methamphetamine	787435	0.881	0.881	NEG
G8	Methamphetamine	787436	1.248	1.248	NEG
H8	Methamphetamine	787437	1.352	1.352	NEG <i>wo</i>
A9	Methamphetamine	787438	0.849	0.849	NEG
B9	Methamphetamine	787439	1.01	1.01	NEG
C9	Methamphetamine	787440	1.346	1.346	NEG
D9	Methamphetamine	787441	1.229	1.229	NEG
E9	Methamphetamine	787442	1.106	1.106	NEG
F9	Methamphetamine	787443	1.265	1.265	NEG
G9	Methamphetamine	787444	1.435	1.435	NEG
H9	Methamphetamine	787445	1.32	1.32	NEG
A10	Methamphetamine	787446	1.328	1.328	NEG
B10	Methamphetamine	787447	0.94	0.94	NEG
C10	Methamphetamine	787448	1.168	1.168	NEG
D10	Methamphetamine	787449	1.261	1.261	NEG
E10	Methamphetamine	787450	0.67	0.67	POS
F10	Methamphetamine	787451	1.05	1.05	NEG
G10	Methamphetamine	787452	1.172	1.172	NEG
H10	Methamphetamine	787453	0.379	0.379	POS
A11	Methamphetamine	787454	1.169	1.169	NEG
B11	Methamphetamine	787455	1.259	1.259	NEG
C11	Methamphetamine	787456	1.17	1.17	NEG
D11	Methamphetamine	787457	1.016	1.016	NEG
E11	Methamphetamine	787458	1.099	1.099	NEG
F11	Methamphetamine	787459	1.371	1.371	NEG
G11	Methamphetamine	787460	1.11	1.11	NEG
H11	Methamphetamine	787461	1.399	1.399	NEG
A12	Methamphetamine	787462	1.359	1.359	NEG
B12	Methamphetamine	787463	1.296	1.296	NEG <i>wo</i>
C12	Methamphetamine	787464	1.208	1.208	NEG
D12	Methamphetamine	787465	1.187	1.187	NEG
E12	Methamphetamine	787466	1.276	1.276	NEG <i>N</i>
F12	Methamphetamine	787467	0.314	0.314	POS <i>4</i>
G12	Methamphetamine	787468	1.361	1.361	NEG <i>7</i>

24-19-10

Date: 04/19/2010

Time: 14:35:00

APR 19 2010

Signature

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H12	Methamphetamine	hpc3	0.262	0.262	POS

2019-10

Date: 04/19/2010

Time: 14:15:15

Page1

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NC1>LPC1 --> TRUE

LPC1>PCI --> TRUE

PCI>HPC1 --> TRUE

APR 19 2010

SMB

1 Plate Test Names2 Sample - ID's3 Raw data4 Raw data - Mean5 Cutoff results

	1	2	3	4	5
A1	Cocaine	neg1	1.91	2.2325	
B1	Cocaine	neg2	2.555		
C1	Cocaine	lpc1	1.752	1.73	
D1	Cocaine	lpc2	1.708		
E1	Cocaine	cut1	1.203	1.201	
F1	Cocaine	cut2	1.199		
G1	Cocaine	hpc1	0.186	0.1735	
H1	Cocaine	hpc2	0.161		
A2	Cocaine	787382	1.77	1.77	NEG
B2	Cocaine	787383	1.637	1.637	NEG <i>WJ</i>
C2	Cocaine	787384	1.698	1.698	NEG <i>WJ</i>
D2	Cocaine	787385	1.69	1.69	NEG <i>WJ</i>
E2	Cocaine	787386	1.527	1.527	NEG <i>WJ</i>
F2	Cocaine	787387	1.708	1.708	NEG
G2	Cocaine	787388	1.653	1.653	NEG
H2	Cocaine	787389	1.161	1.161	POS
A3	Cocaine	787390	1.758	1.758	NEG
B3	Cocaine	787391	1.705	1.705	NEG
C3	Cocaine	787392	0.597	0.597	POS
D3	Cocaine	787393	1.726	1.726	NEG
E3	Cocaine	787394	1.842	1.842	NEG
F3	Cocaine	787395	1.278	1.278	NEG
G3	Cocaine	787396	1.838	1.838	NEG
H3	Cocaine	787397	1.858	1.858	NEG
A4	Cocaine	787398	1.687	1.687	NEG
B4	Cocaine	787399	1.765	1.765	NEG
C4	Cocaine	787400	1.829	1.829	NEG

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Date: 04/19/2010

Time: 14:15:15

APR 19 2010

Page 2

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Cocaine	787401	1.73	1.73	NEG
E4	Cocaine	787402	1.598	1.598	NEG
F4	Cocaine	787403	1.792	1.792	NEG
G4	Cocaine	787404	1.758	1.758	NEG
H4	Cocaine	787405	1.8	1.8	NEG
A5	Cocaine	787406	1.849	1.849	NEG
B5	Cocaine	787407	1.784	1.784	NEG
C5	Cocaine	787408	1.822	1.822	NEG
D5	Cocaine	787409	1.797	1.797	NEG
E5	Cocaine	787410	1.799	1.799	NEG
F5	Cocaine	787411	1.779	1.779	NEG
G5	Cocaine	787412	1.819	1.819	NEG
H5	Cocaine	787413	1.86	1.86	NEG
A6	Cocaine	787414	1.821	1.821	NEG
B6	Cocaine	787415	1.755	1.755	NEG
C6	Cocaine	787416	1.742	1.742	NEG
D6	Cocaine	787417	0.086	0.086	POS
E6	Cocaine	787418	1.715	1.715	NEG
F6	Cocaine	787419	1.749	1.749	NEG
G6	Cocaine	787420	1.781	1.781	NEG
H6	Cocaine	787421	1.657	1.657	NEG
A7	Cocaine	787422	1.79	1.79	NEG
B7	Cocaine	787423	1.719	1.719	NEG
C7	Cocaine	787424	1.731	1.731	NEG
D7	Cocaine	787425	0.428	0.428	POS
E7	Cocaine	787426	1.678	1.678	NEG
F7	Cocaine	787427	1.597	1.597	NEG
G7	Cocaine	787428	1.741	1.741	NEG
H7	Cocaine	787429	1.66	1.66	NEG
A8	Cocaine	787430	1.715	1.715	NEG
B8	Cocaine	787431	1.747	1.747	NEG
C8	Cocaine	787432	1.654	1.654	NEG
D8	Cocaine	787433	1.226	1.226	NEG
E8	Cocaine	787434	1.235	1.235	NEG

SUK

7/4/10

APR 19 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Cocaine	787435	1.486	1.486	NEG
G8	Cocaine	787436	1.719	1.719	NEG
H8	Cocaine	787437	1.722	1.722	NEG <i>wp</i>
A9	Cocaine	787438	1.794	1.794	NEG
B9	Cocaine	787439	1.251	1.251	NEG
C9	Cocaine	787440	1.768	1.768	NEG
D9	Cocaine	787441	1.648	1.648	NEG
E9	Cocaine	787442	1.604	1.604	NEG
F9	Cocaine	787443	1.59	1.59	NEG
G9	Cocaine	787444	1.82	1.82	NEG
H9	Cocaine	787445	1.825	1.825	NEG
A10	Cocaine	787446	1.718	1.718	NEG
B10	Cocaine	787447	1.599	1.599	NEG
C10	Cocaine	787448	0.722	0.722	POS
D10	Cocaine	787449	0.097	0.097	POS
E10	Cocaine	787450	1.719	1.719	NEG
F10	Cocaine	787451	1.73	1.73	NEG
G10	Cocaine	787452	0.094	0.094	POS
H10	Cocaine	787453	0.285	0.285	POS
A11	Cocaine	787454	1.801	1.801	NEG
B11	Cocaine	787455	1.769	1.769	NEG
C11	Cocaine	787456	1.666	1.666	NEG
D11	Cocaine	787457	1.709	1.709	NEG
E11	Cocaine	787458	1.799	1.799	NEG
F11	Cocaine	787459	1.816	1.816	NEG
G11	Cocaine	787460	1.772	1.772	NEG
H11	Cocaine	787461	1.799	1.799	NEG
A12	Cocaine	787462	1.836	1.836	NEG
B12	Cocaine	787463	1.706	1.706	NEG <i>wp</i>
C12	Cocaine	787464	1.732	1.732	NEG
D12	Cocaine	787465	1.732	1.732	NEG
E12	Cocaine	787466	1.735	1.735	NEG <i>N</i>
F12	Cocaine	787467	0.421	0.421	POS <i>y</i>
G12	Cocaine	787468	1.809	1.809	NEG

Sup

24-19-10

Date: 04/19/2010

Time: 14:15:15

Page 4

APR 19 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
1112	Cocaine	hpc3	0.365	0.365	POS



APR 19 2010

164

Date: 04/19/2010

Time: 15:05:43

APR 19 2010

Page1

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NCI>PC1 --> TRUE

GND

1 Plate Test Names2 Sample - ID's3 Raw data4 Raw data - Mean5 Cutoff results

	1	2	3	4	5
A1	THC	neg1	1.861	1.8345	
B1	THC	neg2	1.808		
C1	THC	lpc1	1.453	1.498	
D1	THC	lpc2	1.543		
E1	THC	cut1	1.398	1.3825	
F1	THC	cut2	1.367		
G1	THC	hpc1	1.032	1.0425	
H1	THC	hpc2	1.053		
A2	THC	787382	1.329	1.329	POS
B2	THC	787383	1.189	1.189	POS 
C2	THC	787384	1.878	1.878	NEG 
D2	THC	787385	1.239	1.239	POS 
E2	THC	787386	1.601	1.601	NEG 
F2	THC	787387	1.666	1.666	NEG  234/1910
G2	THC	787388	1.814	1.814	NEG
H2	THC	787389	1.408	1.408	NEG
A3	THC	787390	0.558	0.558	POS
B3	THC	787391	1.668	1.668	NEG
C3	THC	787392	1.726	1.726	NEG
D3	THC	787393	1.754	1.754	NEG
E3	THC	787394	1.651	1.651	NEG
F3	THC	787395	1.637	1.637	NEG
G3	THC	787396	1.326	1.326	POS
H3	THC	787397	1.826	1.826	NEG
A4	THC	787398	1.772	1.772	NEG
B4	THC	787399	1.735	1.735	NEG
C4	THC	787400	1.885	1.885	NEG
D4	THC	787401	1.77	1.77	NEG
E4	THC	787402	1.876	1.876	NEG

74-15-10

Date: 04/19/2010

Time: 15:05:43

APR 19 2010

Page 2

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F4	THC	787403	1.854	1.854	NEG
G4	THC	787404	1.823	1.823	NEG
H4	THC	787405	1.855	1.855	NEG
A5	THC	787406	1.366	1.366	POS
B5	THC	787407	1.81	1.81	NEG
C5	THC	787408	1.838	1.838	NEG
D5	THC	787409	1.893	1.893	NEG
E5	THC	787410	1.712	1.712	NEG
F5	THC	787411	1.849	1.849	NEG
G5	THC	787412	1.851	1.851	NEG
H5	THC	787413	1.829	1.829	NEG
A6	THC	787414	1.881	1.881	NEG
B6	THC	787415	1.766	1.766	NEG
C6	THC	787416	1.765	1.765	NEG
D6	THC	787417	1.715	1.715	NEG
E6	THC	787418	1.83	1.83	NEG
F6	THC	787419	1.667	1.667	NEG
G6	THC	787420	1.878	1.878	NEG
H6	THC	787421	1.914	1.914	NEG
A7	THC	787422	2.023	2.023	NEG
B7	THC	787423	1.496	1.496	NEG
C7	THC	787424	1.545	1.545	NEG
D7	THC	787425	0.486	0.486	POS
E7	THC	787426	1.47	1.47	NEG
F7	THC	787427	1.776	1.776	NEG
G7	THC	787428	1.755	1.755	NEG
H7	THC	787429	1.446	1.446	NEG
A8	THC	787430	1.905	1.905	NEG
B8	THC	787431	1.912	1.912	NEG
C8	THC	787432	1.716	1.716	NEG
D8	THC	787433	1.852	1.852	NEG
E8	THC	787434	1.918	1.918	NEG
F8	THC	787435	1.905	1.905	NEG
G8	THC	787436	1.748	1.748	NEG

Date: 04/19/2010

Time: 15:05:43

APR 19 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H8	THC	787437	1.22	1.22	POS <i>WD</i>
A9	THC	787438	1.892	1.892	NEG
B9	THC	787439	1.465	1.465	NEG
C9	THC	787440	1.863	1.863	NEG
D9	THC	787441	1.81	1.81	NEG
E9	THC	787442	1.833	1.833	NEG
F9	THC	787443	1.864	1.864	NEG
G9	THC	787444	1.745	1.745	NEG
H9	THC	787445	1.784	1.784	NEG
A10	THC	787446	1.87	1.87	NEG
B10	THC	787447	0.934	0.934	POS
C10	THC	787448	1.699	1.699	NEG
D10	THC	787449	1.839	1.839	NEG
E10	THC	787450	1.812	1.812	NEG
F10	THC	787451	1.866	1.866	NEG
G10	THC	787452	1.708	1.708	NEG
H10	THC	787453	1.067	1.067	POS
A11	THC	787454	1.807	1.807	NEG
B11	THC	787455	1.765	1.765	NEG
C11	THC	787456	1.76	1.76	NEG
D11	THC	787457	1.78	1.78	NEG
E11	THC	787458	1.81	1.81	NEG
F11	THC	787459	1.802	1.802	NEG
G11	THC	787460	1.782	1.782	NEG
H11	THC	787461	1.862	1.862	NEG
A12	THC	787462	1.917	1.917	NEG
B12	THC	787463	1.816	1.816	NEG <i>WD</i>
C12	THC	787464	1.856	1.856	NEG
D12	THC	787465	1.754	1.754	NEG
E12	THC	787466	1.915	1.915	NEG <i>W</i>
F12	THC	787467	1.877	1.877	NEG <i>Y</i>
G12	THC	787468	0.556	0.556	POS <i>T</i>
H12	THC	hpc3	1.005	1.005	POS

*WD**7-4-19-10*

041910cthc		SB	
MTP5		4/19/10	
Created 4/19/2010 13:04:23			
Last Access 4/19/2010 13:04:23			
Rows 12, Columns 8			
1 A01 NEG1	9 A02 787382		
2 B01 NEG2	10 B02 787383		
3 C01 LPC1	11 C02 787384		
4 D01 LPC2	12 D02 787385		
5 E01 CUT1	13 E02 787386		
6 F01 CUT2	14 F02 787387		
7 G01 HPC1	15 G02 787388		
8 H01 HPC2	16 H02 787389		
17 A03 787390	25 A04 787398		
18 B03 787391	26 B04 787399		
19 C03 787392	27 C04 787400		
20 D03 787393	28 D04 787401		
21 E03 787394	29 E04 787402		
22 F03 787395	30 F04 787403		
23 G03 787396	31 G04 787404		
24 H03 787397	32 H04 787405		
33 A05 787406	41 A06 787414		
34 B05 787407	42 B06 787415		
35 C05 787408	43 C06 787416		
36 D05 787409	44 D06 787417		
37 E05 787410	45 E06 787418		
38 F05 787411	46 F06 787419		
39 G05 787412	47 G06 787420		
40 H05 787413	48 H06 787421		
49 A07 787422	57 A08 787430		
50 B07 787423	58 B08 787431		
51 C07 787424	59 C08 787432		
52 D07 787425	60 D08 787433		
53 E07 787426	61 E08 787434		
54 F07 787427	62 F08 787435		
55 G07 787428	63 G08 787436		
56 H07 787429	64 H08 787437		
65 A09 787438	73 A10 787446		
66 B09 787439	74 B10 787447		
67 C09 787440	75 C10 787448		
68 D09 787441	76 D10 787449		
69 E09 787442	77 E10 787450		
70 F09 787443	78 F10 787451		
71 G09 787444	79 G10 787452		
72 H09 787445	80 H10 787453		
81 A11 787454	89 A12 787462		
82 B11 787455	90 B12 787463		
83 C11 787456	91 C12 787464		
84 D11 787457	92 D12 787465		
85 E11 787458	93 E12 787466		
86 F11 787459	94 F12 787467		
87 G11 787460	95 G12 787468		
88 H11 787461	96 H12 HPC3		

Omega Laboratories
Initial Test Control Evaluation Form

Batch ID: 041910c

PCP	cut	0.851	Lower Limit for		
		0.768	Negative	Mean	STDEV
	neg	2.751	0.988	0.810	0.058689863

Assay Acceptability

Cut-Neg	4-Drug Spike
LPC	Neg Control
HPC1	HPC2

Opiates

cut	0.840	Lower Limit for		
	0.808	Negative	Mean	STDEV
neg	2.614	0.892	0.824	0.022627417

Assay Acceptability

Cut-Neg	4-Drug Spike
LPC	Neg Control
HPC1	HPC2

Amines

cut	0.686	Lower Limit for		
	0.681	Negative	Mean	STDEV
neg	2.317	0.694	0.684	0.003535534

Assay Acceptability

Cut-Neg	4-Drug Spike
LPC	Neg Control
HPC1	HPC2

Cocaine

cut	1.203	Lower Limit for		
	1.199	Negative	Mean	STDEV
neg	2.2325	1.209	1.201	0.002828427

Assay Acceptability

Cut-Neg	4-Drug Spike
LPC	Neg Control
HPC1	HPC2

THC

cut	1.398	Lower Limit for		
	1.367	Negative	Mean	STDEV
neg	1.835	1.448	1.383	0.02192031

Assay Acceptability

Cut-Neg	THC Spike
LPC	Neg Control
HPC1	HPC2

Ext. Opiates

cut	Lower Limit for		
	Negative	Mean	STDEV
neg	#DIV/0!	#DIV/0!	#DIV/0!

Assay Acceptability

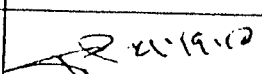
Cut-Neg	Neg Control
LPC	HPC2
HPC1	

Prepared By/Date: [Signature] 4/19/10

Certifying Scientist Review/Date: [Signature] 4/19/10

OMEGA LABORATORIES, INC.

Initial Test Blind Control Log, Data Review, and Certification Document

Date	Home Tray Batch	Accessioner Initials	LAN	Pool #	Expected Result	Obtained Result	CS Initial and Date
4/9/10	041910C	AM	 787430	4	POS		 4-19-10

This document is initiated by the accessioning individual(s) designating the blind quality control material to be used for each initial testing home tray batch. The negative certifying scientist for each batch initials and dates this log.

Pool Identity (Refer to QA/QC section of the SOPM): 1 = Negative, 2 = BE (600 ng/ml), 3 = Codeine/Morphine (600 ng/ml), 4 = PCP (432 ng/ml), 5 = Amphetamine/Methamphetamine (432 ng/ml)

Reviewed ICOC for batch listed above and reviewed batch according to SOPM

Comments:

Certifying Scientist Review/Date:

 4-19-10

OMEGA LABORATORY

HAIR THC-COOH SCREENING ASSAY MONITOR

MONTH: April 2010Hair THC-COOH Assay Lot #: 1001273A

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
041110 D	2.1975	1.839	1.544	1.2925	SB	✓
041110 E	2.2635	1.9155	1.557	1.3755	SB	✓
041110 F	1.9114	1.1025	1.4085	1.080	SB	✓
041110 G	2.4205	1.923	1.8	1.5705	SB	✓
041110 H	1.986	1.5415	1.432	1.2225	SB	✓
041110 I	2.027	1.705	1.338	1.1005	SB	✓
041910 A	2.0205	1.812	1.443	1.0415	SB	✓
041910 B	2.063	1.849	1.534	1.1675	SB	✓
041910 C	1.8345	1.498	1.3825	1.0425	SB	✓
041910 D	1.8935	1.659	1.3555	1.021	SB	✓
041910 E	2.132	1.806	1.652	1.3135	SB	✓
041910 F	1.9235	1.7	1.403	1.075	SB	✓
041910 G	1.9015	1.5635	1.323	0.9625	SB	✓
041910 H	2.4055	2.132	1.781	1.3035	SB	✓
041910 I	2.0415	1.777	1.469	1.0605	SB	✓
041910 J	2.6815	2.2785	1.985	1.6835	SB	✓
042010 A	1.7725	1.785	1.453	1.2075	SB	✓
042010 B	1.152	1.74	1.5675	1.297	SB	✓
042010 C	1.796	1.608	1.373	1.147	SB	✓
042010 D	2.0075	1.91	1.679	1.289	SB	✓
042010 E	1.873	1.1617	1.46	1.201	SB	✓
042010 F	1.9215	1.7385	1.5435	1.201	SB	✓
042010 G	2.009	1.802	1.5615	1.2435	SB	✓
042010 H	1.152	1.8605	1.6165	1.3325	SB	✓
042010 I	1.9085	1.7585	1.533	1.254	SB	✓

Responsible Person Review/Date: Patricia W. [Signature]

Omega Laboratories, Inc.

THC-COOH Screening Assay Monitor

Form 54 - REV 08.09

OMEGA LABORATORY

HAIR OPIATES SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Opiates Assay Lot #: 1001313P

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
041110C	2.086	1.128	0.7855	0.46	SB	J
041110D	2.0415	1.1415	0.757	0.481	SB	J
041110E	1.864	0.998	0.682	0.393	SB	J
041110F	1.9875	1.077	0.7175	0.4235	SB	J
041110G	1.9785	1.078	0.735	0.434	SB	J
041110H	2.227	1.233	0.8825	0.5885	SB	J
041110I	1.9425	1.062	0.7105	0.475	SB	J
041110A	2.0445	1.0435	0.683	0.1155	SB	J
041110B	2.6675	1.3725	0.84	0.147	SB	J
041110C	2.114	1.315	0.824	0.1415	SB	J
041110D	1.8245	0.9635	0.6075	0.1145	SB	J
041110E	2.341	1.71	0.8585	0.329	SB	J
041110F	1.8555	0.9875	0.6325	0.107	SB	J
041110G	2.1125	1.0435	0.7005	0.172	SB	J
041110H	2.197	1.144	0.72	0.113	SB	J
041110I	1.959	1.1765	0.612	0.139	SB	J
041110J	1.995	0.9955	0.639	0.097	SB	J
042010A	2.1385	0.998	0.64	0.461	SB	J
042010B	2.0345	0.939	0.595	0.4175	SB	J
042010C	2.3765	1.123	0.7405	0.515	SB	J
042010D	2.006	1.031	0.6965	0.4755	SB	J
042010E	1.8055	0.9005	0.555	0.3875	SB	J
042010F	1.971	0.957	0.5885	0.4335	SB	J
042010G	2.0715	1.024	0.659	0.4735	SB	J
042010H	2.025	1.0725	0.6845	0.505	SB	J

Responsible Person Review/Date: _____

MAY 08 2010

OMEGA LABORATORY

HAIR PHENCYCLIDINE SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Phencyclidine Assay Lot #: 1002091

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
041110C	2.1435	0.815	0.5955	0.4155	SB	—
041110D	1.912	0.8415	0.5615	0.412	SB	—
041110E	1.86	0.6605	0.466	0.308	SB	—
041110F	1.935	0.7505	0.5315	0.386	SB	—
041110G	2.12	0.811	0.5915	0.3955	SB	—
041610H	2.324	0.964	0.689	0.457	SB	—
041610I	2.084	0.7948	0.584	0.3878	SB	—
041910A	2.677	1.078	0.9305	0.252	SB	—
041910B	2.869	1.273	0.9315	0.2	SB	—
041910C	2.751	1.21	0.8095	0.1745	SB	—
041910D	1.9455	0.8205	0.6375	0.143	SB	—
041910E	2.228	1.011	0.7315	0.29	SB	—
041910F	1.905	0.741	0.5355	0.33956	SB	—
041910G	2.348	1.042	0.742	0.22	SB	—
041910H	2.1395	0.9175	0.682	0.2165	SB	—
041910I	1.8955	0.8405	0.619	0.1915	SB	—
041910J	1.9425	0.775	0.5575	0.135	SB	—
042010A	2.233	0.9565	0.651	0.4995	SB	—
042010B	2.1145	0.8945	0.6045	0.4545	SB	—
042010C	2.4475	1.0545	0.7845	0.61	SB	—
042010D	2.0625	0.896	0.6355	0.5125	SB	—
042010E	1.893	0.794	0.58	0.545	SB	—
042010F	1.957	0.857	0.599	0.4375	SB	—
042010G	1.985	0.8195	0.589	0.4795	SB	—
042010H	2.1585	0.894	0.5985	0.464	SB	—

Responsible Person Review/Date: _____

MAY 06 2010

Omega Laboratories, Inc.

PCP Screening Assay Monitor

Form 53 - REV 08.09

OMEGA LABORATORY

HAIR COCAINE SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Cocaine Assay Lot #: 100322F

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
041110C	2.1555	1.266	0.8655	0.577	SS	✓
041110D	2.328	1.451	1.004	0.6245	SS	✓
041110E	2.17	1.3155	0.8835	0.518	SS	✓
041110F	2.2815	1.2945	0.917	0.636	SS	✓
041110G	2.513	1.5205	1.0595	0.6955	SS	✓
041110H	2.4965	1.4645	1.0385	0.695	SS	✓
041110I	2.1735	1.2185	0.8475	0.587	SS	✓
041110A	1.9105	1.117	0.7615	0.1485	SS	✓
041110B	2.7905	1.753	1.227	0.274	SS	✓
041110C	2.2325	1.73	1.201	0.1735	SS	✓
041110D	1.8985	1.153	0.812	0.174	SS	✓
041110E	2.2195	1.4345	1.0265	0.2915	SS	✓
041110F	1.895	1.096	0.7565	0.1505	SS	✓
041110G	2.1955	1.3445	0.9415	0.276	SS	✓
041110H	1.9405	1.1915	0.8235	0.1815	SS	✓
041110I	1.874	1.0545	0.7475	0.22	SS	✓
041110J	2.181	1.36	0.922	0.179	SS	✓
042010A	1.81	1.0685	0.7835	0.5525	SS	✓
042010B	1.696	0.9485	0.6985	0.505	SS	✓
042010C	2.4055	1.493	1.027	0.7615	SS	✓
042010D	2.1065	1.2975	0.935	0.6745	SS	✓
042010E	1.980	1.213	0.816	0.613	SS	✓
042010F	2.1355	1.245	0.887	0.64	SS	✓
042010G	1.985	1.2225	0.839	0.644	SS	✓
042010H	2.0165	1.2335	0.879	0.6235	SS	✓

Responsible Person Review/Date: _____

Omega Laboratories, Inc.

Cocaine Screening Assay Monitor

Form 51 - REV 08.09

OMEGA LABORATORY

HAIR AMPHETAMINES SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Amphetamine Assay Lot #: 1001313A

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
041110D	1.639	0.6195	0.4154	0.3295	SW	✓
041110E	1.579	0.582	0.457	0.3065	SB	✓
041110F	1.8185	0.688	0.5025	0.3195	SW	✓
041110G	1.719	0.6665	0.4895	0.3455	BB	✓
041610H	2.0715	0.802	0.592	0.4255	BB	✓
041610I	2.5475	1.5645	1.094	0.7325	SB	✓
041910A	1.7215	0.6845	0.492	0.1225	SW	✓
041910B	2.365	0.958	0.706	0.1815	✓	✓
041910C	2.317	0.932	0.6835	0.1715	SW	✓
041910D	1.556	0.644	0.464	0.123	BB	✓
041910E	1.879	0.8455	0.622	0.231	BB	✓
041910F	1.509	0.609	0.478	0.115	✓	✓
041910G	1.884	0.7525	0.526	0.2015	SW	✓
041910H	1.6555	0.6715	0.5005	0.123	SW	✓
041910I	1.456	0.576	0.418	0.1605	SS	✓
041910J	1.566	0.618	0.4315	0.1115	✓	✓
042010A	1.5845	0.634	0.4545	0.357	SS	✓
042010B	1.5825	0.5905	0.419	0.324	✓	✓
042010C	1.7105	0.657	0.4575	0.5675	SB	✓
042010D	1.475	0.5865	0.4305	0.3335	BB	✓
042010E	1.52	0.5095	0.4135	0.327	SW	✓
042010F	1.422	0.5855	0.4205	0.3295	SW	✓
042010G	1.451	0.58	0.4165	0.3295	SW	✓
042010H	1.3805	0.57	0.419	0.3245	✓	✓
042010I	1.42	0.5475	0.3985	0.313	SS	✓

Responsible Person Review/Date: [Signature]

MAY 06 2010

Omega Laboratories, Inc.

Amphetamines Screening

OMEGA LABORATORIES, INC

HAIR INTERNAL SPECIMEN BATCH CHAIN OF CUSTODY CONTINUATION DOCUMENT

Specimen Home Tray Batch Number: 041910 abcde fghij

Sample Type: ☒ Original ☐ Retest(GC/MS only) ☐ 2nd Aliquot ☐ Other

Batch Test Results:

☐ Amphetamines ☐ Coc/BE ☒ THCA ☐ Opiates ☐ PCP ☐ Extended Opiates

SPECIMEN(S) ALIQUOTTED

HAIR CONFIRMATION BATCH ALIQUOT ICOC

DATE	RELEASED BY	RECEIVED BY	PURPOSE
<u>4/20/10</u>	<u>Accessioning</u>	<u>Yamle</u>	☒ Removed batch aliquot from accessioning TS Other:
<u>4/20/10</u>	<u>GC/MS TS</u>	<u>Yamle</u>	☒ Aliquot(s) transferred to pending GC/MS TS Other:
<u>4/20/10</u>	<u>GC/MS TS</u>	<u>Yamle</u>	☒ Sample verification ☐ Returned to GC/MS TS
<u>4/20/10</u>	<u>GC/MS TS</u>	<u>Yamle</u>	☒ Perform GC/MS extraction Other:
<u>4/20/10</u>	<u>GC/MS TS</u>	<u>Yamle</u>	☒ ALS vials placed on GC autosampler Other:
<u>4/21/10</u>	<u>GC/MS #5</u>	<u>Yamle</u>	☒ ALS vials verified Other:
<u>4/21/10</u>	<u>GC/MS #5</u>	<u>Yamle</u>	☒ ALS vials discarded Other:

POSITIVE CERTIFYING SCIENTIST REVIEW/DATE: 4/21/10

APR 21 2010

Omega Laboratories, Inc.

GCMS ICOC

Form 49 - REV 04.09

OMEGA LABORATORIES, INC.
GC/MS DATA REVIEW AND CERTIFICATION DOCUMENT

THCA (pg/mg)

GC/MS Batch Number: 2010-04-20-1508.6 Instrument #: 5

Calibrator (pg/mg): 2.50

1 pg/mg Control: 1.04

5 pg/mg Control: 5.22

Upper Limit of Linearity (ULOL) (pg/mg): 11.18

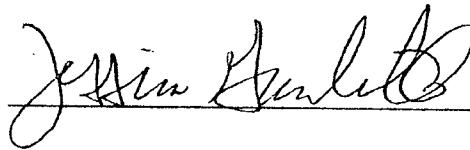
Extracted Control (pg/mg): 1.61

Primary Data Review

Reviewed batch according to SOPM

Additional steps taken to produce acceptable data (calibrator re-injection, reprocessing, etc.):

Data Reviewer's Signature/Date:



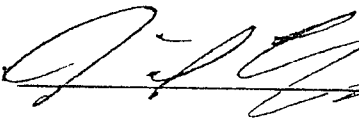
APR 21 2010

Certification Review

Reviewed batch according to SOPM

Comments:

Positive Certifying Scientist Review/Date:



APR 21 2010

Omega Laboratories, Inc.

Pending THC Metabolite Worklist - Batch 041910c

4/19/2010 3:39:03 PM

LAN#	Test	Calculations	Weight	Results
787382	Hair 5 Drug Panel	2.27	20	2.27
787383	Hair 5 Drug Panel Limit of Detection Test	$0.83/17 \times 20 = 0.97$	17	0.97
787385	Hair 5 Drug Panel Limit of Detection Test	$0.57/18 \times 20 = 0.63$	18	0.63
787390	Hair 5 Drug Panel	$10.36/21 \times 20 = 9.86$	21	9.86
787396	Hair 5 Drug Panel	N	23	N
787406	Hair 5 Drug Panel		-	QNS
787425	Hair 5 Drug Panel	$1.54/22 \times 20 = 1.40$	22	1.40
787437	Hair 5 Drug Panel Limit of Detection Test	$0.82/21 \times 20 = 0.78$	21	0.78
787447	Hair 5 Drug Panel	$2.73/25 \times 20 = 2.18$	25	2.18
787453	Hair 5 Drug Panel	4.65	20	4.65

Batch 041910c

4/19/2010 3:39:03 PM

Internal Data Review/Date: _____

Confirmation Data Review/Date: _____

[Signature]

APR 21 2010

APR 21 2010

MA

Operator: la
Data Path: D:\DATA\
Instrument Control Pre-Seq Cmd:
Data Analysis Pre-Seq Cmd:

Instrument Control Post-Seq Cmd:
Data Analysis Post-Seq Cmd:

Method Sections To Run On A Barcode Mismatch
(X) Full Method (X) Inject Anyway
() Reprocessing Only () Don't Inject

Line	Sample Name/Misc Info
1) Specimen 1	THCA test mix
2) Calibrator 2	THCA 2.5 pg
3) Specimen 3	THCA 1 pg
4) Specimen 4	THCA 5 pg
5) Specimen 5	THCA negative
6) Specimen 6	THCA lan # 787210
7) Specimen 7	THCA lan # 787240
8) Specimen 8	THCA lan # 787256
9) Specimen 9	THCA lan # 787263
10) Specimen 10	THCA lan # 787276
11) Specimen 11	THCA lan # 787277
12) Specimen 12	THCA lan # 787282
13) Specimen 13	THCA negative
14) Specimen 14	THCA lan # 787287
15) Specimen 15	THCA lan # 787290
16) Specimen 16	THCA lan # 787309
17) Specimen 17	THCA lan # 787336
18) Specimen 18	THCA lan # 787341
19) Specimen 19	THCA lan # 787349
20) Specimen 20	THCA lan # 787358
21) Specimen 21	THCA lan # 787371
22) Specimen 22	THCA lan # 787374
23) Specimen 23	THCA lan # 787378
24) Specimen 24	THCA lan # 787382
25) Specimen 25	THCA negative
26) Specimen 26	THCA lan # 787383
27) Specimen 27	THCA lan # 787385
28) Specimen 28	THCA lan # 787390
29) Specimen 29	THCA lan # 787396
30) Specimen 30	THCA lan # 787425
31) Specimen 31	THCA lan # 787437
32) Specimen 32	THCA lan # 787447
33) Specimen 33	THCA lan # 787453
34) Specimen 34	THCA lan # 787469
35) Specimen 35	THCA lan # 787470
36) Specimen 36	THCA lan # 787471
37) Specimen 37	THCA negative
38) Specimen 38	THCA lan # 787476
39) Specimen 39	THCA lan # 787480
40) Specimen 40	THCA lan # 787481
41) Specimen 41	THCA lan # 787491
42) Specimen 42	THCA lan # 787496
43) Specimen 43	THCA lan # 787535

Last Modified: Tue Apr 20 13:58:37 2010

Page: APR 21 2010

MA

Line	Type	Vial	DataFile	Method	Sample Name
44)	Specimen	44	-----	THCA	lan # 787539
45)	Specimen	45	-----	THCA	lan # 787543
46)	Specimen	46	-----	THCA	lan # 787564
47)	Specimen	47	-----	THCA	lan # 787567
48)	Specimen	48	-----	THCA	lan # 787594
49)	Specimen	49	-----	THCA	negative
50)	Specimen	50	-----	THCA	lan # 787597
51)	Specimen	51	-----	THCA	lan # 787611
52)	Specimen	52	-----	THCA	lan # 787613
53)	Specimen	53	-----	THCA	lan # 787614
54)	Specimen	54	-----	THCA	lan # 787616
55)	Specimen	55	-----	THCA	lan # 787618
56)	Specimen	56	-----	THCA	lan # 787619
57)	Specimen	57	-----	THCA	lan # 787622
58)	Specimen	58	-----	THCA	lan # 787637
59)	Specimen	59	-----	THCA	080309 QC
60)	Specimen	60	-----	THCA	ULOL

4/20/10

APR 21 2010


APR 21 2010

Last Modified: Tue Apr 20 13:58:37 2010

Page: 2

MX

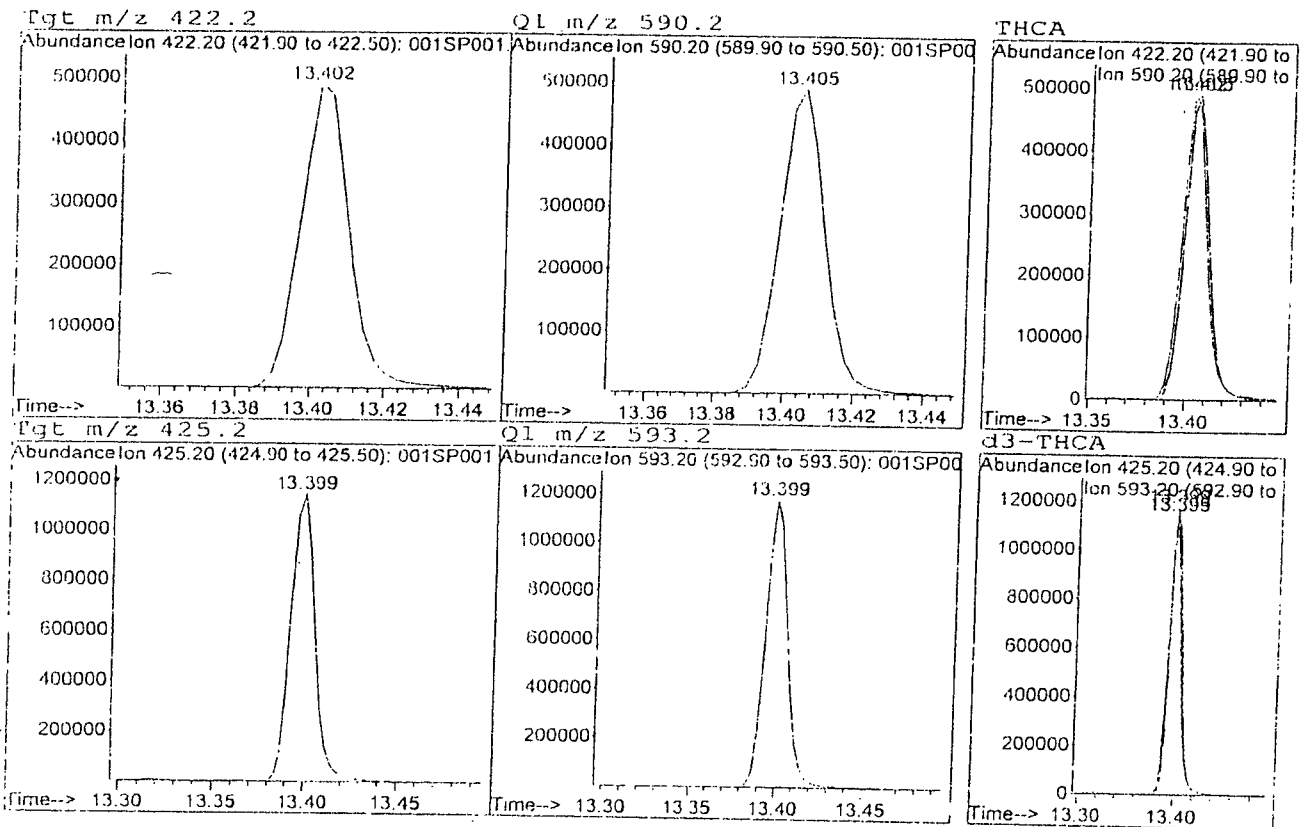
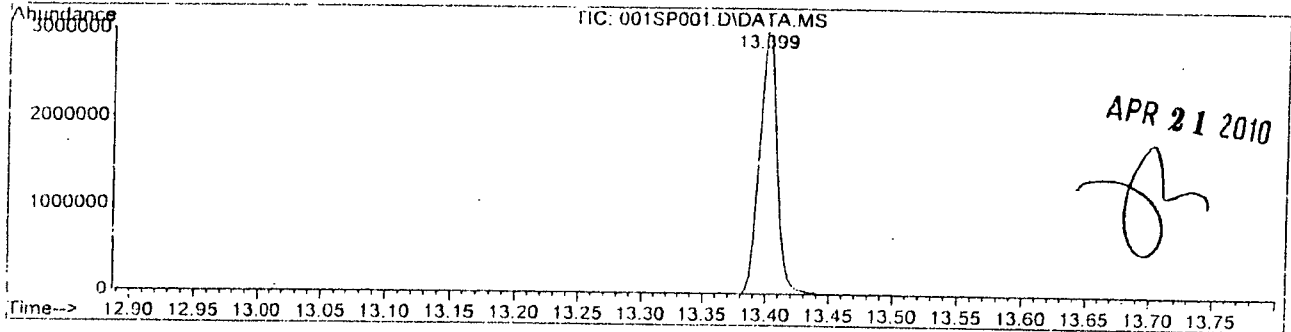
Data File : D:\DATA\2010-04-20-1508.b\001SP001.D
 Time File Name : C:\msdchem\1\5975\NCIN\NH100509.u
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 19 Apr 2010 4:00 pm
 Sample Name : test mix
 Acquisition date : 20 Apr 2010 3:22 pm

Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.40 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.43

THCA => 422.2 = 440632 590.2 = 431223
 d3-THCA => 425.2 = 1023659 593.2 = 1031165

THCA => 590.2/422.2 = 97.9 +/- 30.0% rel = 69.4 - 128.8
 d3-THCA => 593.2/425.2 = 100.7 +/- 30.0% rel = 67.8 - 125.8

Concentration = 5.19 ** THCA DETECTED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

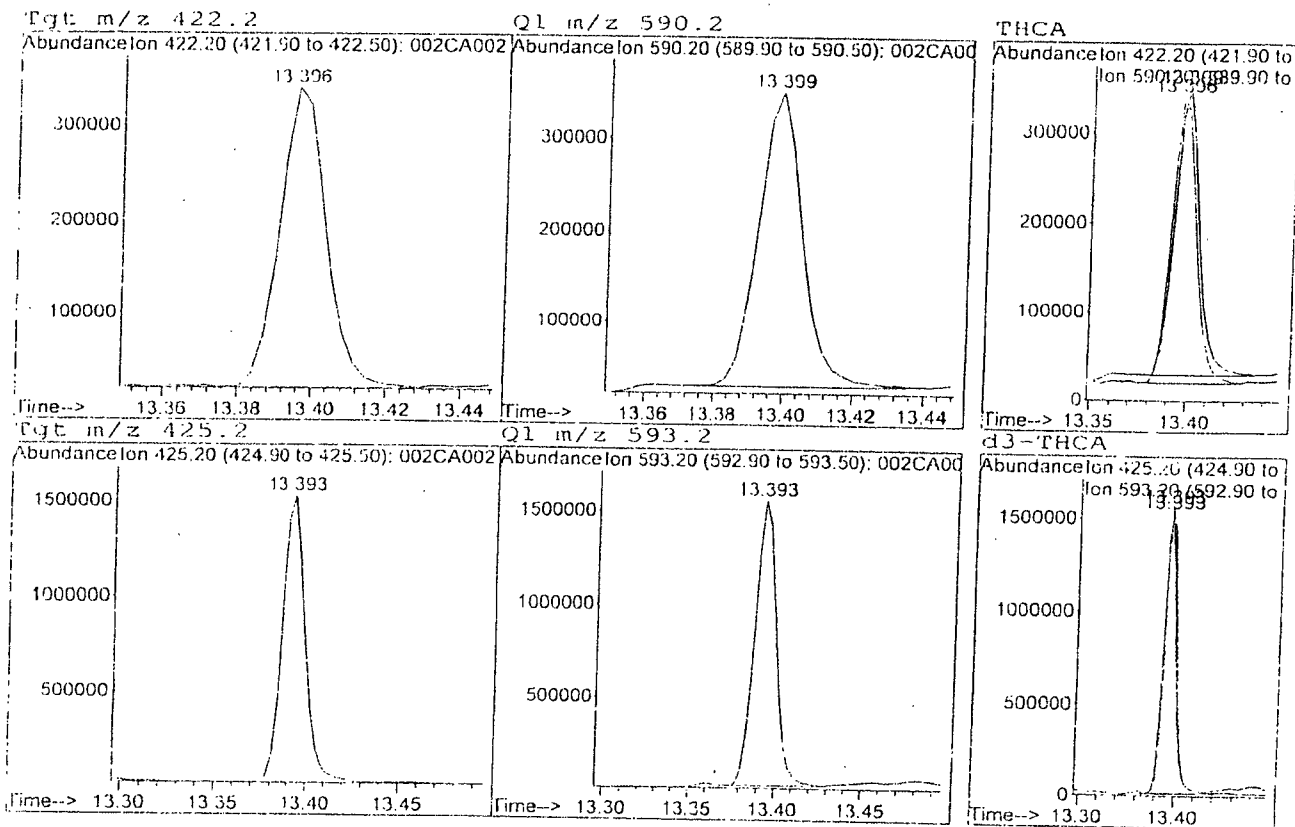
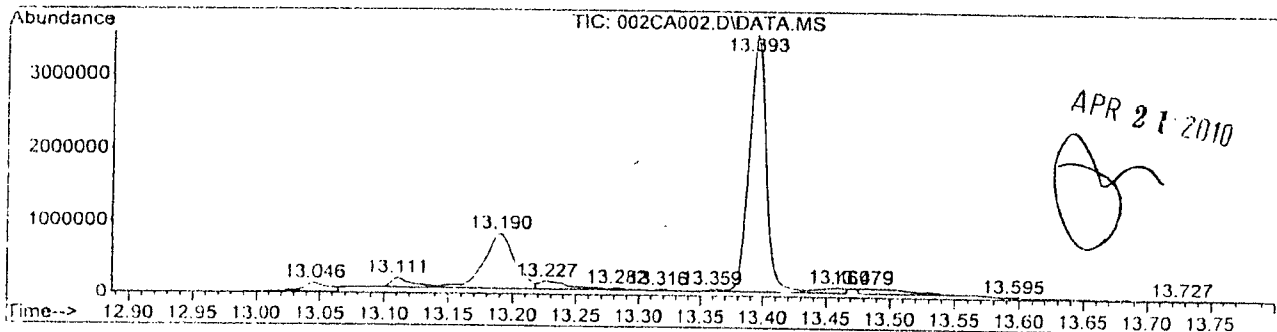
Data File : D:\DATA\2010-04-20-1508.B\002CA002.D
 File Name : C:\msdchem\1\5975\NCINH100509.u
 File Date : 30 Mar 2010 9:00 am
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : 2.5 µg
 Acquisition date : 20 Apr 2010 3:40 pm

Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.39 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.21

THCA > 422.2 = 280984 590.2 = 282447
 d3-THCA > 425.2 = 1345420 593.2 = 1327321

THCA > 590.2/422.2 = 100.5 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA > 593.2/425.2 = 98.7 +/- 30.0% rel = 69.2 - 128.6

Concentration = 2.50 CALIBRATOR



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

ML

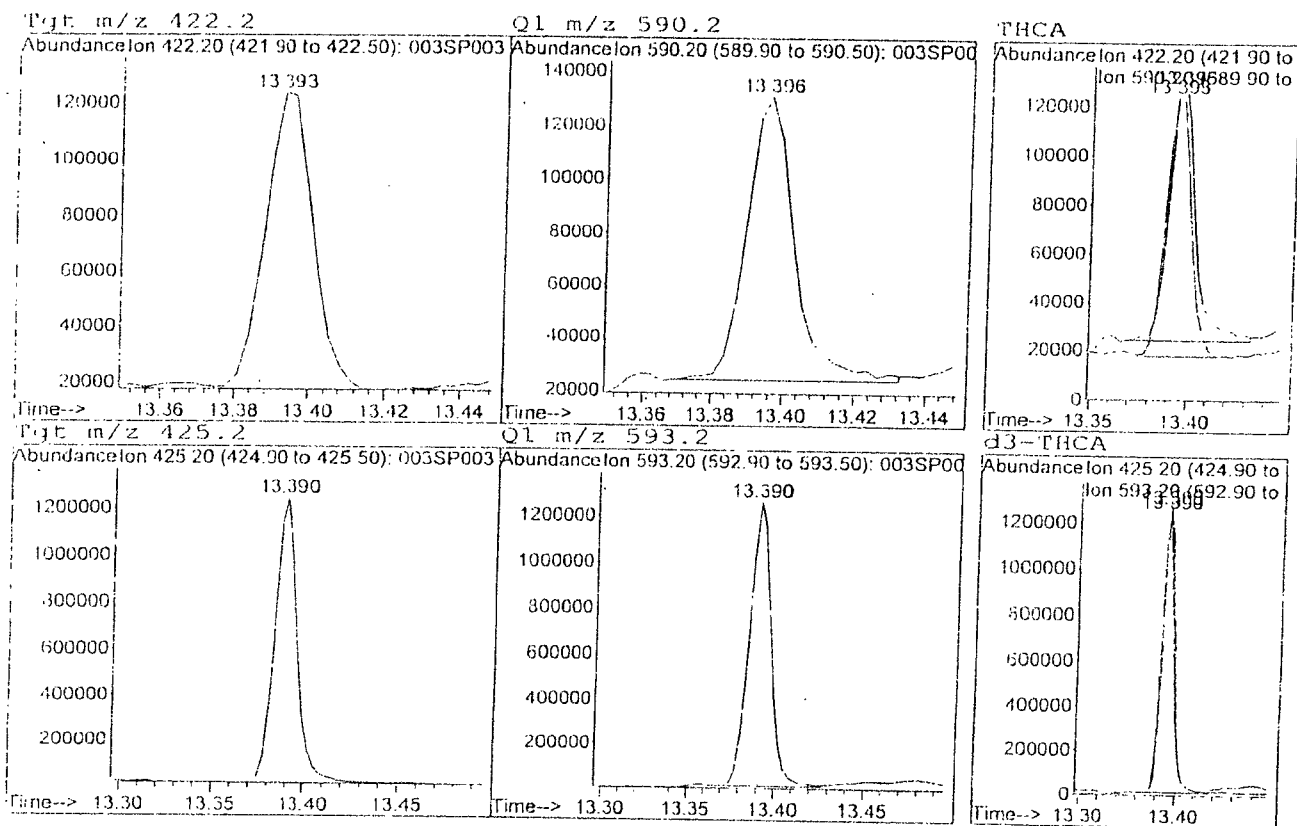
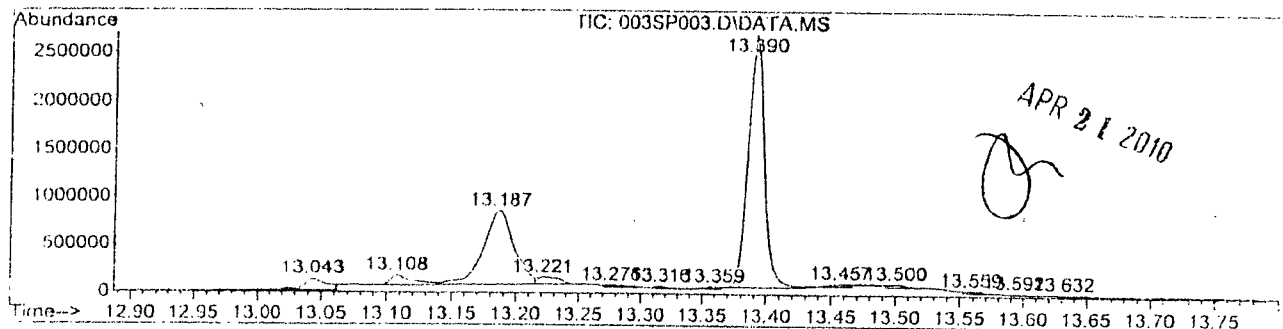
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 File Name : C:\msdchem\1\5975\NCI\NH100509.n
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib data : 20 Apr 2010 3:42 pm
 Sample Name : 1 pg
 Acquisition date : 20 Apr 2010 3:57 pm

Retention Time 13.39 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.39 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.F. = 1.000 Unknown target ion / ISTD target ion = 0.09

THCA => 422.2 = 94742 590.2 = 99576
 d3-THCA => 425.2 = 1086426 593.2 = 1071409

THCA => 590.2/422.2 = 105.1 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA => 593.2/425.2 = 98.6 +/- 30.0% rel = 69.2 - 128.6

Concentration = 1.04 ** THCA DETECTED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

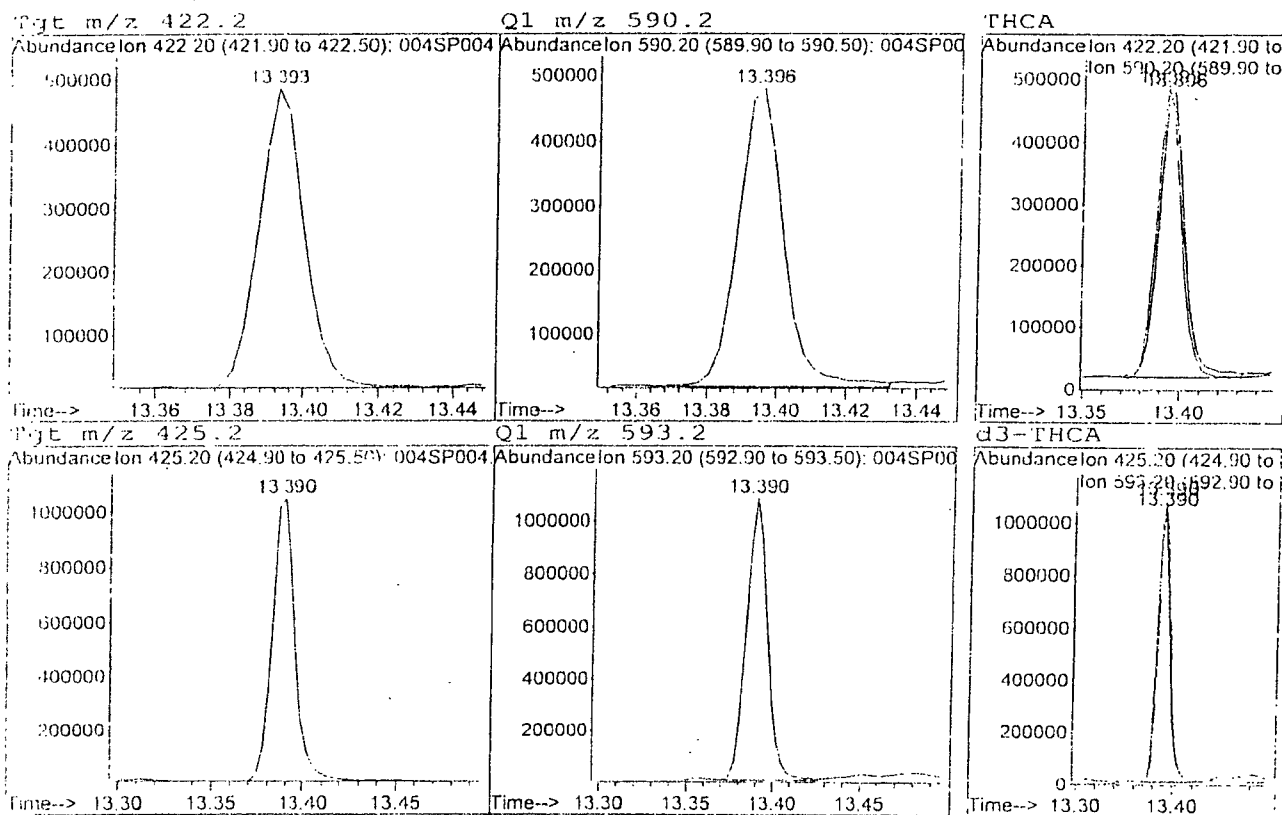
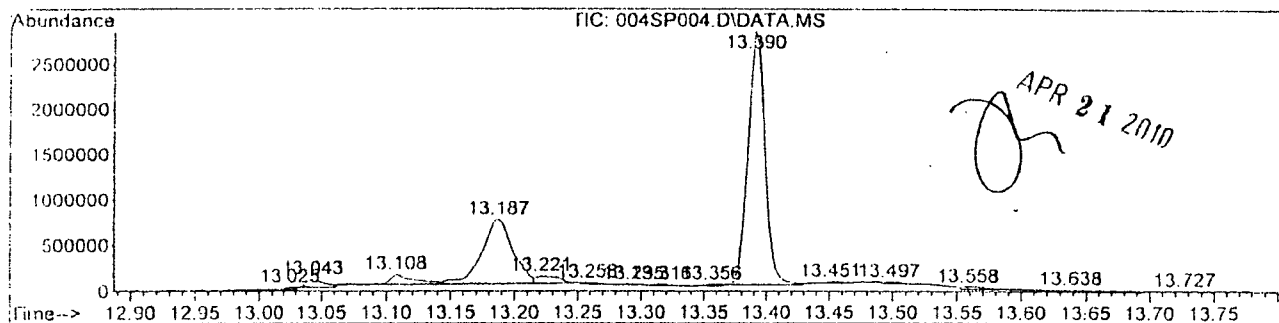
Data File : D:\DATA\2010-04-20-1508.b\004SP004.D
 Data File Name : C:\msdchem\1\5975\NCTNH100509.D
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : 5 pg
 Acquisition date : 20 Apr 2010 4:15 pm

Retention Time 13.39 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.39 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.P. = 1.000 Unknown target Ion / ISTD target ion = 0.44

THCA -> 422.2 = 407709 590.2 = 419958
 d3-THCA -> 425.2 = 934860 593.2 = 917744

THCA -> 590.2/422.2 = 103.0 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA -> 593.2/425.2 = 98.2 +/- 30.0% rel = 69.2 - 128.6

Concentration = 5.22 ** THCA DETECTED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

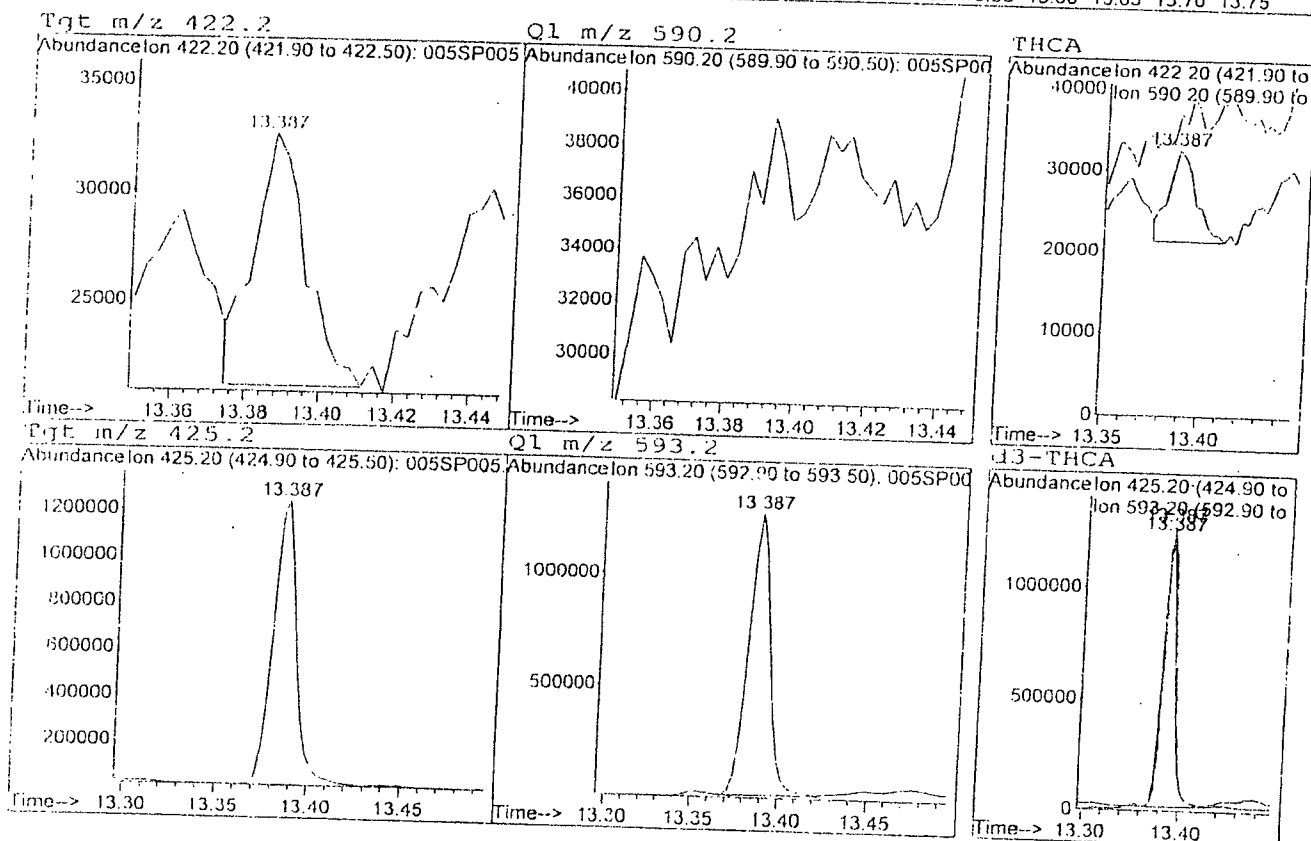
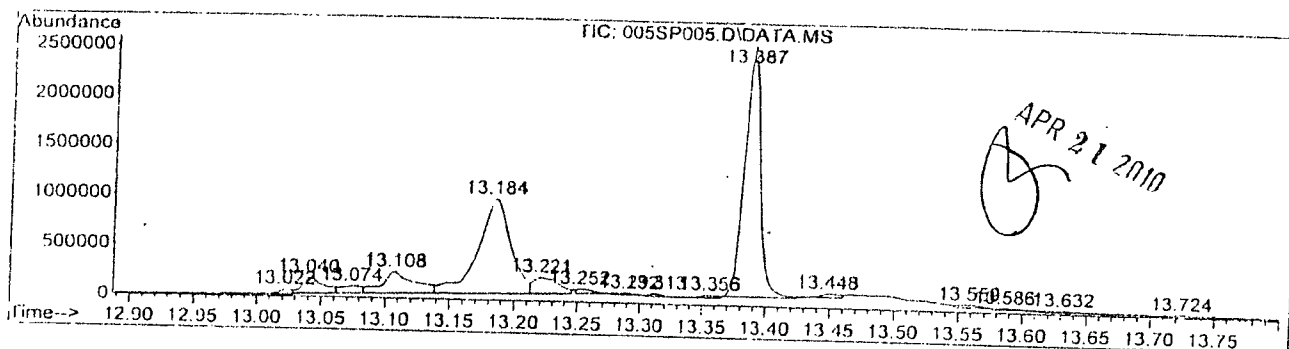
Data File : D:\DATA\2010-04-20-1508.B\005SP005.D
 Time File Name : C:\msdchem\1\5975\NCINHL00509.D
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : negative
 Acquisition date : 20 Apr 2010 4:32 pm

Retention Time 13.39 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.39 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.01

THCA => 422.2 = 10969 590.2 = 0
 d3-THCA => 425.2 = 1096987 593.2 = 1078754

THCA => 590.2/422.2 = 0.0 +/- 30.0% rel = 70.2 - 130.4 <
 d3-THCA => 593.2/425.2 = 98.3 +/- 30.0% rel = 69.2 - 128.6

Concentration = 0.11 ** CHECK TARGET CPD PARAMETERS **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

Page 6

Printed on : 20 Apr 2010 4:35 pm

APR 21 2010

MC

Data File : D:\Data\2010-04-20-1508.D\031SP031.D
 Data File Name : C:\msdchem\1\5975\NCINH100509.D
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : Ian # 787437
 Acquisition date : 21 Apr 2010 12:09 am

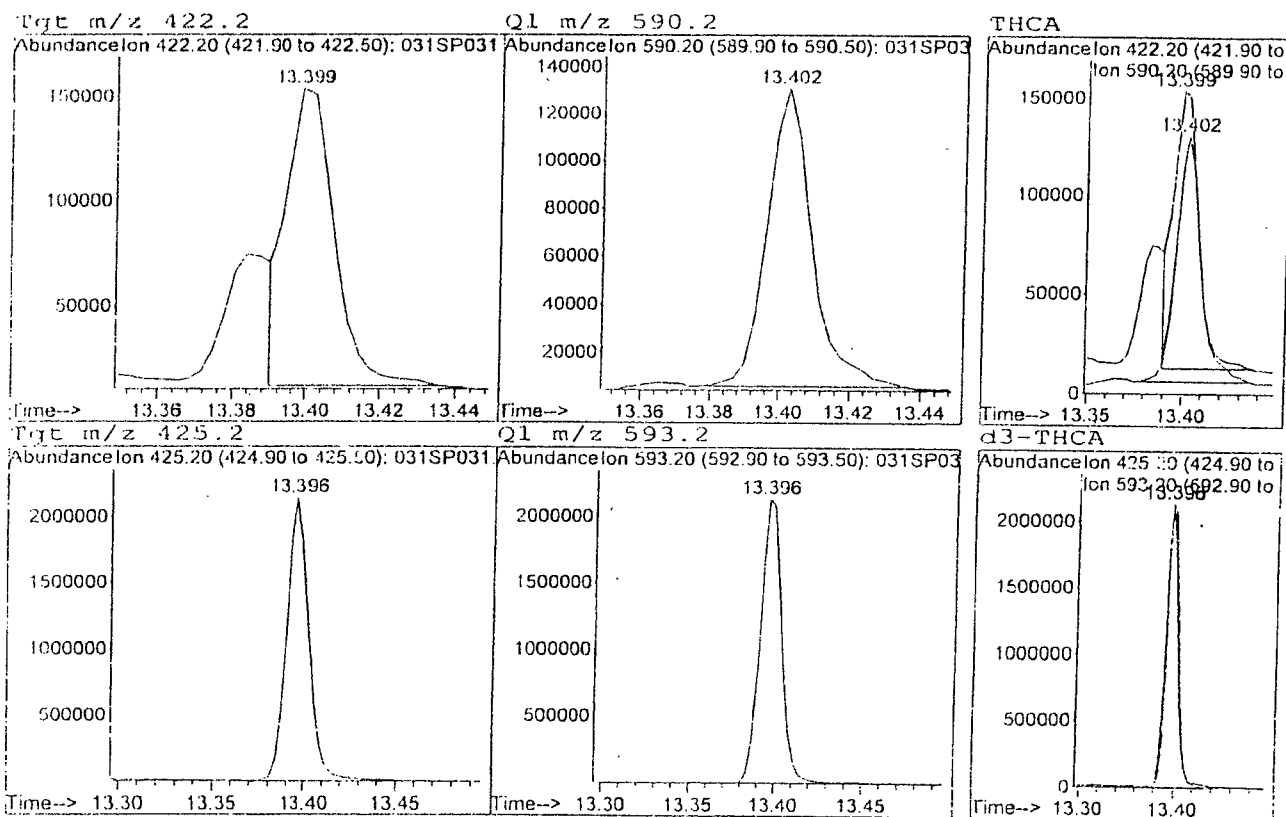
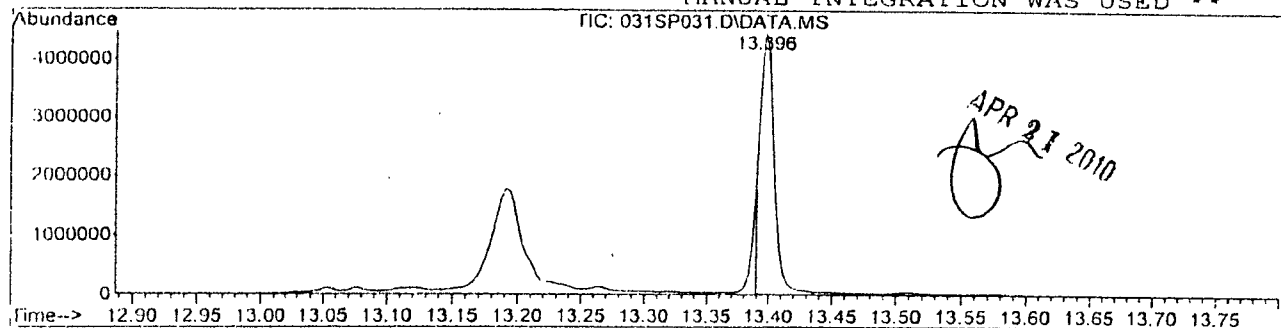
Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.40 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.07

THCA => 422.2 = 127529 590.2 = 111065
 d3-THCA => 425.2 = 1853673 593.2 = 1835387

THCA => 590.2/422.2 = 87.1 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA => 593.2/425.2 = 99.0 +/- 30.0% rel = 69.2 - 128.6

Concentration = 0.82 ** THCA DETECTED **

** MANUAL INTEGRATION WAS USED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

MA

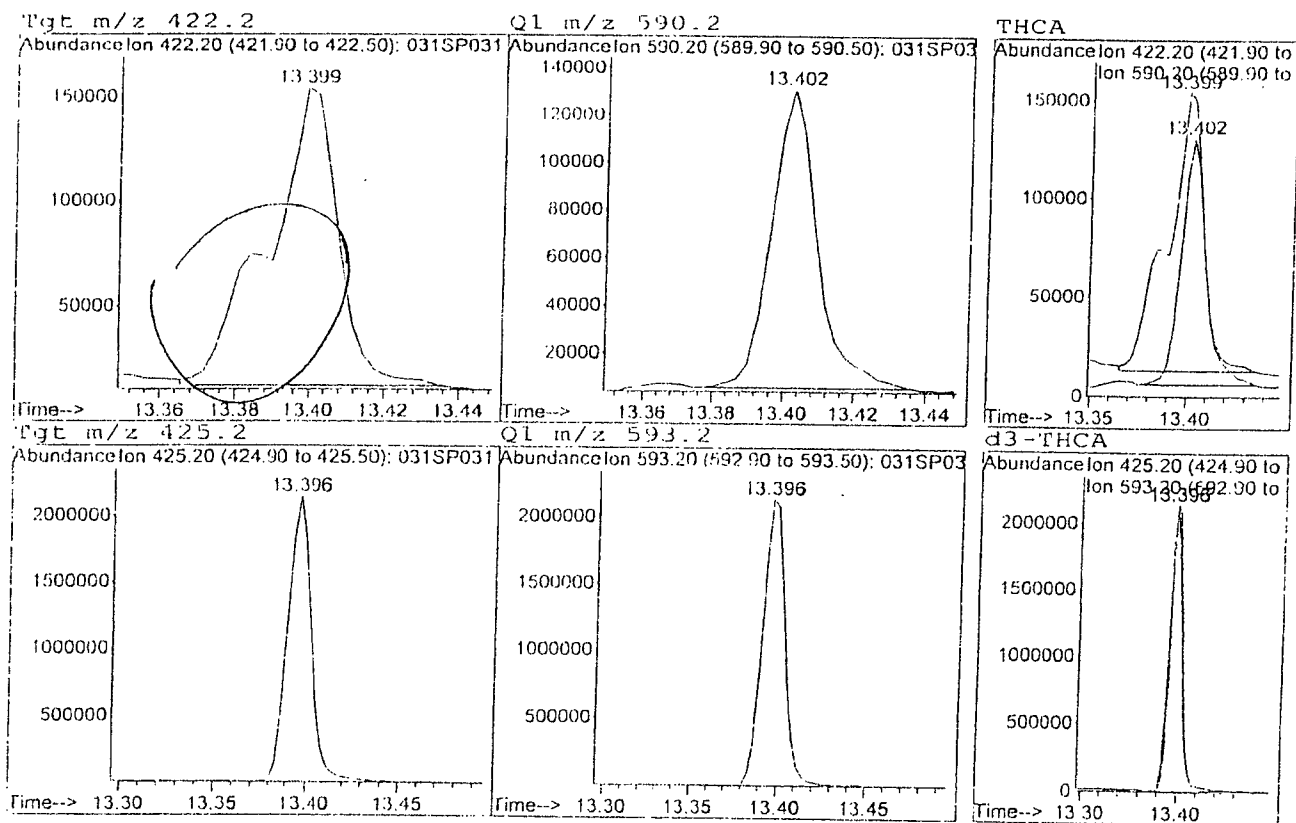
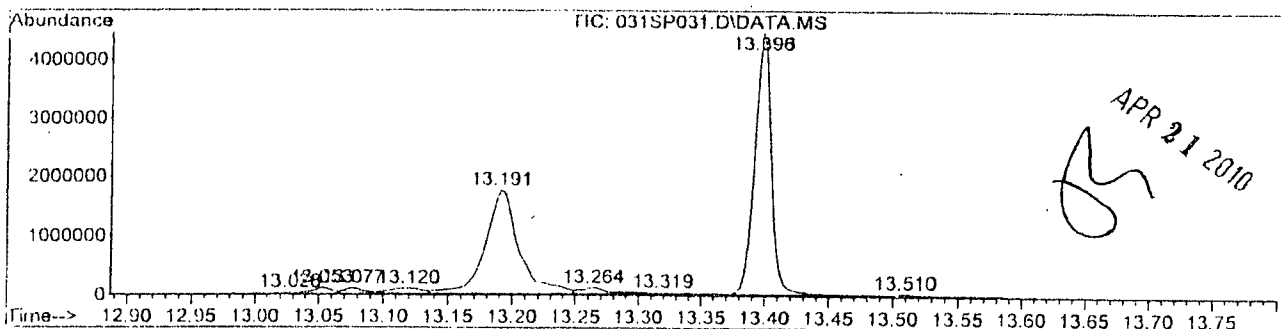
Data File : D:\DATA\2010-04-20-1508.b\031SP031.D
 File Name : C:\msdchem\1\5975\NCINHL00509.a
 File Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : Lin # 787437
 Acquisition Date : 21 Apr 2010 12:09 am

Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.40 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.10

THCA => 422.2 = 181390 590.2 = 111065
 d3-THCA => 425.2 = 1853673 593.2 = 1835387

THCA => 590.2/422.2 = 61.2 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA => 593.2/425.2 = 99.0 +/- 30.0% rel = 69.2 - 128.6

Concentration = 1.17 ** CHECK TARGET CMPD PARAMETERS **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

APR 21 2010

MA

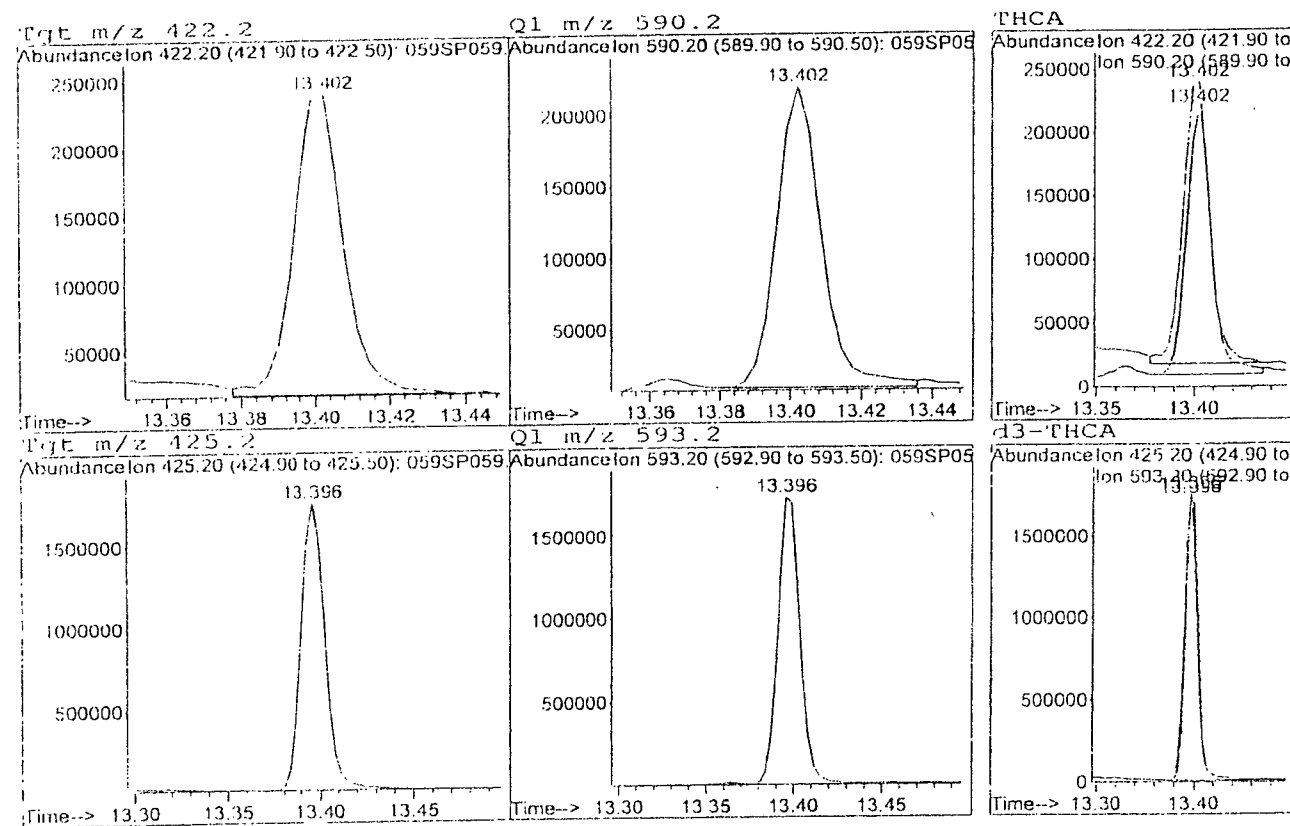
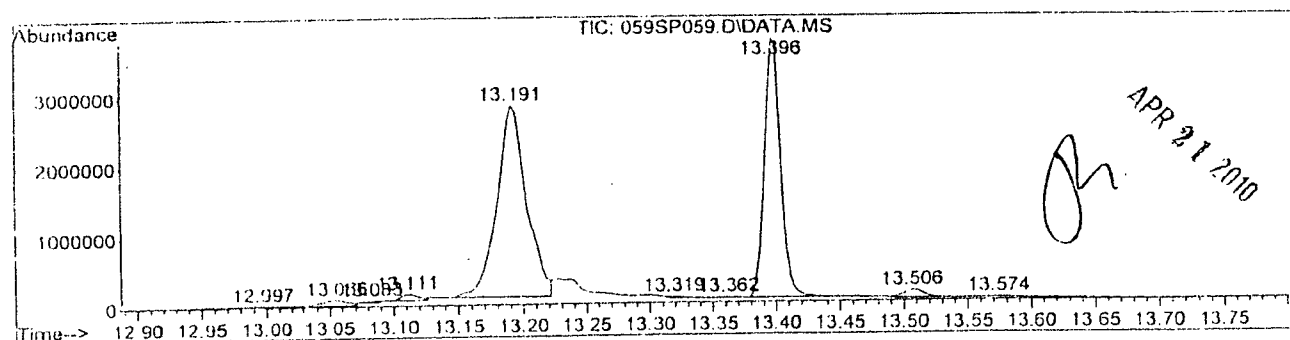
Data File : D:\DATA\2010-04-20-1508.D\059SP059.D
 File Name : C:\msdchem\1\5975\NCINH100509.D
 Time Date : 30 Mar 2010 9:00 am
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : 080309 QC
 Acquisition date : 21 Apr 2010 8:20 am

Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.40 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.13

THCA > 422.2 = 204908 590.2 = 183607
 d3-THCA > 425.2 = 1522435 593.2 = 1497847

THCA > 590.2/422.2 = 89.6 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA > 593.2/425.2 = 98.4 +/- 30.0% rel = 69.2 - 128.6

Concentration = 1.61 ** THCA DETECTED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

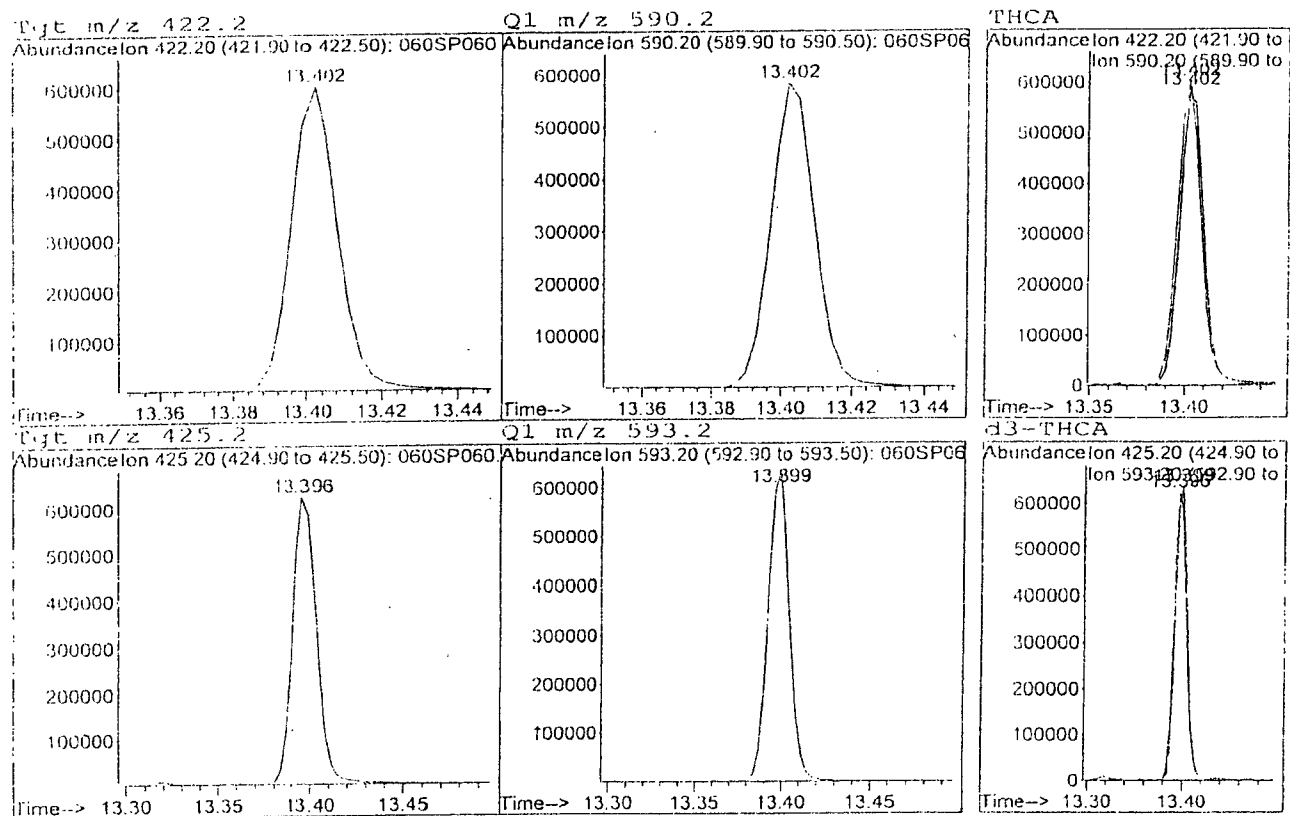
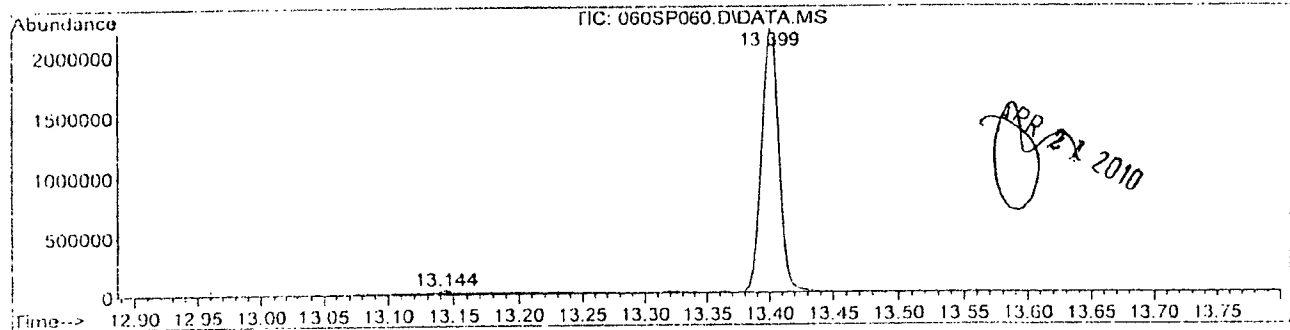
Data File : D:\DATA\2010-04-20-1508.B\060SP060.D
 File Name : C:\msdchem\1\5975\NCH100509.D
 Time Date : 30 Mar 2010 9:00 am Mult : 1
 Acq Method Name : THCA.M Calib date : 20 Apr 2010 3:42 pm
 Sample Name : ULOL
 Acquisition date : 21 Apr 2010 8:38 am

Retention Time 13.40 THCA +/- 2.00% = 13.13 - 13.67 min
 Retention Time 13.40 d3-THCA +/- 2.00% = 13.13 - 13.66 min
 R.R.T. = 1.000 Unknown target ion / ISTD target ion = 0.93

THCA > 422.2 = 516589 590.2 = 503788
 d3-THCA > 425.2 = 552957 593.2 = 544340

THCA > 590.2/422.2 = 97.5 +/- 30.0% rel = 70.2 - 130.4
 d3-THCA > 593.2/425.2 = 98.4 +/- 30.0% rel = 69.2 - 128.6

Concentration = 11.18 ** THCA DETECTED **



THCA : RT extraction window from 13.35 to 13.45 min
 d3-THCA : RT extraction window from 13.30 to 13.50 min

APR 21 2010

MA

Carboxy-THC GC/MS CONFIRMATION QUALITY CONTROL RECORDING LOG

Month/Year: April 2010

Lot #: 31810
Preparation Date: 3/18/2010
Expiration Date: 9/18/2010
Extracted Control Lot #: 80309

DATE	GC/MS Batch #	Low Control 1.0 0.70 - 1.30	Threshold Control 5.0 3.5 - 6.5	High Control 10.00 7.0-13.0	Extracted Control greater than 0.23	Data Reviewer	POS Certifier	COMMENTS
4/1/10	2010-04-01-1612.6	1.00	5.88	(13.18) high	1.37	Jh	W	#5
4/2/10	2010-04-02-0942.6	1.00	5.44	11.17	1.39	Jh	/	#6
4/2/10	2010-04-02-0947.6	0.82	4.56	9.27	1.48	Jh	PM	#6
4/8/10	2010-04-02-1102.6	0.94	6.44	12.62	1.59	Jh	PM	#5
4/15/10	2010-04-05-1050.6	0.77	3.91	10.94	0.86	Jh	PM	#5
4/15/10	2010-04-05-1602.6	1.09	4.54	10.91	1.95	Jh	W	#5
4-6-10	2010-04-06-1533.6	1.17	5.06	11.04	1.55	W	PM	#6
4-6-10	2010-04-06-1571.6	0.94	5.06	10.11	1.67	W	PM	#5
4-7-10	2010-04-07-1640.6	0.92	4.68	8.97	1.53	W	PM	#6
4-7-10	2010-04-07-1644.6	.96	5.23	7.37	1.50	TP	PM	#5
4-8-10	2010-04-08-1637.6	1.13	5.38	10.96	1.47	TP	PM	#6
4-8-10	2010-04-08-1638.6	1.13	5.31	10.95	1.47	TP	PM	#6 THE-2
4-9-10	2010-04-09-1638.6	1.07	4.92	10.21	1.64	TP	PM	#5
4-9-10	2010-04-09-1614.6	.98	5.27/5.27	10.84	1.75	W	PM	
4-12-10	2010-04-12-1724.6	1.08	5.52	(13.27)	1.62	W	PM	#5
4-12-10	2010-04-12-1647.6	1.15	4.45	10.09	1.74	W	PM	#6
4-13-10	2010-04-13-1712.6	.97	5.24	11.04	1.65	TP	W	#5
4-13-10	2010-04-13-1556.6	1.08	4.91	9.92	1.64	TP	PM	#6
4-14-10	2010-04-14-1507.6	.79	4.21	7.85	1.25	TP	PM	#6
4-14-10	2010-04-14-1634.6	1.00	5.05	10.14	1.63	TP	PM	#5
4-15-10	2010-04-15-1600.6	1.12	5.12	10.91	1.74	TP	PM	#6
4-16-10	2010-04-15-1600.6	1.01	5.12	10.91	1.74	TP	PM	#6 THE-2
4-16-10	2010-04-14-1634.6	1.05	4.82	11.19	2.03	TP	PM	#5
4/16/10	2010-04-16-1545.6	1.03	4.30	7.98	1.00	TP	PM	#5
Monthly Mean:		1.04	5.00					
Monthly SD:		0.11	0.44					
Monthly CV:		11.2	8.8					

GC/MS Supervisor Weekly Review/Date: PM 4/8/10 PM 4/16/10

GC/MS Supervisor Monthly Review/Date: *[Signature]* 5/10/10

Laboratory Director Monthly Review/Date: *[Signature]* MAY - 2 2010

Carboxy-THC GC/MS CONFIRMATION QUALITY CONTROL RECORDING LOG

Month/Year: April 2010

Lot #: 31810
 Preparation Date: 3/18/2010
 Expiration Date: 9/18/2010
 Extracted Control Lot #: 80309

DATE	GC/MS Batch #	Low Control 1.0 0.70 - 1.30	Threshold Control 5.0 3.5 - 6.5	High Control 10.00 7.0-13.0	Extracted Control greater than 0.23	Data Reviewer	POS Certifier	COMMENTS
4/16/10	2010-04-16-1559.6	1.02	5.14	9.17	1.08	JR	PM	
4/19/10	2010-04-19-1526.6	1.26	5.29	10.84	1.67	JR	PM	#5
4/19/10	2010-04-19-1531.6	1.10	5.15	11.29	1.54	JR	PM	#6
4/20/10	2010-04-20-1508.6	1.04	5.22	11.18	1.61	JR	PM	#5
4/20/10	2010-04-20-1517.6	1.04	5.12	10.46	1.57	JR	PM	#6
4/21/10	2010-04-21-1510.6	1.20	4.54	8.97	1.59	JR	PM	#5
4/21/10	2010-04-21-1531.6	1.02	4.93	9.76	1.47	JR	PM	#6
4/22/10	2010-04-22-1510.6	0.98	5.88	10.34	1.60	JR	PM	#5
4/22/10	2010-04-22-1531.6	1.11	4.81	11.22	1.47	JR	PM	#6
4/23/10	2010-04-23-1431.6	0.95	5.17	10.12/10.15	1.92/1.48	JR	PM	#6
4/23/10	2010-04-23-1427.4	1.18	5.15	10.78	1.70	JR	PM	#5
4/26/10	2010-04-26-1527.6	10.97	4.66	8.94	1.70	JR	PM	#5
4/26/10	2010-04-26-1537.6	0.92	4.64	9.21	1.57	JR	PM	#6
4/26/10	2010-04-26-1527.6	0.96	4.51	8.65	1.79	JR	PM	#5 (reimbursement from #6)
4/27/10	2010-04-27-1516.6	1.09	5.11	10.58	1.79	JR	PM	#5
4/27/10	2010-04-27-1645.6	1.10	5.49/5.27	10.92	1.66	JR	PM	#6
4/27/10	2010-04-27-1645.6	1.14	5.22	10.86	2.03	JR	PM	#5
4/28/10	2010-04-28-1616.6	1.24	4.08	10.14	1.55	JR	PM	#6
4/28/10	2010-04-28-1621.6	1.29	4.97	9.10	1.31	JR	PM	#5
4/29/10	2010-04-29-1615.6	1.06	4.85	8.81	1.79	JR	PM	#5
4/29/10	2010-04-29-1558.6	1.33	5.02	9.52	1.18	JR	PM	#6
4/30/10	2010-04-30-1168.6	1.07	5.09	10.65	1.41	JR	PM	#5

Monthly Mean: 1.04 5.00
 Monthly SD: 0.11 0.44
 Monthly CV: 11.2 8.8

GC/MS Supervisor Weekly Review/Date:

4/19/10 4/26/10 4/27/10

GC/MS Supervisor Monthly Review/Date:

4/30/10

Laboratory Director Monthly Review/Date:

MAY 10 2010



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 746-6132
Fax: (843) 746-6138

Results of Controlled Substance Test

Batch ID: R0002441
Test Type: Random Selection - Primary
Specimen ID: 1151548

Participant: Kimberly A Legette
SSN:
Record Status: Positive

ATTENTION:

Accudiagnosics
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Company: Nucor Steel Berkeley (NUCOR)
Collection Date/Time: 04/06/2010
Specimen Collector: Nucor Safety
Collection Site: Nucor Steel Berkley
Laboratory: Omega Laboratories
400 N Cleveland St
Morgadore, OH
Date COC Received: 4/6/2010
Sample Type: Hair

<u>Substance Tested</u>	<u>Result</u>
Amphetamines	Negative
Cocaine	Negative
Marijuana	POSITIVE
Phencyclidine	Negative
Opiates	Negative

Donor tested positive for the following substances;

Marijuana/Metabolite 1.25 pg/mg



2478 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Random Selection - Parameters

Profile Name: Nucor

Random Batch #: R0002441

Companies

Nucor Steel Berkeley (NUCOR)

Participant Eligibility

Include All Active Participants marked Include in Randoms

Selection Rates

Test For: Drugs only

Select 15 participants for Drug Testing.

Select 0 participants for Alcohol Testing.

Pool Size: 834

15 Participants were selected for drug testing.

Audit Trail Reports

Nucor Options



2478 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Random Selection - Selected Participants

Random Batch R0002441

Configuration Name: Nucor
Reprint of Audit Trail for batch generated on 04/02/2010

Company: NUCOR Nucor Steel Berkeley

Contact: Scott Deering

Phone: (843) 336-6140

Fax: (843) 336-6607

Home Base:

Contact:

Phone:

Fax:

ID	SSN	Selection ID	Name	Occupation	Test For	Observation Required	Suggested Test Date	Notification Date/Time
105		1219	Christopher A Stow		Drugs	No		
109		330	Mark T Skelcher		Drugs	No		
135		235	Daniel S Burson		Drugs	No		
181		1155	Steven D Murray		Drugs	No		
341		757	Kimberly A Legette		Drugs	No		
344		1294	Paul S Hudson		Drugs	No		
464		378	Buffy L Fortner		Drugs	No		
478		1032	Michael H Oglesby		Drugs	No		
647		11	Brian P Kath		Drugs	No		
661		763	Timothy M Litzinger		Drugs	No		
683		429	Jonathan R Still		Drugs	No		
721		1046	William J Grant		Drugs	No		
729		979	Wallace D Dingle		Drugs	No		
844		1187	Kathleen G Norris		Drugs	No		
905		1021	Gaurav Malhitra		Drugs	No		

15 Participant(s) in Home Base: ()

15 Participant(s) in Company: Nucor Steel Berkeley (NUCOR)

Report Totals: 1 Company
1 Home Base
15 Participant(s)

AccuDiagnostics - Charleston
2470 Mall Dr Suite A
Charleston, S.C. 29406
(843) 745-1132



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6136

Scott Deering
Nucor Steel Berkeley
1455 Hagan Avenue
Huger, SC 29450

Certification of Enrollment in Random Selection

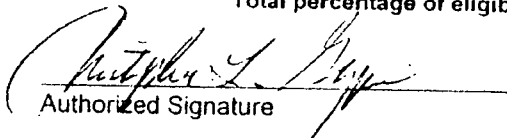
7/8/2010 1:21:41PM

Batch R0002441 Generated on 4/2/2010

This document certifies that your company's employees are subject to computer-generated random selections for alcohol and/or drug testing. You should store this document with your other permanent drug testing records.

Number of your employees eligible for selection:	834
Number of your employees selected for Drug testing only:	15
Total number of your employees selected for testing:	15

Total number of participants in this random pool:	834
Total number of participants selected from this random pool:	15
Total percentage of eligible participants selected for Drug Testing:	1.80
Total percentage of eligible participants selected for Alcohol Testing:	0.00


Authorized Signature

1151548

1151548
SPECIMEN ID NO.OMEGA
LABORATORY(330) 628-5744
(800) 665-5569
Fax: (330) 628-5800

2835 LAB ACCESSION NO.

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Requesting Agency, I.D. No.

ARCpoint - North Charleston ID# 2835
2470 Mall Drive #A
North Charleston, SC, 29406
843-745-6132
FAX: 1-843-745-6136

B. MRO Name, Address, Phone and Fax No.

C. Donor Name

Legette Kimberly
(Last, First, Middle)

Donor SSN or Employee I.D. No.

0575

D. Reason for Test:

☐ Pre-employment☒ Random☐ Reasonable Suspicion/Cause☐ Post Accident☐ Return to Duty☐ Follow-up☐ Other (specify) _____

E. Drug Tests to be Performed:

☒ Hair 5 Drug Panel☐ Other (specify) _____

F. Collection Site Address:

ARCpoint - North Charleston ID# 2835
2470 Mall Drive #A
North Charleston, SC, 29406
843-745-6132
FAX: 1-843-745-6136

STEP 2: COMPLETED BY COLLECTOR

☒ HEAD HAIR☐ BODY

REMARKS

STEP 3: Collector affixes seal to pouch, Donor initials and dates seal, Donor completes STEP 5.

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY LABORATORY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable requirements.

x Margaretta C. Grimm 350 AM
 Signature of Collector Time of Collection
Margaretta C. Grimm 4/6/10
 (PRINT) Collector's Name (First, MI, Last) Date (Mo./Day/Yr.)

SPECIMEN RELEASED TO:

COURIER

Name of Delivery Service Transferring Specimen to Lab

DO NOT WRITE IN THIS SECTION. FOR LABORATORY USE ONLY.

RECEIVED AT LAB:

STEPHANE BURN 4/12/10
 Signature of Accessioner Date (Mo./Day/Yr.)
 (PRINT) Accessioner's Name (First, MI, Last)

Specimen
Seal Intact☐ Yes☐ No, Enter Remark Below

SPECIMEN RELEASED TO:

TS

Laboratory Remarks

STEP 5: COMPLETED BY DONOR

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; the specimen used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to the Specimen Hair Pouch is correct.

x Kimberly Legette
Signature of DonorKimberly Legette
(PRINT) Donor's Name (First, MI, Last)04/06/10
Date (Mo./Day/Yr.)

Daytime Phone No. ()

Evening Phone No. (843) 709-7073Date of Birth 08/10/61
Mo. Day Yr.

HAIR POUCH SEAL

PLEASE PLACE SEAL OVER FLAP ON HAIR SPECIMEN POUCH

NUCOR STEEL BERKELEY DRUG / ALCOHOL AUTHORIZATION AND RELEASE CONSENT FORM

I (Full Name):

Kimberly L. H. H. C.

Hereby consent to the taking of

N/A

Urine,

N/A

Breath,

and

Hair

Or

N/A

blood specimen(s). I further consent to and authorize these samples to be sent to Laboratories such

as but not limited to Quest Diagnostic and Psyche Medics Corporation for testing. I understand and authorize these

Testing Laboratories to release laboratory results to Nucor Steel Berkeley's Safety Director. I do understand that,

I may refuse to sign this authorization and I further understand that by refusing to sign this authorization I will be

subjected to immediate termination as outlined in Nucor Steel Berkeley's Employee Handbook. The execution of this

consent form shall not be deemed to be an admission by me concerning drug and / or alcohol abuse.

Date:

1-6-10

Signature of Employee / Applicant:

Kimberly L. H. H. C.

Employee Number:

0575

Date:

4-6-10

Signature of Witness:

Margaretta C. Grimm APN

Urine Results:

N/A

Breath Results:

A

Mike Furr, Safety Director

Copy 1 - Original employer's copy

Copy 2 - Must accompany specimen to Laboratory - Laboratory retains

4/30/07

Rev. 3

MR

R POUCH SEAL



1151548

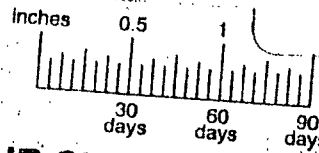
SPECIMEN ID NO.

Kal
Donor's Initials

04/06/10
Date (Mo. Day Yr.)

112

ITEM # OM 30 REV 12-08



HAIR SPECIMEN POUCH

Ω
OMEGA
Laboratories

400 N. Cleveland Avenue, Mogadore, OH 44260
(330) 628-5748 • (800) 665-5568 • Fax (330) 628-5803
www.omegalabs.com

HA

11/11

Requesting Agency:
ARCpoint - North Charleston
2470 Mall Drive #A
North Charleston, SC, 29406
Telephone: 843-745-6132

LAN#: 784059
Specimen ID: 1151548
Reason For Test: Random
Date Collected: 4/6/2010
Date Received: 4/12/2010
Date Reported: 4/14/2010

Donor ID: Legette, Kimberly SSN/ID: 0575

Test(s) Requested: Hair 5 Drug Panel

The standard Hair 5 Drug Panel Test includes the testing of the 5 major drug classes.

These include:

Amphetamines - Methamphetamine and Ecstasy (MDMA)

Cocaine - Cocaine/Cocaine Metabolites

Opiates - Codeine, Morphine, Heroin, Metabolite

Phencyclidine (PCP)

THC Metabolite (Marijuana)

Drugs Tested For	Result	Screening ELISA Cut off <i>picograms per milligram of Hair</i>	Confirmation Cut off <i>picograms per milligram of Hair</i>
Amphetamines	Negative	500 pg/mg	500 pg/mg
Cocaine/Metabolites	Negative	500 pg/mg	500 pg/mg
Opiates	Negative	300 pg/mg	300 pg/mg
Phencyclidine	Negative	300 pg/mg	300 pg/mg
THC Metabolite	Positive	1.00 pg/mg	0.30 pg/mg

Hair 5 Drug Panel Test Result(s)

THC Metabolite - Positive

1.25 pg/mg

A positive result indicates that the drug was identified at a level greater than its above listed cutoff and was confirmed by GC/MS

REPORT NOTATIONS

1.5 inches in length (approximately 0-90 day time frame)

Certified By: Patrick Minno
Omega Result Report REV 12.09

Dave Engelhart, Ph.D.
Laboratory Director



2470 Mall Drive, Suite A
North Charleston, SC 29406
Phone: (843) 745-6132
Fax: (843) 745-6138

Random Selection - Eligible Pool

Random Batch R0002441

Configuration Name: Nucor
Reprint of Audit Trail for batch generated on 04/02/2010

Company: NUCOR	Nucor Steel Berkeley	Phone: (843) 336-6140	Fax: (843) 336-6607
Contact:	Scott Deering		
Home Base:		Phone:	Fax:
Contact:			

ID	SSN	Name	Occupation	Pool Group
9		Leroy J Richart		
10		Paul T Flowers Jr		
11		Alan R Smith		
12		Bonnie W Gainey		
13		William R Sims		
14		Robert O Judy		
15		Tammy E Fraley		
16		Edward W Greer		
18		Paul A Ferguson		
19		Toni J Johnson		
20		David E Cole		
21		Kevin L Frees		
22		John A Bernier		
23		Poul V Pedersen Jr		
24		Michael A Jones		
25		David C Hamblin		
27		Doreen Denmark		
28		Donna M Danner		
29		Robert W Waterfield		
31		Richard C Gillespie		
32		James A Rogers		
33		Royal C Ward		
34		Douglas E Howe		
35		Calvin R McGinnis		
36		James E McClamb		
37		Joseph M Cartagena		
38		Kenneth E Jones		
39		Keith W Goff		
40		Perry Ricky Shoemaker III		
41		Bradley W Krooner		
42		Lawrence J Becigneul Jr		
43		Frederick O Sanguinetti		
44		Glenn W Aker		
45		Kenneth A Rodes		
46		Rodney S Vanderstelt		
47		Claude W Houser		
48		Stephen E McGuire		
52		Jerome R Herrmann		
53		Kenneth E Barnhill		

54	Charles A Barrington
55	John F Johnson
56	Stephanie R Matthews
58	David A Jacobus
59	Earl D Stansbury
60	Theron S Denmark
61	James R Black
62	James V DiGiandomenico
63	Charles M Thomas
64	Johnnie B Thomas
66	Donald L Yarbrough
68	Lowell D Calhoun
69	Alvin Sheppard
70	Leroy D Singleton
71	Benjamin R Watford
72	Darrin R Collard
73	Richard D Guyer
74	Andre Porcher
75	Gary E Szermeta
76	Marvin P Lilly
77	Virgil Simmons Jr
78	Rodney D Marsh
79	James D Warren
80	William T Payseur
81	Damon E Ardis
82	Bryan E Thompson
83	Darryl D Wright
84	Victor C Major
85	Max T Sherwood
86	Mark A Davis
87	Michael A Preston
88	Jeffrey A Lanford
89	Richard E Jackson
90	John M Robinson III
91	Darin L Reynolds
92	Adam B Pole
93	Michael J Waters
94	Scott W Wright
95	Donald G Dean II
97	Dennis F Mallon
98	Roddy A Marraccini
99	Sadie E Beach
100	Ronald (Ron) W Stafford
101	Phillip A Myers
102	Daniel B Vestal
103	Stephen C Dexter
104	Will W Wenningham
105	Christopher A Stow
106	Patrick M Dempsey
107	Chris R McCants
108	Andrew A Pinto
109	Mark T Skelcher
110	Greta O Brown
111	Kevin J McClelland
112	James T Heyward

113	Martin G Watson
114	Patricia L Kemp
115	Dwayne C Hamilton
116	Gary W Benedict
117	Isabel Trythall
119	Michael W Wilson
120	Michael D Matthews
121	Gregory G Frees
122	Howard M Smith
123	Randy Steven Mitchell
124	William M Luttrell Jr
125	James C Ray II
126	Duane A Moore
127	Michael S Averitt
128	Michael H Morris
129	Philip B Alexander
130	Harold D Crow
131	Jason M Cooper
132	Kirk A Eiring
133	Gregory B Roper
134	Rusty J Judy
135	Daniel S Burson
137	Timothy W Johnson
138	Stephen R Slesinski
139	Garrett D Gehlhausen
140	Ray H Bayless
141	Mary R Cox
142	James C Rodgers
143	Melvin J Hopper Jr
144	Raymond Messemer
146	Warren Eddie Crago
147	Andrew M Middleton
148	Todd L Fetterhoff
149	Korico S Cobin
150	Michael K Hinson
151	Howard E Gatch Sr
152	Paul T Flowers III
153	Derrick J Shuler
155	Stephen G Greer
156	Belinda W Coker
158	Juan J Roncancio
159	Brandt L Armstrong
160	Anthony C Brown
161	Thomas B Gian
162	Joseph M Rider
163	Jack Goude
164	Keith A Cills
165	Roger N Bruce
166	Dwight F Lemacks
167	Kimonica B Murray
169	Terry L Taylor
170	John P Frias
171	Chad W Grooms
172	Scott R Gouin
173	Wayne Maharaj

174	Richard M Page
178	Richard J Calhoun
177	Robert Ricky Butler Jr
178	Edward Barnes Jr
179	David J Bell
180	James F Parkins
181	Steven D Murray
182	Jeffrey L Cassidy
183	W Travis Powell
185	Mark L Hamilton
186	Mary Ellen Ballard
187	Michael E Carr
188	Donald E Cooper Jr
190	Robbie N McDaniel
191	Michael R Higgins
192	R Bradley Crossett
193	Michael H Morris II
194	David J Cockcroft
195	James M Roberts
197	Derryck T Vanish
199	Lillie Mae Jenkins
200	Johnny L Litchfield
201	Chris L Andersen
202	Alan D Gallego
203	Michael E Maginn
204	Harold C Flowers
205	Larry D Guinn
208	James A Forsell
208	Jerome E Jefferson
209	Michael L Ceres
210	Francisco J Agbunag
211	Phillip L Clarke
212	Jason B Curtis
213	Richard Y Royer
214	Cheryl K Evans
215	Jason C Christman
216	Linda M Starr
217	Gregory L Dunn
218	Donna M Thomas
219	Jonathan D Malone
220	Michael L Shuey
221	Earnest J McLaughlin
222	Wendell A Schell
224	Thomas W Mack
225	Reginald E Boyd
226	Paul D Crawford
227	Keith V Asbell
228	John G Stokes
229	Norman Howard Jr
230	Craig J Dennard
231	Kenneth Grant Sr
232	Edrick J Brockington
233	Freeman L Lincoln Jr
234	Johnny D Jowers
235	Michael A Melkus

236	Blake E Murray
237	Phillip C Henegar
238	Robert B Schindledecker
239	Deloris R Robinson
240	Benjamin A Lemacks
241	Michael S Mallard
243	John L Hunter
245	Ervin L Fulton
246	Anthony S Piatt
247	Robert F McDonnell
248	Michael A Dasgupta
249	Charlton H Blakely
250	Louis O Witzleb
251	Joseph J Jastreboski
252	Rickey D Mixon
253	Ernest H Johanning Iv
254	Richard A Hopkins
255	Richard J Clinton
256	Lars G Reafler
257	Robert T Harleston
258	John T Farrior
259	Robert Strang Jr
261	Gerd Merling
262	Ann M Gillespie
264	Kenneth W Anderson
265	Gary D Card
266	John T Hood
267	Kenneth Watson
268	Gabriel R Harper
270	Jeffrey A Treadway
271	Dennis H Pews
272	Isiah L Denmark
273	Willard G Young
274	Roy R Mcateer
275	Thomas L West
276	Brian B Shultz
277	Travis Y Tiltman
278	Kevin L Loudin
279	Tauvao Tuala
280	Jaime A Spinks
281	Terry S Eakins
282	Bryan K Riley
283	Kenneth A Lee
284	Leroy Martin
285	Scott E Honaker
286	William B Clark
287	Joseph A Jacobin Jr
289	Robert B Wilson
290	Samuel T Harris
292	Chad E Plasters
293	Bernard L Watson
294	Michael R Horne
295	Jerry W Fulton Jr
296	Anthony F Moore
297	Robert J Waldron

298	Jeffrey A Whalen
299	Charles T Oldham III
300	Bruce D Wheeler Jr
301	Bruce A Work
302	William R Clarkston
303	Robert O Hunter
304	John G Hardee
305	Chns J Anderson
306	Marc L Mummert
307	Susan Smith
308	Tod E Johnson
309	Jerry L Newton
310	Quinton O Brown
312	Matthew L Blitch
314	Sean M McCarthy
315	Theresa E Douglas
316	Gerald R Kindt
317	Jason E Mathewes
318	Brian K McCutcheon
319	Michael D Walker
320	Barry L Middleton
321	Jacob Ravenell Jr
322	Donald B Watford
323	Eric E Conyers
324	Michael P Hess
325	Bradley V Player
327	LaRon B Strickland
328	George E Follin
329	Walter Steven Cantley
330	Benjamin Steve Morris II
331	Jerry S Everidge
332	Nina M Jones
333	Herman Sanders
334	David F Wise Sr
335	Anthony G Lowe
336	Michael P Hoff
337	Jeffery M Boyd
339	Christopher P Johnson
340	John D Hagaman
341	Kimberly A Legette
342	James T Crenshaw
343	Joseph A Schilpp
344	Paul S Hudson
345	Wayne V Spreitzer
346	William D Freeman Jr
348	Ronald S Proskine
349	David W Maddox
350	E Jason Donaldson
351	Douglas W Barker
352	Sean H Randolph
353	Michael S Gainey
354	David M Elliott
355	Roger B Rodgers
356	Kenneth P Knight
357	Aaron R Lecompte

358	Ryan D Morris
360	Artemus R Jones
361	Clara L Davis
362	Jaron O Lawrence
363	John M Fulton
364	John L Gaskins
365	James R Stearman
366	Carlos V Mccutcheon
367	Jason C Tinney
368	Alvin V Simmons
369	Donald A Luebben
370	Ron V Northcutt
371	William A Jackson
372	Michael L Pope
373	Douglas R Quinn
374	Richard N White
375	Mark N Defilippo
376	Joseph W Downey
377	Robert H Butler
378	Raymond W Wright Jr
379	William B Moody III
381	Suzanne M Landry Eaddy
382	Michael E Pleasant
383	Harry M Hewitt
384	John C Kennedy Jr
385	William P Clark
386	David M Buchanan
387	Stephen J Sweet
388	William B Sawyer
389	Fred J Johns III
390	Christopher H Howard
391	Patrick A Kiger
392	Kenneth R Powell
393	Stewart B Gurley
394	James F Waldrop
395	Joseph B Murphy
396	Rusty S Ashby
397	Edward E Westwood
398	Kevin M Kelley
399	William C Roberson
400	James M Coker II
401	Michael S Todd
402	Rusty S Ashby Jr
404	Michael S Roberts
405	Danny Lee
406	Mickey C Walker Jr
407	Charles W Wallace
408	George R Grant Jr
409	Gregory Travis Cooper
410	David L English
411	William D Pugh
412	Daryl B Bounds
413	Jeffrey A Moore
414	Robert V Reeves Jr
415	Kenneth W Dennis

416	Walter R Barrineau
417	Robert T Jordan
418	Randall C Krause
419	Hiley R Davis
420	Gareth R Casey
421	Robert W Mcglaun
422	Harry L Rumph IV
423	Thomas J Watson
425	Vernon Everette Davis Jr
426	Charles D Golder
427	William S Brown
428	Ira Jared Baker
429	David M Tatar
430	Timothy J Adams
431	Carrol Lee Kellahan Jr
432	Mark A Lane
433	Laurice D Tisdale III
434	Gary L Cooper
435	Reece H Flynt Jr
436	Corey D McMillin
437	Jimmy Wilson Cagle Jr
438	Michael Blanco
439	Harris T Blakeley Jr
440	Daniel R Cecil
441	Donna Jonelle Brandon
442	Michael A Miller
443	Albert E Contois Jr
445	Daniel C Grant
446	Ronald G Kemper Sr
447	James A Lambert
448	Robyn A Spann
449	Penny S Broad
450	Byron K Turner
451	Jeffrey D Flegel
452	Ted C Smith
454	Craig I Mccully
456	Carroll Gethers Jr
457	Kenneth R Horner Jr
458	William J Simmons
459	Scott M Alumbaugh
460	Patricia D Strong
461	Bryan L Fisher
462	Mark T Gaetke
463	Joshua P Bradoc
464	Buffy L Fortner
465	Joseph A Newton II
466	Teague A Jones
467	John D Shelton
468	Richard K Ackerman
469	Marty O Carson
470	Andrew K Lathrom
471	Gregory N Wingate
472	Mark W Moree
473	Walter Jason Cox
474	Lewis H Smith III

475	Cedric F Van Buren
476	Johansson J Gerena
477	Brett M Doolittle
478	Michael H Oglesby
479	Robert C Watford III
480	Scott A Baxley
481	Robert J Canode
482	Victor F Litchfield
484	Richard C Johnson
485	Stacey L Thompkins
486	Alston S Phillips
487	Chad J Cockriel
488	Brian S Alexander
489	Charles L Hill Jr
490	Walter E Bingham
491	Danny L Cox
492	William J Masten
493	Gerald A Curtin
495	William (Billy) L. Spinks III
498	Thomas L Pinckney
498	David T Conyers
499	Shawn E West
500	Michael K Mock
501	William H Andrews
502	Micheal A Crummey
503	Anthony J Kist
504	Wendell A Simmons
505	Rodney L Porcher
506	Scott J English
507	Karl D Bush
508	Christopher J Christman
509	Tammy S Turner
510	Joseph R Haselden
511	William L Borden
512	Paula H Jones
513	Thomas M Prim
514	Bruce D Martin
515	James P Powell Jr
516	Craig O Shirey
517	Charles G Carter
518	Brian E Carlow
519	Jeffrey J Durand
520	Wayne A Jackson
521	Ronald G Rabon
522	Shawn L Yarborough
523	Christopher J Brennan
525	Jackie D Reeves
526	Sean C Asbell
527	Lance W Carlton
528	Tradd L Sweeney
529	Kenneth P Long Jr
530	Kevin W Jamison
531	Barry O Webster
532	Marcus A Harold
533	Justin D Wilkinson

534	Christopher "Kevin" Price
535	Ricky Ravenell
536	Jason P Fry
537	Thomas N Kolesar
538	Joseph G Mclean Jr
539	James Brandon Lloyd
540	Arthur W Smith III
541	Burnette R Whetstone
542	Rhonda M Stevens
543	Andrew B Fletcher
544	Ryan P Curtis
545	Bruce W Marlowe
546	John L Drislan
547	Pamela M Miles
548	Stephen W Hill
549	David A Fuchs
550	Foster L Irving
551	Steven T Hopkins
552	Joseph L Cox
553	Jonathan M Sigmon
554	Harold J Litchfield III
555	Arlene G Vereen
556	George C Billings
557	Donna M King
558	Meleah B Reynolds
559	Francis N Dean Jr
561	Michael A Long
562	Robert J Yap
563	Guillermo E Ortiz
564	Scott R Knight
565	John J Campbell
566	John W Thomas
568	Steven A Driggers
570	Fetima J Gethers
572	Robert A Hubler
573	James R Ambrose
574	Sidney L Hulett III
576	Mark A Bellomy
577	James H Smoak
578	Michael W Turnage
579	Thomas H Leedy
580	Fred O Grant
581	Christopher L Barrett
582	James B Yates
583	John Horvath
584	Summer K Lilly
585	Garrett B Freeman
586	Leonard E Black
587	Todd C Young
588	Troy H High
589	Michael A Valladares
590	Ross E Straubinger
591	Gary K Riffle Jr
592	Herbert L Runnels
593	John T Oldham (Timmy)

594	James F Lewis
595	Todd A Masters
596	Ray Matthew Tiller
597	Lester L Crim
598	Darren L Driggers
599	Denise C Scott
600	Christopher S Walker
602	Daniel Bruce Thompson
603	Onassis O Diaz
604	Ryan E Coward
605	Jack A Iler
606	Mark D Kipp
607	Alex K Simmons Jr
608	Robert R Akins
609	James M Poston
610	John L Tormanen
611	Anthony R Anderson
612	Daniel J Dean
614	Adam West III
615	Johnny M Goff Jr
616	James J Sineath III
617	Tad K Nowlin
619	Morris J Lewis Jr
621	Jeffery B Whetzel
622	Anthony B Artagame
623	Thomas E Carpenter
625	Thomas A Parker
626	Jerry L Nick Jr
627	Christian E Fischer Jr
628	Christopher G Quattro
629	Benjamin W Parker Jr
630	Ray E Huffman
631	Timothy A Mccants
632	Bradley E Blalock
633	Rick C Lowman
634	Philip E Felgar
636	Theodore Roper
637	April M Fox
638	Jaye M Buras
639	Dennis L Martin
641	Robert A Harding
642	Kelley B Spencer
643	Dennis S Biering
644	Jason E Holmes
645	Trent A Moody
646	Thomas A Blitch
647	Brian P Kath
648	Scott Lacey
649	John C Moessner
650	Roy A Knight Jr
651	Floyd E Walling Jr
653	Steven T Spires
655	Dennis M Boyd
656	Christopher S Welsh
657	Ashley C Rogers

658	Chadwick E Davis
659	Robert L Caison Jr
660	Matthew A Cox
661	Timothy M Litzinger
662	David C Gratz
663	Gerald W Moree
664	Gene R Pizzillo Jr
666	Joey S Mccants
667	Jody J Fitzmaurice
668	Udo K Fey
669	Wilburn P Bowen Sr
670	Robert J Weber
671	Chad C Quick
673	Jay B Wein
674	Gary D Huffman
675	Paul M Helms Jr
676	Jared R Gilpin
677	J Micah Blackburn
679	Stephen C Sarine
680	Jamie C Woods
681	Phillip M Goethe
682	Chad R Haselden
683	Jonathan R Still
684	Rhett W Rinaca
685	James L Gamble
686	James H Mccants
687	Wayne L Brown
689	Charles A Grundy
690	David G Newman Jr
691	Donald E Martin Jr
692	Winston B Hudson
693	Christopher S Lacey
694	Keith N Dibble
695	David A Lewis
696	Thomas T Mathias
697	Abraham M Segovia
699	Eugene B Pretorius
700	William W Wheeler
701	Janice G Smith
702	Craig S Misdum
703	Michael S Karpinen
704	Joe T Wilson III
705	Reuben H Owens
706	Sono Brewer
707	Ryan J Harris
708	Edward H Garland
710	Jeffery L Davis
711	Kegan D Drew
712	Tammy G Willis
713	William O Driskell Jr
714	Devin E Martin
716	Karl T Winkler
717	Sandra L Barnhill
719	M Raymond Guina
720	Ty J High

721	William J Grant
722	William G Jayroe Jr
723	Annmarie Bozek
724	Roger T Vargo Jr
725	David M Delaney
726	Timothy J Solos
727	Donnie S Elliott
728	Joshua C Steele
729	Wallace D Dingle
730	Justin M Alford
731	William B Miles
732	Timothy P Mahan
733	John H Waring
734	Kenny L Oller
735	Charles R Mcconnell Jr
736	Timothy L Coker
737	Dwain R Lockwood
738	Abraham Denmark Jr
739	Julie R Flegel
740	Stephen E Cross
742	Thomas E Bennett
744	John B Denny II
745	Laurice R Barrineau Jr
748	Rory A Gimenez
749	Paul H Chryst Jr
750	Michael O Altman
751	Reggie A Smith
752	Jennifer B Hawthorne
753	Tobias J Hawthorne
754	Shannon D Rogerson
755	Clarence L Porcher
757	Scott D Honkonen
758	Christopher D Bone
759	Michael J Brown
760	William R Southerland
761	Shawn M Anderson
762	Candace E Cohen
763	William H Abbey
764	John D Bowling
765	Arin C Gehlhausen
766	Leon M Meggett
767	Scott R Baker
768	Ronald E Burdette
769	Mark A Asby
770	Harry H Weatherford
771	Christopher J Mccurley
772	James P Doyle III
773	Don D Alford Jr
775	John W Magnan
776	Randy S King
777	David J Richardson Jr
780	Brent E Dicker
781	Sammy L Smith
782	John F Skerritt IV
783	Marvin C Goodwine

784	Margaretta C Grimm
785	Clark C Conley IV
786	Edward M Avau
787	Daphne N Davis
788	William T Cox
789	Russell Brian Newton
790	Johnny J Harrington
791	Christopher J Ray
792	Allen E Brazier II
793	Philip M Dickson
794	Paige L O'Kelley
795	David A Scott
796	Edward M Palumbo II
797	Christopher A Sanders
798	Tyrone E Howard
799	Keith L Dorsey
800	William G Hayes
801	Jay S Hayes
802	Weiping Sun
803	Justin Lawshe
804	Joseph P Arnold
805	Rodger M Diede
806	Evondra A Pinckney
807	Helmut G Oltmann
808	Jeffrey S Deering
810	Jordan A Hogeboom
811	Jeffrey S Powers
812	James E Horne II
813	Marcus W Parrish
814	Daniel W Langston
815	Rufus B Morris Iii
816	Adam C Hendrickson
817	Melinda L Ratcliffe
818	Patrick E Pritcher
820	Brian M Knichel
821	Christian T Carnright
823	William C Cooper II
824	Harold Bo F. Harris III
825	Samuel R Blackmon
826	Kenneth Alexander
828	Larry E Tilton
829	Michael M Cox
830	Keith D Hiers
831	Michael Brandon Strong
832	Henry S Byrdic III
833	Christopher M Gunn
834	David N Bayless
835	Brian T Scharf
836	Shawn D Ravenell
837	Delvin R Cohen
838	Arthur Stoney III
839	Joseph M Rollins
840	Douglas D Rife
841	Deanna R Elliott
842	James J Wiser

843	Andrew G Fain
844	Kathleen G Norris
845	David W Skerritt
846	Joshua L Uhinck
847	Joseph M Jones
848	Jason B Artagame
849	Marvin D Woudayk Jr
850	Geoffrey A Payne
851	Eric B Armstrong
852	Glen L Myers
854	Danny K Wright II
855	Michael R Furr
856	Lucious Pat Freeman
857	Neil D Thomas
858	Christopher G Pipkin
859	Socrates O Diaz
862	Anthony E Sweat
863	Joshua B Whitworth
864	Robert E Mitchell III
865	Lawrence E Grissom
866	(Trey) Charles L Flegel III
867	Jeffrey A Kasch
869	John H Scott
870	Lamar T Wansley II
871	Kisha A Pierre
872	Kristin L Shuey
873	Lesley A Lowe
874	John A Rivers
875	Ornin L Mckenzie Jr
877	Tradd N Toppin
878	Shawn M Boggs
879	David M Blackwell
880	Russell H Brown
881	Randy M Williams
882	Maxwell E Cline Jr
883	Robert M Moses
884	Kevin M Skero
887	David J Jasper
888	Bradley S Perdue
889	George N Gaskins
890	George L Walker
891	Carlton M Stoney
892	Anthony Kinzie
893	Chris Hainline
894	Tracy Dingle
896	Kelvin Dorsey
897	Seth McCants
899	Caroline Green
900	Timothy Cook
901	Sean Gambrell
902	Audra Dollahan
903	Nathan Murray
905	Gaurav Malhitra
906	Kris Andersen
907	Jason Arcia

908	[REDACTED]	Lester Smith
909	[REDACTED]	Rhett Souder
910	[REDACTED]	Jamie Burgess
911	[REDACTED]	Giff Daughtridge
923	[REDACTED]	Christopher Young
928	[REDACTED]	Kristy Putnam
929	[REDACTED]	John K. Fabian
932	[REDACTED]	Mark Wessinger
933	[REDACTED]	Travis Blackwell
936	[REDACTED]	Lance Heller
937	[REDACTED]	Randy Hyman
938	[REDACTED]	Clinton Carr
939	[REDACTED]	William Brian Bradley
941	[REDACTED]	Thomas Higgins
943	[REDACTED]	Peter Berry
944	[REDACTED]	Kenneth Hiltchey
945	[REDACTED]	Benjamin Conner
947	[REDACTED]	Leigh Slates
948	[REDACTED]	Steven Dunbar
949	[REDACTED]	Jason Wofford
1008	[REDACTED]	Lance A. Tilton
1015	[REDACTED]	Fred Olsen
1026	[REDACTED]	James Horne
1028	[REDACTED]	Charles A Beckham
1030	[REDACTED]	Cassidy Wise

834 Eligible Participants in Home Base: ()

834 Eligible Participants in Company: Nucor Steel Berkeley (NUCOR)

Report Totals:	1 Company
	1 Home Base
	834 Eligible Participants

LITIGATION PACKAGE CHECKLIST

Lab Accession Number: 784059

Date Requested: 7-2-10

Specimen ID #: 1151548

Requested By: Christopher Gypin

Report Date: 7/14/2010

Date Compiled: 7-7-10

Given To (final check): LM

Compiled By: Morgan Robertson

- ☒ 1. Copy of Non-Federal Chain of Custody Form (CCF)
- ☒ 2. Copy of Hair Pouch w/donor initials
- ☒ 3. Copy of Hair Preparation Worksheet (appropriate page only)
- ☒ 4. Copy of Batch Review Checklist
- ☒ 5. Copy of Initial Batch Worklist
- ☒ 6. Copy of Initial Testing Batch Internal COC Document
- ☒ 7. Copy of EIA worksheet (Initial Test screening results)
- ☒ 8. Copy of appropriate QC data (blind QC, daily/monthly QC data, or other)
- ☒ 9. Copy of ICOC confirmation worksheet (if confirmation performed)
 - GC/MS results
 - tuning data
 - standards, controls & blanks
 - data review/final result summary
 - data pack (sample TICs, SIMs and results)
- ☒ 10. Copy of final report sent

Notes: _____

Total Number of Pages (including cover): 61

ADDRESS SENT TO:

Acc. Diagnostics Attn: Christopher Gypin
2472 Wall Drive Suite A
North Charleston S.C.
29406
phone 843-745-6132

HAIR PREPARATION WORKSHEET/SPECIMEN INTERNAL CHAIN OF CUSTODY

Date: 4/12/2010

Batch #: 041210C 58 41210

IAN #	weight if QNS(< 10mg)	COMMENTS
784048		UNDERARM
784049		SMA
784050		UNDERARM
784051		MA
784052		CHEST
784053		0.5 - 1.25
784054		CHEST
784055		UNDERARM
784056		0.25 - 1.0 VV
784057		1.0 - 1.5
784058		SMA
784059		MA
784060		RED MA
784061		VMP
784062		UNDERARM
784063		CHEST CB

Aliquot/weigh specimens for initial testing and return specimens to TS (Home Tray):

Aliquots pulverized: HE

Omega Laboratories, Inc.

Batch Review Checklist

Batch# 041210c

4/12/2010 1:12:52 PM

LAN#	Name	SS#/ID#	Code	Test	Agency	Date/Time Collected
784056	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/08/2010 11:30
Specimen ID: 1151552	Collection Site:		Additional Account Number:			0.25 - 1.0 inches in length (approximately 0-15,60 day time frame)
784057	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/07/2010 11:10
Specimen ID: 1151551	Collection Site:		Additional Account Number:			1.0 - 1.5 inches in length (approximately 0-60,90 day time frame)
784058	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/06/2010 16:30
Specimen ID: 1151549	Collection Site:		Additional Account Number:			1.5 inches in length (approximately 0-90 day time frame)
784059	Legette, Kimberly	0575	RA	Hair 5 Drug Panel	ARCpoint - North Charleston	04/06/2010 15:50
Specimen ID: 1151548	Collection Site:		Additional Account Number:			1.5 inches in length (approximately 0-90 day time frame)
784060	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/06/2010 15:50
Specimen ID: 1151585	Collection Site:		Additional Account Number:			1.5 inches in length (approximately 0-90 day time frame)
784061	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/06/2010 15:45
Specimen ID: 1151547	Collection Site:		Additional Account Number:			1.5 inches in length (approximately 0-90 day time frame)
784062	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/06/2010 15:39
Specimen ID: 1151586	Collection Site:		Additional Account Number:			Body hair (approximately 12 month time frame)
784063	[REDACTED]	[REDACTED]	RA	Hair 5 Drug Panel	[REDACTED]	04/06/2010 14:00
Specimen ID: 1151546	Collection Site:		Additional Account Number:			Body hair (approximately 12 month time frame)

Batch#:

041210c

4/12/2010 1:12:52 PM

Printed:

4/12/2010 1:12:52 PM

Date:

Reviewed By:

Log-in Performed by:

Certification Review

Omega Laboratories, Inc.

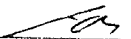
Initial Batch Worklist - Batch 041210c

4/12/2010 11:04:49 AM

Test	Lab Notes	LAN	Results
Hair 5 Drug Panel		784054	pending opiates ~
Hair 5 Drug Panel		784055	
Hair 5 Drug Panel		784056	
Hair 5 Drug Panel		784057	~
Hair 5 Drug Panel		784058	pending opiates
Hair 5 Drug Panel		784059	
Hair 5 Drug Panel		784060	pending the ~
Hair 5 Drug Panel		784061	~
Hair 5 Drug Panel		784062	~
Hair 5 Drug Panel		784063	~
Hair 5 Drug Panel		784064	pending coc
Hair 5 Drug Panel		784065	
Hair 5 Drug Panel		784066	pending the ~
Hair 5 Drug Panel		784067	~

BatchNumber: 041210c
4/12/2010 11:04:49 AM

Date Analyzed: APR 12 2010

Posted By: Analyzed By: Certified By: 

6 of 7

OMEGA LABORATORIES, INC.
INITIAL TESTING HAIR ALIQUOT BATCH
INTERNAL CHAIN OF CUSTODY DOCUMENT

Specimen Home Tray Batch Number: 041210C

Batch Starting LAN: 783984

Batch Ending LAN: 784070

Rejected/QNS LAN # for Batch: _____

CORRESPONDING INITIAL TESTING BATCH ALIQUOT INTERNAL CHAIN OF CUSTODY

Date	Released By	Received By	Purpose
4/12/10	Accessioning TS	HH	☒ Removed batch aliquot from accessioning TS
4/12/10	HH	Screening TS	☒ Transfer batch to screening TS
4/12/10	Screening TS	SW	☒ Sample vials verified ☒ Returned vials to screening TS Other: _____
4/12/10	Screening TS	SW BB	☒ Remove batch from screening TS for ELISA analysis ☒ Transfer hair/acidified methanol addition for ELISA analysis Other: _____
4/12/10	SW	Heating Block	☒ Place samples in heating block Time put in heating block: <u>10:43</u>
4/12/10	Heating Block	BB	☒ Remove samples from heating block Time removed from heating block: <u>11:43</u>
4-12-10	AL	Centrifuge	☒ Centrifuge for 10 minutes Other: _____
4-12-10	Centrifuge	AL	☒ Removed from Centrifuge Other: _____
4/12/10	AL BB	Screening TS	☒ Transfer to labeled silanized 12x75mm test tube
4/12/10	AL	Evaporator	☒ Dry in evaporator Other: _____
4-12-10	Evaporator	AL	☒ Remove from evaporator
4/12/10	SW	Screening TS	☒ Reconstitute sample with BSA/PBS buffer/Vortex ☒ Return to screening TS Other: _____
4/12/10	SB	Pipettor/ Dilutor	☒ Remove from screening TS ☒ Load specimens onto Pipettor/Dilutor and analyze Other: _____
4/12/10	Pipettor/ Dilutor	AL	☒ Verify sequence ☒ Remove tubes from Pipettor/Dilutor
4/12/10	Screening TS	BB	☒ Batch aliquot disposal

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NC1>LPC1 --> TRUE

LPC1>PC1 --> TRUE

PC1>HPC1 --> TRUE

1 Plate Test Names**2 Sample - ID's****3 Raw data****4 Raw data - Mean****5 Cutoff results**

	1	2	3	4	5
A1	PCP	neg1	2.368	2.368	
B1	PCP	neg2	2.368		
C1	PCP	lpc1	1.219	1.198	
D1	PCP	lpc2	1.177		
E1	PCP	cut1	0.995	0.926	
F1	PCP	cut2	0.857		
G1	PCP	hpc1	0.58	0.638	
H1	PCP	hpc2	0.696		
A2	PCP	783984	2.387	2.387	NEG
B2	PCP	783985	2.371	2.371	NEG
C2	PCP	783986	2.316	2.316	NEG
D2	PCP	783987	2.324	2.324	NEG
E2	PCP	783988	2.452	2.452	NEG
F2	PCP	783989	2.314	2.314	NEG
G2	PCP	783990	2.362	2.362	NEG
H2	PCP	783991	2.462	2.462	NEG
A3	PCP	783992	2.295	2.295	NEG
B3	PCP	783993	2.331	2.331	NEG
C3	PCP	783994	2.121	2.121	NEG
D3	PCP	783995	3.653	3.653	NEG
E3	PCP	783996	3.804	3.804	NEG
F3	PCP	783997	3.472	3.472	NEG
G3	PCP	783998	2.453	2.453	NEG
H3	PCP	783999	2.434	2.434	NEG
A4	PCP	784000	2.346	2.346	NEG
B4	PCP	784001	2.298	2.298	NEG
C4	PCP	784002	2.281	2.281	NEG

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	PCP	784003	2.412	2.412	NEG
E4	PCP	784004	2.289	2.289	NEG
F4	PCP	784005	2.377	2.377	NEG
G4	PCP	784006	2.369	2.369	NEG
H4	PCP	784007	2.404	2.404	NEG
A5	PCP	784008	2.288	2.288	NEG
B5	PCP	784009	2.345	2.345	NEG
C5	PCP	784010	2.267	2.267	NEG
D5	PCP	784011	2.356	2.356	NEG
E5	PCP	784012	2.285	2.285	NEG
F5	PCP	784013	2.36	2.36	NEG
G5	PCP	784014	2.38	2.38	NEG
H5	PCP	784015	2.452	2.452	NEG
A6	PCP	784016	1.188	1.188	NEG
B6	PCP	784017	2.288	2.288	NEG
C6	PCP	784018	2.319	2.319	NEG
D6	PCP	784019	2.343	2.343	NEG
E6	PCP	784020	2.254	2.254	NEG
F6	PCP	784021	2.325	2.325	NEG
G6	PCP	784022	2.464	2.464	NEG
H6	PCP	784023	2.416	2.416	NEG
A7	PCP	784024	2.34	2.34	NEG
B7	PCP	784025	2.26	2.26	NEG
C7	PCP	784026	2.286	2.286	NEG
D7	PCP	784027	2.251	2.251	NEG
E7	PCP	784028	2.268	2.268	NEG
F7	PCP	784029	2.371	2.371	NEG
G7	PCP	784030	2.372	2.372	NEG
H7	PCP	784031	2.469	2.469	NEG
A8	PCP	784032	2.358	2.358	NEG
B8	PCP	784033	2.202	2.202	NEG
C8	PCP	784034	2.217	2.217	NEG
D8	PCP	784035	2.251	2.251	NEG
E8	PCP	784036	2.102	2.102	NEG

Date: 04/12/2010

Time: 13:56:13

APR 1 2 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	PCP	784037	2.289	2.289	NEG
G8	PCP	784038	2.361	2.361	NEG
H8	PCP	784039	2.341	2.341	NEG
A9	PCP	784040	2.325	2.325	NEG
B9	PCP	784041	2.219	2.219	NEG
C9	PCP	784042	2.223	2.223	NEG
D9	PCP	784043	2.259	2.259	NEG
E9	PCP	784044	2.262	2.262	NEG
F9	PCP	784045	2.381	2.381	NEG
G9	PCP	784046	2.362	2.362	NEG
H9	PCP	784047	2.41	2.41	NEG
A10	PCP	784048	2.327	2.327	NEG
B10	PCP	784049	2.26	2.26	NEG
C10	PCP	784050	2.207	2.207	NEG
D10	PCP	784051	2.28	2.28	NEG
E10	PCP	784052	2.261	2.261	NEG
F10	PCP	784053	2.364	2.364	NEG
G10	PCP	784054	2.415	2.415	NEG
H10	PCP	784055	2.416	2.416	NEG
A11	PCP	784056	2.314	2.314	NEG
B11	PCP	784057	2.355	2.355	NEG
C11	PCP	784058	2.4	2.4	NEG
D11	PCP	784059	2.397	2.397	NEG
E11	PCP	784060	2.395	2.395	NEG
F11	PCP	784061	2.405	2.405	NEG
G11	PCP	784062	2.404	2.404	NEG
H11	PCP	784063	2.122	2.122	NEG
A12	PCP	784064	2.383	2.383	NEG
B12	PCP	784065	2.306	2.306	NEG
C12	PCP	784066	2.287	2.287	NEG
D12	PCP	784067	2.327	2.327	NEG
E12	PCP	784068	2.346	2.346	NEG
F12	PCP	784069	0.456	0.456	POS
G12	PCP	784070	2.335	2.335	NEG

APR 12 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H12	PCP	hpc3	0.566	0.566	POS

[Handwritten signature]

per 4/12/10

ML

Date: 04/12/2010

Time: 13:56:42

APR 12 2010

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NCI>LPC1 --> TRUE

LPC1>PC1 --> TRUE

PC1>HPC1 --> TRUE

1 Plate Test Names**2 Sample - ID's****3 Raw data****4 Raw data - Mean****5 Cutoff results**

	1	2	3	4	5
A1	Opiates	neg1	2.422	2.3855	
B1	Opiates	neg2	2.349		
C1	Opiates	lpc1	1.413	1.4005	
D1	Opiates	lpc2	1.388		
E1	Opiates	cut1	0.956	0.978	
F1	Opiates	cut2	1		
G1	Opiates	hpc1	0.591	0.582	
H1	Opiates	hpc2	0.573		
A2	Opiates	783984	2.031	2.031	NEG
B2	Opiates	783985	1.974	1.974	NEG
C2	Opiates	783986	2.077	2.077	NEG
D2	Opiates	783987	1.985	1.985	NEG
E2	Opiates	783988	2.005	2.005	NEG
F2	Opiates	783989	1.137	1.137	NEG
G2	Opiates	783990	2.011	2.011	NEG
H2	Opiates	783991	2.131	2.131	NEG
A3	Opiates	783992	1.942	1.942	NEG
B3	Opiates	783993	1.767	1.767	NEG
C3	Opiates	783994	1.911	1.911	NEG
D3	Opiates	783995	1.585	1.585	NEG
E3	Opiates	783996	2.47	2.47	NEG
F3	Opiates	783997	2.051	2.051	NEG
G3	Opiates	783998	2.042	2.042	NEG
H3	Opiates	783999	2.184	2.184	NEG
A4	Opiates	784000	1.972	1.972	NEG
B4	Opiates	784001	2.033	2.033	NEG
C4	Opiates	784002	1.959	1.959	NEG

APR 12 2010

Page 2

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Opiates	784003	1.978	1.978	NEG
E4	Opiates	784004	1.952	1.952	NEG
F4	Opiates	784005	1.994	1.994	NEG
G4	Opiates	784006	1.67	1.67	NEG
H4	Opiates	784007	2.035	2.035	NEG
A5	Opiates	784008	1.82	1.82	NEG
B5	Opiates	784009	2.059	2.059	NEG
C5	Opiates	784010	1.909	1.909	NEG
D5	Opiates	784011	2.084	2.084	NEG
E5	Opiates	784012	1.686	1.686	NEG
F5	Opiates	784013	2.039	2.039	NEG
G5	Opiates	784014	1.987	1.987	NEG
H5	Opiates	784015	1.552	1.552	NEG
A6	Opiates	784016	0.083	0.083	POS
B6	Opiates	784017	1.778	1.778	NEG
C6	Opiates	784018	1.889	1.889	NEG
D6	Opiates	784019	1.985	1.985	NEG
E6	Opiates	784020	1.61	1.61	NEG
F6	Opiates	784021	1.798	1.798	NEG
G6	Opiates	784022	1.909	1.909	NEG
H6	Opiates	784023	1.881	1.881	NEG
A7	Opiates	784024	1.945	1.945	NEG
B7	Opiates	784025	1.659	1.659	NEG
C7	Opiates	784026	1.926	1.926	NEG
D7	Opiates	784027	1.93	1.93	NEG
E7	Opiates	784028	1.855	1.855	NEG
F7	Opiates	784029	1.177	1.177	NEG
G7	Opiates	784030	2.015	2.015	NEG
H7	Opiates	784031	1.898	1.898	NEG
A8	Opiates	784032	1.789	1.789	NEG
B8	Opiates	784033	1.09	1.09	NEG
C8	Opiates	784034	1.497	1.497	NEG
D8	Opiates	784035	1.831	1.831	NEG
E8	Opiates	784036	0.294	0.294	POS

APR 12 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Opiates	784037	1.866	1.866	NEG
G8	Opiates	784038	1.044	1.044	NEG
H8	Opiates	784039	1.454	1.454	NEG
A9	Opiates	784040	1.265	1.265	NEG
B9	Opiates	784041	0.405	0.405	POS
C9	Opiates	784042	1.808	1.808	NEG
D9	Opiates	784043	1.899	1.899	NEG
E9	Opiates	784044	1.655	1.655	NEG
F9	Opiates	784045	1.893	1.893	NEG
G9	Opiates	784046	1.385	1.385	NEG
H9	Opiates	784047	1.834	1.834	NEG
A10	Opiates	784048	1.837	1.837	NEG
B10	Opiates	784049	1.901	1.901	NEG
C10	Opiates	784050	1.572	1.572	NEG
D10	Opiates	784051	1.768	1.768	NEG
E10	Opiates	784052	1.972	1.972	NEG
F10	Opiates	784053	1.983	1.983	NEG
G10	Opiates	784054	0.813	0.813	POS
H10	Opiates	784055	2.003	2.003	NEG
A11	Opiates	784056	1.889	1.889	NEG
B11	Opiates	784057	1.827	1.827	NEG
C11	Opiates	784058	0.671	0.671	POS
D11	Opiates	784059	1.876	1.876	NEG
E11	Opiates	784060	1.816	1.816	NEG
F11	Opiates	784061	1.912	1.912	NEG
G11	Opiates	784062	1.836	1.836	NEG
H11	Opiates	784063	1.862	1.862	NEG
A12	Opiates	784064	1.783	1.783	NEG
B12	Opiates	784065	1.529	1.529	NEG
C12	Opiates	784066	1.887	1.887	NEG
D12	Opiates	784067	1.961	1.961	NEG
E12	Opiates	784068	1.887	1.887	NEG
F12	Opiates	784069	0.271	0.271	POS
G12	Opiates	784070	2.086	2.086	NEG

1 Plate Test Names**2 Sample - ID's****3 Raw data****4 Raw data - Mean****5 Cutoff results**

	1	2	3	4	5
H12	Opiates	hpc3	0.566	0.566	POS

for 4/14/10 JR

11/2

Validation criteria

Exp. Group Num 1

Validation criteria : Raw data

NC1>LPC1 --> TRUE

LPC1>PC1 --> TRUE

PC1>HPC1 --> TRUE

1 Plate Test Names**2 Sample - ID's****3 Raw data****4 Raw data - Mean****5 Cutoff results**

	1	2	3	4	5
A1	Methamphetamine	neg1	1.981	1.996	
B1	Methamphetamine	neg2	2.011		
C1	Methamphetamine	lpc1	0.895	0.9085	
D1	Methamphetamine	lpc2	0.922		
E1	Methamphetamine	cut1	0.678	0.6575	
F1	Methamphetamine	cut2	0.637		
G1	Methamphetamine	hpc1	0.469	0.473	
H1	Methamphetamine	hpc2	0.477		
A2	Methamphetamine	783984	1.588	1.588	NEG
B2	Methamphetamine	783985	1.546	1.546	NEG
C2	Methamphetamine	783986	1.174	1.174	NEG
D2	Methamphetamine	783987	1.682	1.682	NEG
E2	Methamphetamine	783988	1.592	1.592	NEG
F2	Methamphetamine	783989	1.403	1.403	NEG
G2	Methamphetamine	783990	1.522	1.522	NEG
H2	Methamphetamine	783991	1.13	1.13	NEG
A3	Methamphetamine	783992	1.435	1.435	NEG
B3	Methamphetamine	783993	1.283	1.283	NEG
C3	Methamphetamine	783994	0.392	0.392	POS
D3	Methamphetamine	783995	0.909	0.909	NEG
E3	Methamphetamine	783996	1.538	1.538	NEG
F3	Methamphetamine	783997	1.208	1.208	NEG
G3	Methamphetamine	783998	1.221	1.221	NEG
H3	Methamphetamine	783999	1.726	1.726	NEG
A4	Methamphetamine	784000	1.533	1.533	NEG
B4	Methamphetamine	784001	1.506	1.506	NEG
C4	Methamphetamine	784002	1.35	1.35	NEG

APR 12 2010

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Methamphetamine	784003	0.856	0.856	NEG
E4	Methamphetamine	784004	1.247	1.247	NEG
F4	Methamphetamine	784005	1.394	1.394	NEG
G4	Methamphetamine	784006	1.109	1.109	NEG
H4	Methamphetamine	784007	1.356	1.356	NEG
A5	Methamphetamine	784008	1.584	1.584	NEG
B5	Methamphetamine	784009	1.691	1.691	NEG
C5	Methamphetamine	784010	1.267	1.267	NEG
D5	Methamphetamine	784011	1.651	1.651	NEG
E5	Methamphetamine	784012	1.549	1.549	NEG
F5	Methamphetamine	784013	1.683	1.683	NEG
G5	Methamphetamine	784014	1.529	1.529	NEG
H5	Methamphetamine	784015	1.177	1.177	NEG
A6	Methamphetamine	784016	0.328	0.328	POS
B6	Methamphetamine	784017	1.585	1.585	NEG
C6	Methamphetamine	784018	1.059	1.059	NEG
D6	Methamphetamine	784019	1.132	1.132	NEG
E6	Methamphetamine	784020	0.222	0.222	POS
F6	Methamphetamine	784021	1.034	1.034	NEG
G6	Methamphetamine	784022	0.619	0.619	POS
H6	Methamphetamine	784023	1.137	1.137	NEG
A7	Methamphetamine	784024	1.482	1.482	NEG
B7	Methamphetamine	784025	1.33	1.33	NEG
C7	Methamphetamine	784026	1.138	1.138	NEG
D7	Methamphetamine	784027	1.495	1.495	NEG
E7	Methamphetamine	784028	1.317	1.317	NEG
F7	Methamphetamine	784029	1.381	1.381	NEG
G7	Methamphetamine	784030	1.337	1.337	NEG
H7	Methamphetamine	784031	1.55	1.55	NEG
A8	Methamphetamine	784032	1.526	1.526	NEG
B8	Methamphetamine	784033	0.883	0.883	NEG
C8	Methamphetamine	784034	1.313	1.313	NEG
D8	Methamphetamine	784035	1.45	1.45	NEG
E8	Methamphetamine	784036	0.51	0.51	POS

APR-12 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Methamphetamine	784037	1.257	1.257	NEG
G8	Methamphetamine	784038	1.064	1.064	NEG
H8	Methamphetamine	784039	1.278	1.278	NEG
A9	Methamphetamine	784040	0.609	0.609	POS
B9	Methamphetamine	784041	0.539	0.539	POS
C9	Methamphetamine	784042	0.779	0.779	NEG
D9	Methamphetamine	784043	1.045	1.045	NEG
E9	Methamphetamine	784044	1.239	1.239	NEG
F9	Methamphetamine	784045	1.177	1.177	NEG
G9	Methamphetamine	784046	0.893	0.893	NEG
H9	Methamphetamine	784047	1.582	1.582	NEG
A10	Methamphetamine	784048	1.398	1.398	NEG
B10	Methamphetamine	784049	1.436	1.436	NEG
C10	Methamphetamine	784050	1.364	1.364	NEG
D10	Methamphetamine	784051	1.522	1.522	NEG
E10	Methamphetamine	784052	1.391	1.391	NEG
F10	Methamphetamine	784053	1.478	1.478	NEG
G10	Methamphetamine	784054	1.499	1.499	NEG
H10	Methamphetamine	784055	1.278	1.278	NEG
A11	Methamphetamine	784056	1.494	1.494	NEG
B11	Methamphetamine	784057	1.604	1.604	NEG
C11	Methamphetamine	784058	1.425	1.425	NEG
D11	Methamphetamine	784059	1.402	1.402	NEG
E11	Methamphetamine	784060	1.38	1.38	NEG
F11	Methamphetamine	784061	1.554	1.554	NEG
G11	Methamphetamine	784062	1.412	1.412	NEG
H11	Methamphetamine	784063	1.194	1.194	NEG
A12	Methamphetamine	784064	1.025	1.025	NEG
B12	Methamphetamine	784065	1.36	1.36	NEG
C12	Methamphetamine	784066	1.397	1.397	NEG
D12	Methamphetamine	784067	1.491	1.491	NEG
E12	Methamphetamine	784068	1.597	1.597	NEG
F12	Methamphetamine	784069	0.409	0.409	POS
G12	Methamphetamine	784070	1.591	1.591	NEG

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APR 12 2010

Date: 04/12/2010

Page4

Time: 13:57:22

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
112	Methamphetamine	hpc3	0.448	0.448	POS

MR
for 4/12/10

MR

APR 12 2010

Page1

Validation criteria

Exp. Group Num 1
 Validation criteria : Raw data
 NCI>LPC1 --> TRUE
 LPC1>PC1 --> TRUE
 PC1>HPC1 --> TRUE

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04/12/10

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
A1	Cocaine	neg1	2.864	2.765	
B1	Cocaine	neg2	2.666		
C1	Cocaine	lpc1	1.874	1.8705	
D1	Cocaine	lpc2	1.867		
E1	Cocaine	cut1	1.276	1.238	
F1	Cocaine	cut2	1.2		
G1	Cocaine	hpc1	0.803	0.7785	
H1	Cocaine	hpc2	0.754		
A2	Cocaine	783984	2.586	2.586	NEG
B2	Cocaine	783985	2.472	2.472	NEG
C2	Cocaine	783986	2.55	2.55	NEG
D2	Cocaine	783987	2.51	2.51	NEG
E2	Cocaine	783988	2.518	2.518	NEG
F2	Cocaine	783989	1.311	1.311	NEG
G2	Cocaine	783990	2.228	2.228	NEG
H2	Cocaine	783991	2.536	2.536	NEG
A3	Cocaine	783992	2.626	2.626	NEG
B3	Cocaine	783993	2.28	2.28	NEG
C3	Cocaine	783994	2.314	2.314	NEG
D3	Cocaine	783995	2.454	2.454	NEG
E3	Cocaine	783996	2.699	2.699	NEG
F3	Cocaine	783997	2.474	2.474	NEG
G3	Cocaine	783998	2.502	2.502	NEG
H3	Cocaine	783999	0.365	0.365	POS
A4	Cocaine	784000	2.5	2.5	NEG
B4	Cocaine	784001	2.466	2.466	NEG
C4	Cocaine	784002	2.447	2.447	NEG

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Date: 04/12/2010

Time: 13:57:49

APR 12 2010

Page 2

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
D4	Cocaine	784003	2.483	2.483	NEG
E4	Cocaine	784004	2.284	2.284	NEG
F4	Cocaine	784005	2.37	2.37	NEG
G4	Cocaine	784006	2.436	2.436	NEG
H4	Cocaine	784007	2.489	2.489	NEG
A5	Cocaine	784008	2.305	2.305	NEG
B5	Cocaine	784009	2.575	2.575	NEG
C5	Cocaine	784010	2.106	2.106	NEG
D5	Cocaine	784011	2.531	2.531	NEG
E5	Cocaine	784012	2.153	2.153	NEG
F5	Cocaine	784013	2.524	2.524	NEG
G5	Cocaine	784014	2.436	2.436	NEG
H5	Cocaine	784015	1.632	1.632	NEG
A6	Cocaine	784016	1.098	1.098	POS
B6	Cocaine	784017	2.289	2.289	NEG
C6	Cocaine	784018	2.317	2.317	NEG
D6	Cocaine	784019	2.536	2.536	NEG
E6	Cocaine	784020	2.423	2.423	NEG
F6	Cocaine	784021	2.495	2.495	NEG
G6	Cocaine	784022	2.249	2.249	NEG
H6	Cocaine	784023	2.539	2.539	NEG
A7	Cocaine	784024	2.465	2.465	NEG
B7	Cocaine	784025	0.083	0.083	POS
C7	Cocaine	784026	2.45	2.45	NEG
D7	Cocaine	784027	2.481	2.481	NEG
E7	Cocaine	784028	2.416	2.416	NEG
F7	Cocaine	784029	2.481	2.481	NEG
G7	Cocaine	784030	2.518	2.518	NEG
H7	Cocaine	784031	2.583	2.583	NEG
A8	Cocaine	784032	2.464	2.464	NEG
B8	Cocaine	784033	2.333	2.333	NEG
C8	Cocaine	784034	2.364	2.364	NEG
D8	Cocaine	784035	2.301	2.301	NEG
E8	Cocaine	784036	1.52	1.52	NEG

Date: 04/12/2010

Time: 13:57:49

APR 12 2010

Page:3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F8	Cocaine	784037	2.352	2.352	NEG
G8	Cocaine	784038	2.452	2.452	NEG
H8	Cocaine	784039	2.465	2.465	NEG
A9	Cocaine	784040	2.478	2.478	NEG
B9	Cocaine	784041	2.412	2.412	NEG
C9	Cocaine	784042	2.196	2.196	NEG
D9	Cocaine	784043	0.318	0.318	POS
E9	Cocaine	784044	2.381	2.381	NEG
F9	Cocaine	784045	1.535	1.535	NEG
G9	Cocaine	784046	1.892	1.892	NEG
H9	Cocaine	784047	2.54	2.54	NEG
A10	Cocaine	784048	2.548	2.548	NEG
B10	Cocaine	784049	2.514	2.514	NEG
C10	Cocaine	784050	2.459	2.459	NEG
D10	Cocaine	784051	2.47	2.47	NEG
E10	Cocaine	784052	2.464	2.464	NEG
F10	Cocaine	784053	2.503	2.503	NEG
G10	Cocaine	784054	2.507	2.507	NEG
H10	Cocaine	784055	2.587	2.587	NEG
A11	Cocaine	784056	2.63	2.63	NEG
B11	Cocaine	784057	2.514	2.514	NEG
C11	Cocaine	784058	2.522	2.522	NEG
D11	Cocaine	784059	2.515	2.515	NEG
E11	Cocaine	784060	2.448	2.448	NEG
F11	Cocaine	784061	2.55	2.55	NEG
G11	Cocaine	784062	2.479	2.479	NEG
H11	Cocaine	784063	2.594	2.594	NEG
A12	Cocaine	784064	0.772	0.772	POS
B12	Cocaine	784065	2.256	2.256	NEG
C12	Cocaine	784066	2.593	2.593	NEG
D12	Cocaine	784067	2.592	2.592	NEG
E12	Cocaine	784068	2.578	2.578	NEG
F12	Cocaine	784069	0.702	0.702	POS
G12	Cocaine	784070	2.602	2.602	NEG

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Date: 04/12/2010

Time: 13:57:49

APR 12 2010

Page 4

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H12	Cocaine	hpc3	0.791	0.791	POS



Validation criteria

Exp. Group Num 1

Validation criteria: Raw data

NC1>PC1 --> TRUE

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
A1	THC	neg1	2.343	2.3845	
B1	THC	neg2	2.426		
C1	THC	lpc1	2.138	2.161	
D1	THC	lpc2	2.184		
E1	THC	cut1	2.013	1.957	
F1	THC	cut2	1.901		
G1	THC	hpc1	1.486	1.49	
H1	THC	hpc2	1.494		
A2	THC	783984	2.298	2.298	NEG
B2	THC	783985	2.156	2.156	???
C2	THC	783986	2.176	2.176	NEG
D2	THC	783987	2.286	2.286	NEG
E2	THC	783988	2.274	2.274	NEG
F2	THC	783989	1.418	1.418	POS
G2	THC	783990	2.352	2.352	NEG
H2	THC	783991	1.399	1.399	POS
A3	THC	783992	2.31	2.31	NEG
B3	THC	783993	2.012	2.012	???
C3	THC	783994	1.714	1.714	POS
D3	THC	783995	1.563	1.563	POS
E3	THC	783996	2.424	2.424	NEG
F3	THC	783997	2.226	2.226	NEG
G3	THC	783998	2.33	2.33	NEG
H3	THC	783999	2.397	2.397	NEG
A4	THC	784000	2.269	2.269	NEG
B4	THC	784001	2.19	2.19	NEG
C4	THC	784002	2.264	2.264	NEG
D4	THC	784003	1.878	1.878	POS
E4	THC	784004	2.202	2.202	NEG

APR 12 2010

Page2

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
F4	THC	784005	2.07	2.07	???
G4	THC	784006	1.94	1.94	POS
H4	THC	784007	2.266	2.266	NEG
A5	THC	784008	2.314	2.314	NEG
B5	THC	784009	2.256	2.256	NEG
C5	THC	784010	2.263	2.263	NEG
D5	THC	784011	2.313	2.313	NEG
E5	THC	784012	1.892	1.892	POS
F5	THC	784013	2.205	2.205	NEG
G5	THC	784014	2.051	2.051	???
H5	THC	784015	1.821	1.821	POS
A6	THC	784016	0.038	0.038	POS
B6	THC	784017	2.266	2.266	NEG
C6	THC	784018	2.279	2.279	NEG
D6	THC	784019	2.3	2.3	NEG
E6	THC	784020	2.388	2.388	NEG
F6	THC	784021	2.259	2.259	NEG
G6	THC	784022	2.162	2.162	NEG
H6	THC	784023	2.363	2.363	NEG
A7	THC	784024	2.254	2.254	NEG
B7	THC	784025	0.664	0.664	POS
C7	THC	784026	2.314	2.314	NEG
D7	THC	784027	2.36	2.36	NEG
E7	THC	784028	2.357	2.357	NEG
F7	THC	784029	2.232	2.232	NEG
G7	THC	784030	2.164	2.164	NEG
H7	THC	784031	2.302	2.302	NEG
A8	THC	784032	2.134	2.134	???
B8	THC	784033	2.023	2.023	???
C8	THC	784034	2.252	2.252	NEG
D8	THC	784035	2.215	2.215	NEG
E8	THC	784036	0.041	0.041	POS
F8	THC	784037	2.26	2.26	NEG
G8	THC	784038	1.62	1.62	POS

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APR 12 2010

Page 3

1 Plate Test Names

2 Sample - ID's

3 Raw data

4 Raw data - Mean

5 Cutoff results

	1	2	3	4	5
H8	THC	784039	1.978	1.978	???
A9	THC	784040	2.159	2.159	???
B9	THC	784041	2.091	2.091	???
C9	THC	784042	1.429	1.429	POS
D9	THC	784043	2.013	2.013	???
E9	THC	784044	1.061	1.061	POS
F9	THC	784045	1.145	1.145	POS
G9	THC	784046	1.543	1.543	POS
H9	THC	784047	2.263	2.263	NEG
A10	THC	784048	2.275	2.275	NEG
B10	THC	784049	2.201	2.201	NEG
C10	THC	784050	2.217	2.217	NEG
D10	THC	784051	2.253	2.253	NEG
E10	THC	784052	2.402	2.402	NEG
F10	THC	784053	2.249	2.249	NEG
G10	THC	784054	2.329	2.329	NEG
H10	THC	784055	2.272	2.272	NEG
A11	THC	784056	2.173	2.173	NEG
B11	THC	784057	2.129	2.129	???
C11	THC	784058	2.118	2.118	???
D11	THC	784059	1.416	1.416	POS
E11	THC	784060	2.15	2.15	???
F11	THC	784061	2.181	2.181	NEG
G11	THC	784062	2.192	2.192	NEG
H11	THC	784063	2.339	2.339	NEG
A12	THC	784064	1.992	1.992	???
B12	THC	784065	1.501	1.501	POS
C12	THC	784066	2.214	2.214	NEG
D12	THC	784067	2.165	2.165	NEG
E12	THC	784068	2.411	2.411	NEG
F12	THC	784069	2.311	2.311	NEG
G12	THC	784070	0.697	0.697	POS
H12	THC	hpc3	1.399	1.399	POS

Omega Laboratories
Initial Test Control Evaluation Form

Batch ID: 041210c

<u>PCP</u>	cut	0.995	Lower Limit for		
		0.857	Negative	Mean	STDEV
	neg	2.368	1.219	0.926	0.097580736

Assay Acceptability

Cut-Neg		4-Drug Spike	
LPC		Neg Control	
HPC1		HPC2	

Opiates

	cut	0.958	Lower Limit for		
		1	Negative	Mean	STDEV
	neg	2.386	1.071	0.978	0.031112698

Assay Acceptability

Cut-Neg		4-Drug Spike	
LPC		Neg Control	
HPC1		HPC2	

Amines

	cut	0.678	Lower Limit for		
		0.637	Negative	Mean	STDEV
	neg	1.996	0.744	0.658	0.028991378

Assay Acceptability

Cut-Neg		4-Drug Spike	
LPC		Neg Control	
HPC1		HPC2	

Cocaine

	cut	1.276	Lower Limit for		
		1.200	Negative	Mean	STDEV
	neg	2.765	1.399	1.238	0.053740115

Assay Acceptability

Cut-Neg		4-Drug Spike	
LPC		Neg Control	
HPC1		HPC2	

THC

	cut	2.013	Lower Limit for		
		1.901	Negative	Mean	STDEV
	neg	2.385	2.195	1.957	0.079195059

Assay Acceptability

Cut-Neg		THC Spike	
LPC		Neg Control	
HPC1		HPC2	

Ext. Opiates

	cut		Lower Limit for		
			Negative	Mean	STDEV
	neg		#DIV/0!	#DIV/0!	#DIV/0!

Assay Acceptability

Cut-Neg		Neg Control	
LPC		HPC2	
HPC1			

Prepared By/Date:

APR 12 2010

Certifying Scientist Review/Date:

4/14/10

041210cthe

MTP5

Created 4/12/2010 12:44:02

Last Access 4/12/2010 12:44:02

Rows 12, Columns 8

CmL

APR 12 2010

1 A01 NEG1	9 A02 783984
2 B01 NEG2	10 B02 783985
3 C01 LPC1	11 C02 783986
4 D01 LPC2	12 D02 783987
5 E01 CUT1	13 E02 783988
6 F01 CUT2	14 F02 783989
7 G01 HPC1	15 G02 783990
8 H01 HPC2	16 H02 783991
17 A03 783992	25 A04 784000
18 B03 783993	26 B04 784001
19 C03 783994	27 C04 784002
20 D03 783995	28 D04 784003
21 E03 783996	29 E04 784004
22 F03 783997	30 F04 784005
23 G03 783998	31 G04 784006
24 H03 783999	32 H04 784007
33 A05 784008	41 A06 784016
34 B05 784009	42 B06 784017
35 C05 784010	43 C06 784018
36 D05 784011	44 D06 784019
37 E05 784012	45 E06 784020
38 F05 784013	46 F06 784021
39 G05 784014	47 G06 784022
40 H05 784015	48 H06 784023
49 A07 784024	57 A08 784032
50 B07 784025	58 B08 784033
51 C07 784026	59 C08 784034
52 D07 784027	60 D08 784035
53 E07 784028	61 E08 784036
54 F07 784029	62 F08 784037
55 G07 784030	63 G08 784038
56 H07 784031	64 H08 784039
65 A09 784040	73 A10 784048
66 B09 784041	74 B10 784049
67 C09 784042	75 C10 784050
68 D09 784043	76 D10 784051
69 E09 784044	77 E10 784052
70 F09 784045	78 F10 784053
71 G09 784046	79 G10 784054
72 H09 784047	80 H10 784055
81 A11 784056	89 A12 784064
82 B11 784057	90 B12 784065
83 C11 784058	91 C12 784066
84 D11 784059	92 D12 784067
85 E11 784060	93 E12 784068
86 F11 784061	94 F12 784069
87 G11 784062	95 G12 784070
88 H11 784063	96 H12 HPC3

APR 4/12/10

MA

OMEGA LABORATORY

HAIR THC-COOH SCREENING ASSAY MONITOR

MONTH: April 2010

Hair THC-COOH Assay Lot #: 18809

New Lot #/Date/Batch of Change: 1001273A 10/16/04/001

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
040910A	2.032	1.7495	1.478	1.0235	BS	OK
040910B	2.2805	1.8705	1.5135	1.0735	BS	OK
040910C	2.471	1.977	1.647	1.109	BS	OK
040910D	1.849	1.569	1.23	0.8485	BS	OK
040910E	1.742	1.5955	1.3695	0.9695	BS	OK
040910F	1.9645	1.687	1.42	0.9785	BS	OK
040910G	2.2415	1.782	1.612	1.165	BS	OK
040810I	1.988	1.807	1.4705	1.2095	BS	OK
040910H	2.1265	1.681	1.516	1.0845	BS	OK
040910J	2.141	1.804	1.507	1.0515	BS	OK
040910K	2.1195	1.825	1.4525	1.0855	BS	OK
041210A	2.441	2.08	1.977	1.5725	BS	OK
041210B	2.5695	2.3055	2.093	1.741	BS	OK
041210C	2.3845	2.161	1.957	1.49	BS	OK
041210D	2.4605	2.377	2.1135	1.743	BS	OK
041210E	2.2645	2.0515	1.835	1.459	BS	OK
041210F	2.0555	1.8575	1.721	1.31	BS	OK
041210G	2.4025	2.041	1.7675	1.3065	BS	OK
041210H	2.1825	1.8885	1.613	1.201	BS	OK
041210I	2.4205	2.039	1.816	1.2675	BS	OK
041310A	2.2205	1.9325	1.4325	1.203	BS	OK
041310B	1.7855	1.689	1.2495	0.9995	BS	OK
041310C	2.4375	2.114	1.721	1.301	BS	OK
041310D	2.587	2.1975	1.874	1.394	BS	OK
041310E	2.261	1.955	1.65	1.249	BS	OK

Responsible Person Review/Date: [Signature]

Omega Laboratories, Inc.

THC-COOH Screening Assay Monitor

MAY 08 2010

OMEGA LABORATORY

HAIR COCAINE SCREENING ASSAY MONITOR

MONTH: APRIL 2010

Hair Cocaine Assay Lot #: 100118F

New Lot #/Date/Batch of Change: 100322F / 4/13/10 / 041310A

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
040810J	3.3765	2.264	1.704	1.1045	SB	✓
040910A	2.486	1.5065	1.077	0.678	SB	✓
040910B	2.39	1.2935	0.879	0.550	SB	✓
040910C	2.12	1.3165	0.9305	0.1005	SB	✓
040910D	2.2595	1.419	0.9525	0.6505	SB	✓
040910E	2.083	1.2515	0.8515	0.5275	SB	✓
040910F	2.758	1.713	1.21	0.791	SB	✓
040910G	2.7105	1.7395	1.2395	0.8115	SB	✓
040810I	2.8265	1.7155	1.1895	0.86	SB	✓
040910H	3.277	2.086	1.389	0.885	SB	✓
040910I	1.959	1.2335	0.904	0.5655	SB	✓
040910J	2.289	1.4085	0.7815	0.591	SB	✓
041210A	2.4895	1.5545	1.1515	0.1041	SB	✓
041210B	3.2345	2.1195	1.5185	1.018	SB	✓
041210C	2.765	1.8705	1.238	0.7785	SB	✓
041210D	2.754	1.766	1.209	0.779	SB	✓
041210E	2.2295	1.444	0.9565	0.4325	SB	✓
041210F	2.802	1.79	1.277	0.751	SB	✓
041210G	1.2685	0.741	0.5065	0.307	SB	✓
041210H	1.205	0.697	0.481	0.327	SB	✓
041210I	2.7345	1.632	1.2135	0.8005	SB	✓
041310A	1.0715	0.6575	0.4495	0.28	SB	✓
041310B	1.1505	0.6655	0.4665	0.308	SB	✓
041310C	2.3715	1.343	1	0.6555	SB	✓
041310D	3.2255	1.978	1.3585	0.938	SB	✓

Responsible Person Review/Date: _____

MAY 06 2010

Omega Laboratories, Inc.

Cocaine Screening Assay Monitor

Form 51 - REV 08.09

OMEGA LABORATORY

HAIR AMPHETAMINES SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Amphetamine Assay Lot #: 0912143A

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
040910A	2.1745	0.8805	0.629	0.4505	BB	OK
040910B	1.734	0.1685	0.472	0.343	BB	OK
040910C	1.797	1.755	0.5045	0.3955	BB	OK
040910D	1.907	0.7665	0.574	0.425	BB	OK
040910E	1.524	0.606	0.4405	0.335	BB	OK
040910F	2.248	0.9315	0.672	0.479	BB	OK
040910G	2.386	1.016	0.747	0.547	BB	OK
040810I	2.737	1.2005	0.851	0.606	BB	OK
040710H	2.3855	0.964	0.683	0.4745	BB	OK
040910J	1.5935	0.16475	0.4965	0.354	BB	OK
040910J	1.895	1.296	0.7845	0.412	BB	OK
041210A	2.4305	1.055	0.753	0.515	BB	OK
041210B	2.278	0.9485	0.6945	0.4945	BB	OK
041210C	1.996	0.9085	0.6575	0.473	BB	OK
041210D	2.2985	0.967	0.6935	0.487	BB	OK
041210E	2.2505	0.958	0.704	0.4855	BB	OK
041210F	2.42	1.153	0.81	0.578	BB	OK
041210G	1.9735	0.843	0.625	0.4285	BB	OK
041210H	1.9225	0.751	0.5795	0.4415	BB	OK
041210I	2.1265	0.893	0.641	0.457	BB	OK
041310A	1.5525	0.621	0.555	0.3445	BB	OK
041310B	1.7115	0.725	0.544	0.4065	BB	OK
041310C	1.827	0.6365	0.4655	0.3245	BB	OK
041310D	2.253	0.956	0.723	0.5185	BB	OK
041310E	2.474	0.9015	0.6765	0.4945	BB	OK

Responsible Person Review/Date: _____

MAY 06 2010

Omega Laboratories, Inc.

Amphetamines Screening Assay Monitor

Form 50 - REV 08.09

OMEGA LABORATORY

HAIR OPIATES SCREENING ASSAY MONITOR

MONTH: April 2010

Hair Opiates Assay Lot #: _____

New Lot #/Date/Batch of Change: 0908173P

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
040910 A	1.798	0.9875	0.6755	0.428	BB	✓
040910 B	2.2475	1.39	0.8975	0.558	BB	✓
040910 C	1.937	1.1775	0.8055	0.5245	BB	✓
040910 D	1.842	1.0075	0.682	0.4295	BB	✓
040910 E	1.5905	0.9015	0.6205	0.7325	BB	✓
040910 F	2.18	1.2325	0.915	0.5735	BB	✓
040910 G	1.578	1.0075	0.7005	0.4495	BB	✓
040810 I	2.737					
040810 I	2.237	1.353	0.9335	0.5555	BB	✓
040910 H	1.677	0.9605	0.7465	0.4915	BB	✓
040910 E	1.575	0.8855	0.619	0.385	BB	✓
040910 J	2.0895	1.7055	1.075	0.6515	BB	✓
041210 A	2.3805	1.4535	0.9755	0.582	BB	✓
041210 B	2.571	1.5485	1.077	0.6325	BB	✓
041210 C	2.3855	1.4005	0.978	0.582	BB	✓
041210 D	2.1345	1.309	0.96	0.5805	BB	✓
041210 E	2.3515	1.414	0.9375	0.5895	BB	✓
041210 F	2.6135	1.4365	1.1605	0.733	BB	✓
041210 G	2.04	1.2075	0.88	0.5485	BB	✓
041210 H	2.101	1.08	0.7375	0.536	BB	✓
041210 I	2.3135	1.185	0.8075	0.5445	BB	✓
041310 A	1.93	1.1615	0.785	0.533	BB	✓
041310 B	2.2605	1.103	0.748	0.4655	BB	✓
041310 C	1.8125	0.898	0.598	0.3675	BB	✓
041310 D	2.324	1.1585	0.825	0.5225	BB	✓

Responsible Person Review/Date: _____

Patricia [Signature]

HAIR PHENCYCLIDINE SCREENING ASSAY MONITOR

MONTH: April 2010Hair Phencyclidine Assay Lot #: 1002051

New Lot #/Date/Batch of Change: _____

New Lot #/Date/Batch of Change: _____

Batch #	NEG	Nctrl	CUTOFF	Pctrl	Analyst	CS INIT
240910A	2.0575	0.9455	0.671	0.4515	BB	OK
240910B	2.194	1.047	0.715	0.493	BB	OK
240910C	2.134	0.991	0.75	0.499	BB	OK
240910D	2.239	1.0775	0.7695	0.522	BB	OK
240910E	2.082	0.9405	0.7385	0.572	BB	OK
240910F	2.505	1.21	0.8545	0.574	SB	OK
240910G	2.236	1.1725	0.8485	0.6295	SB	OK
~~40810I~~	~~2.237~~	~~1.353~~	~~0.9335~~	~~0.5555~~	~~BB~~	~~OK~~
240810I	2.393	1.168	0.851	0.584	BB	OK
240910H	2.412	1.1225	0.807	0.527	SB	OK
240910I	2.2655	1.1215	0.794	0.5875	BB	OK
0409J	2.211	1.6275	0.708	0.4935	BB	OK
241210A	2.3995	1.038	0.734	0.4835	BB	OK
241210B	2.4605	1.1535	0.8565	0.584	SB	OK
241210C	2.368	1.198	0.926	0.638	BB	OK
241210D	2.2005	1.0022	0.768	0.526	BB	OK
041210E	2.3905	1.185	0.848	0.662	BB	OK
041210F	2.565	1.261	0.8815	0.587	SB	OK
041210G	2.169	1.0055	0.7404	0.524	BB	OK
041210H	2.05	0.9475	0.6795	0.44	BB	OK
041210I	2.2485	1.0765	0.7915	0.5995	BB	OK
041310A	2.1155	0.957	0.7115	0.515	BB	OK
041310B	2.0705	0.915	0.6795	0.467	BB	OK
041310C	2.2355	1.006	0.7545	0.595	BB	OK
041310D	2.403	1.1395	0.81	0.546	BB	OK

Responsible Person Review/Date: [Signature]MAY 08 2010
Form 53 - REV 08.09

Omega Laboratories, Inc.

PCP Screening Assay Monitor

OMEGA LABORATORIES, INC.

Initial Test Blind Control Log, Data Review, and Certification Document

Date	Home Tray Batch	Accessioner Initials	LAN	Pool #	Expected Result	Obtained Result	CS Initial and Date
4/12/10	041210C	HH		2	POS	Positive Cocaine	HH 4/12/10

This document is initiated by the accessioning individual(s) designating the blind quality control material to be used for each initial testing home tray batch. The negative certifying scientist for each batch initials and dates this log.

Pool Identity (Refer to QA/QC section of the SOPM): 1 = Negative, 2 = BE (600 ng/ml), 3 = Codeine/Morphine (600 ng/ml), 4 = PCP (432 ng/ml), 5 = Amphetamine/Methamphetamine (432 ng/ml)

Reviewed ICOC for batch listed above and reviewed batch according to SOPM

Comments:

Certifying Scientist Review/Date:

 4/12/10

OMEGA LABORATORIES, INC

HAIR INTERNAL SPECIMEN BATCH CHAIN OF CUSTODY CONTINUATION DOCUMENT

Specimen Home Tray Batch Number: C41210abcdef

Sample Type: ☒ Original ☐ Retest(GC/MS only) ☐ 2nd Aliquot ☐ Other _____

Batch Test Results:

☐ Amphetamines ☐ Coc/BE ☒ THCA ☐ Opiates ☐ PCP ☐ Extended Opiates

SPECIMEN(S) ALIQUOTTED

HAIR CONFIRMATION BATCH ALIQUOT ICOC

DATE	RELEASED BY	RECEIVED BY	PURPOSE
4-13-10	Accessioning STORAGE (TS)		☒ Removed batch aliquot from accessioning TS Other: _____
4-13-10		GC/MS TS	☒ Aliquot(s) transferred to pending GC/MS TS Other: _____
4-13-10	GC/MS TS		☐ Sample verification ☐ Returned to GC/MS TS
4-13-10	GC/MS TS		☒ Perform GC/MS extraction Other: _____
4-13-10	GC/MS TS		☒ ALS vials placed in GC autosampler Other: <u>ALS 783813-784045</u>
4-14-10	GC/MS # <u>6</u>		☐ ALS vials verified Other: _____
4-14-10	GC/MS # <u>6</u>		☐ ALS vials discarded Other: _____

POSITIVE CERTIFYING SCIENTIST REVIEW/DATE: [Signature] APR 14 2010

OMEGA LABORATORIES, INC.
GC/MS DATA REVIEW AND CERTIFICATION DOCUMENT

THCA (pg/mg)

GC/MS Batch Number: 2010-4-13-1558.6 Instrument #: 6

Calibrator (pg/mg): 2.50

1 pg/mg Control: 1.08

5 pg/mg Control: 4.91

Upper Limit of Linearity (ULOL) (pg/mg): 1.92

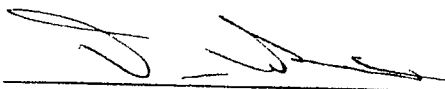
Extracted Control (pg/mg): 1.69

Primary Data Review

Reviewed batch according to SOPM

Additional steps taken to produce acceptable data (calibrator re-injection, reprocessing, etc.):

Data Reviewer's Signature/Date:

 4-14-10

Certification Review

Reviewed batch according to SOPM

Comments:

Positive Certifying Scientist Review/Date:

 APR 14 2010

784045	Hair 5 Drug Panel	~	22	~
784046	Hair 5 Drug Panel	~	23	~
784059	Hair 5 Drug Panel	1.00/16.70-1.25	16	1.25
784065	Hair 5 Drug Panel	1.37/21.70-1.30	21	1.30

Batch 041210c

4/12/2010 3:08:20 PM

Internal Data Review/Date: _____

Confirmation Data Review/Date: 29.14.10

for APR 14 2010

111

Sequence Name: C:\MSDCHEM\1\SEQUENCE\THCA.S

Comment:

Operator: lmv

Data Path: D:\

Instrument Control Pre-Seq Cmd:

Data Analysis Pre-Seq Cmd:

Instrument Control Post-Seq Cmd:

Data Analysis Post-Seq Cmd:

Method Sections To Run

On A Barcode Mismatch

(X) Full Method

(X) Inject Anyway

() Reprocessing Only

() Don't Inject

Line	Sample Name/Misc Info
1) Specimen 1	----- THCA Test Mix
2) Calibrator 2	----- THCA 2.5 pg
3) Specimen 3	----- THCA 1 pg
4) Specimen 4	----- THCA 5 pg
5) Specimen 5	----- THCA negative
6) Specimen 6	----- THCA lan# 774655
7) Specimen 7	----- THCA lan# 778456
8) Specimen 8	----- THCA lan# 783813
9) Specimen 9	----- THCA lan# 783814
10) Specimen 10	----- THCA lan# 783818
11) Specimen 11	----- THCA lan# 783827
12) Specimen 12	----- THCA lan# 783845
13) Specimen 13	----- THCA negative
14) Specimen 14	----- THCA lan# 783847
15) Specimen 15	----- THCA lan# 783853
16) Specimen 16	----- THCA lan# 783860
17) Specimen 17	----- THCA lan# 783861
18) Specimen 18	----- THCA lan# 783868
19) Specimen 19	----- THCA lan# 783869
20) Specimen 20	----- THCA lan# 783870
21) Specimen 21	----- THCA lan# 783874
22) Specimen 22	----- THCA lan# 783881
23) Specimen 23	----- THCA lan# 783882
24) Specimen 24	----- THCA lan# 783884
25) Specimen 25	----- THCA negative
26) Specimen 26	----- THCA lan# 783886
27) Specimen 27	----- THCA lan# 783887
28) Specimen 28	----- THCA lan# 783888
29) Specimen 29	----- THCA lan# 783893
30) Specimen 30	----- THCA lan# 783898
31) Specimen 31	----- THCA lan# 783899
32) Specimen 32	----- THCA lan# 783900
33) Specimen 33	----- THCA lan# 783903
34) Specimen 34	----- THCA lan# 783906
35) Specimen 35	----- THCA lan# 783908
36) Specimen 36	----- THCA lan# 783915
37) Specimen 37	----- THCA negative
38) Specimen 38	----- THCA lan# 783925
39) Specimen 39	----- THCA lan# 783926
40) Specimen 40	----- THCA lan# 783927
41) Specimen 41	----- THCA lan# 783928
42) Specimen 42	----- THCA lan# 783941
43) Specimen 43	----- THCA lan# 783950

Last Modified: Tue Apr 13 15:56:46 2010

Page: 1

Line	Type	Vial	DataFile	Method	Sample Name
44)	Specimen	44	-----	THCA	lan# 783951
45)	Specimen	45	-----	THCA	lan# 783955
46)	Specimen	46	-----	THCA	lan# 783959
47)	Specimen	47	-----	THCA	lan# 783960
48)	Specimen	48	-----	THCA	lan# 783961
49)	Specimen	49	-----	THCA	negative
50)	Specimen	50	-----	THCA	lan# 783964
51)	Specimen	51	-----	THCA	lan# 783965
52)	Specimen	52	-----	THCA	lan# 783966
53)	Specimen	53	-----	THCA	lan# 783974
54)	Specimen	54	-----	THCA	lan# 783978
55)	Specimen	55	-----	THCA	lan# 783989
56)	Specimen	56	-----	THCA	lan# 783991
57)	Specimen	57	-----	THCA	lan# 783994
58)	Specimen	58	-----	THCA	lan# 783995
59)	Specimen	59	-----	THCA	lan# 784003
60)	Specimen	60	-----	THCA	lan# 784006
61)	Specimen	61	-----	THCA	negative
62)	Specimen	62	-----	THCA	lan# 784012
63)	Specimen	63	-----	THCA	lan# 784015
64)	Specimen	64	-----	THCA	lan# 784016
65)	Specimen	65	-----	THCA	lan# 784025
66)	Specimen	66	-----	THCA	lan# 784036
67)	Specimen	67	-----	THCA	lan# 784038
68)	Specimen	68	-----	THCA	lan# 784042
69)	Specimen	69	-----	THCA	lan# 784044
70)	Specimen	70	-----	THCA	lan# 784045
71)	Specimen	71	-----	THCA	lan# 784046
72)	Specimen	72	-----	THCA	lan# 784059
73)	Specimen	73	-----	THCA	negative
74)	Specimen	74	-----	THCA	lan# 784065
75)	Specimen	75	-----	THCA	080309 qc
76)	Specimen	76	-----	THCA	ulol

Last Modified: Tue Apr 13 15:56:46 2010

Page: 2

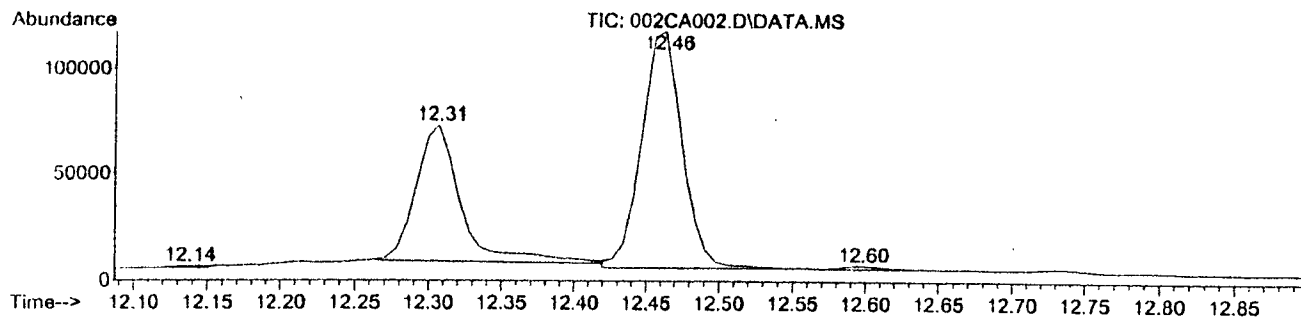
Data File : D:\2010-04-13-1558.b\002CA002.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
Sample Name : 2.5 pg
Acquisition date : 13 Apr 2010 4:26 pm

Retention Time 12.48 THCA +/- 0.50min = 11.98 - 12.98 min
Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
Unknown target ion / ISTD target ion = 0.203

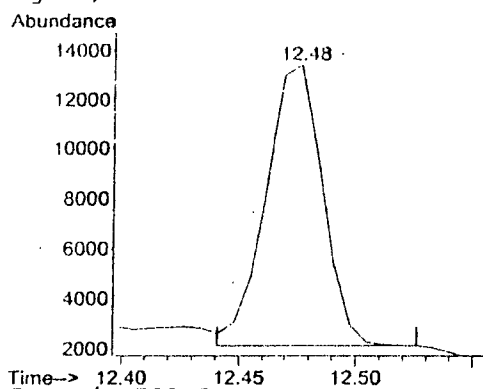
THCA => 590.2 = 18824 591.2 = 5826
THCA-d3 => 593.2 = 92836 425.2 = 78780

THCA => 591.2/590.2 = 30.9 +/- 25.0% rel = 23.2 - 38.6
THCA-d3 => 425.2/593.2 = 84.9 +/- 25.0% rel = 63.7 - 106.1

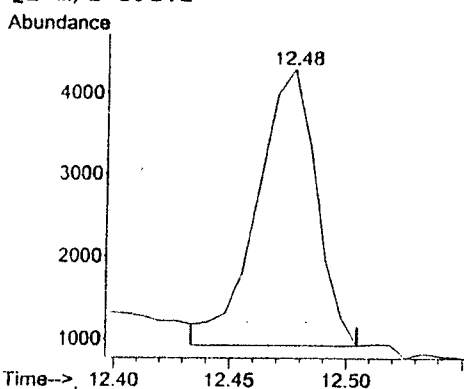
Concentration = 2.50 CALIBRATOR



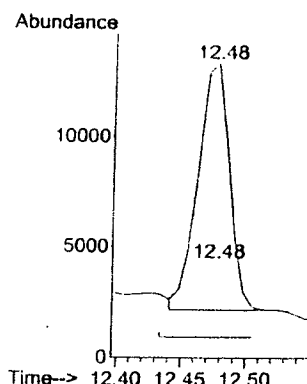
Tgt m/z 590.2



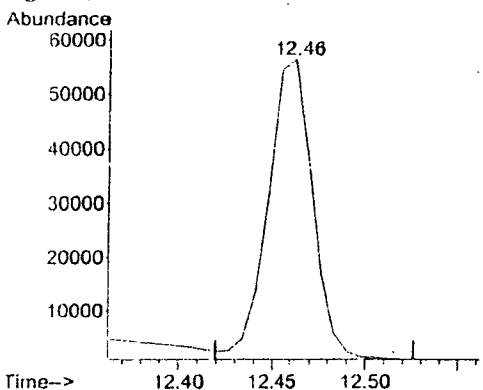
Q1 m/z 591.2



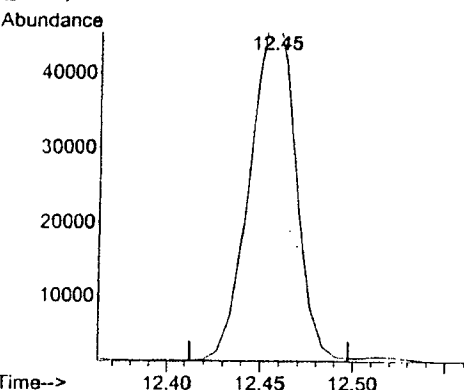
THCA



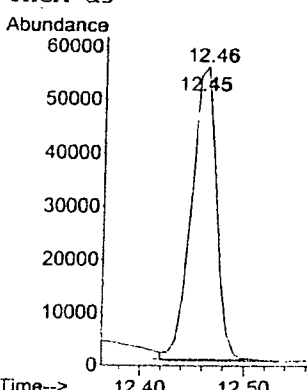
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

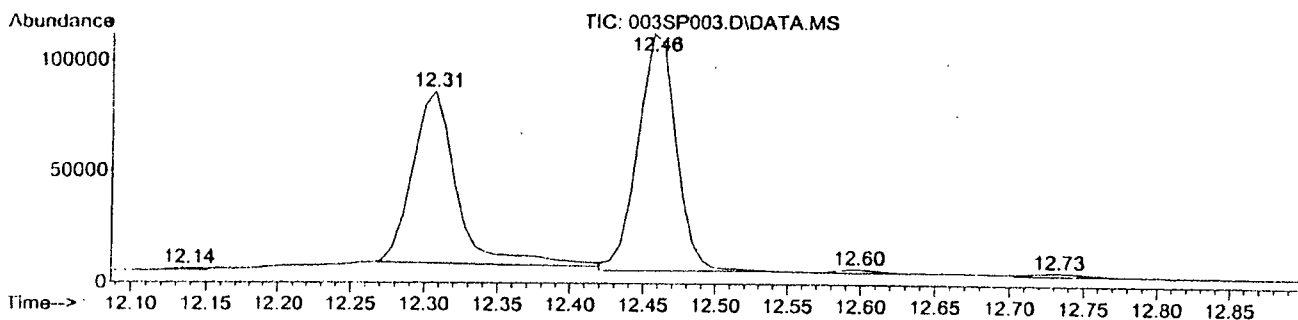
Data File : D:\2010-04-13-1558.b\003SP003.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
Sample Name : 1 pg
Acquisition date : 13 Apr 2010 4:41 pm

Retention Time 12.48 THCA +/- 0.50min = 11.98 - 12.98 min
Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
Unknown target ion / ISTD target ion = 0.088

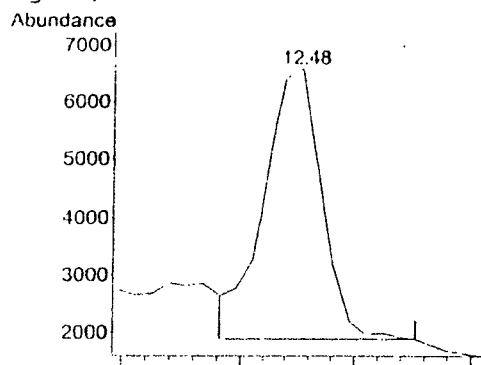
THCA => 590.2 = 8182 591.2 = 2515
THCA-d3 => 593.2 = 93046 425.2 = 79227

THCA => 591.2/590.2 = 30.7 +/- 25.0% rel = 23.2 - 38.6
THCA-d3 => 425.2/593.2 = 85.1 +/- 25.0% rel = 63.7 - 106.1

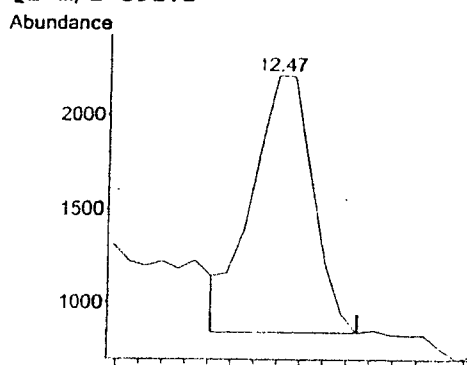
Concentration = 1.08 ** THCA DETECTED **



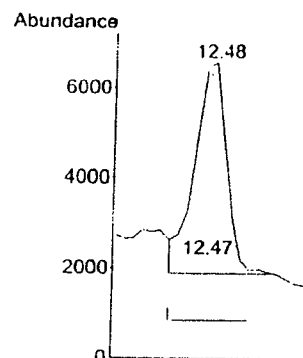
Tgt m/z 590.2



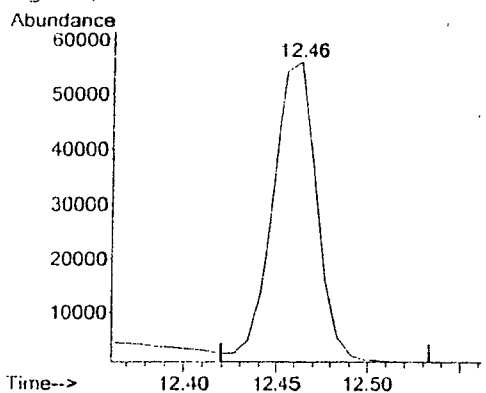
Q1 m/z 591.2



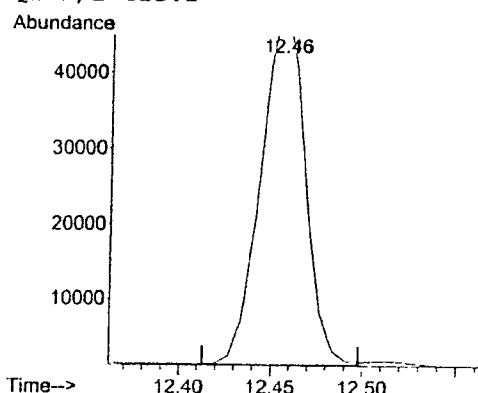
THCA



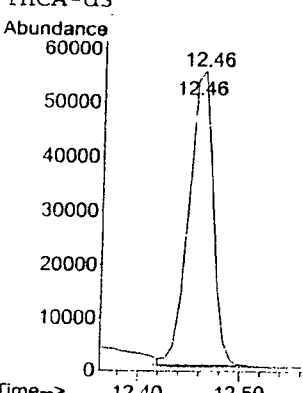
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

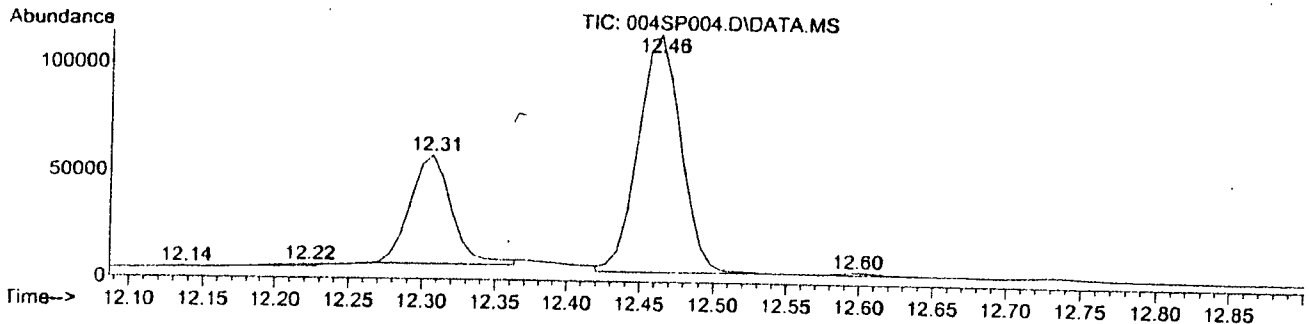
Data File : D:\2010-04-13-1558.b\004SP004.D
 Tune File Name : C:\msdchem\1\5975\NCI100209.U
 Tune Date : 26 Jan 2010 10:38 am Mult : 1
 Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
 Sample Name : 5 pg
 Acquisition date : 13 Apr 2010 4:56 pm

Retention Time 12.48 THCA +/- 0.50min = 11.98 - 12.98 min
 Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
 Unknown target ion / ISTD target ion = 0.399

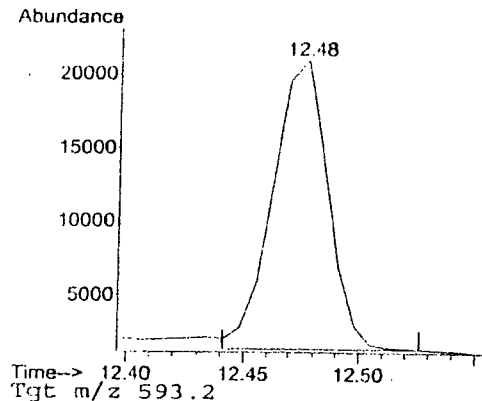
THCA => 590.2 = 32153 591.2 = 9296
 THCA-d3 => 593.2 = 80612 425.2 = 69129

THCA => 591.2/590.2 = 28.9 +/- 25.0% rel = 23.2 - 38.6
 THCA-d3 => 425.2/593.2 = 85.8 +/- 25.0% rel = 63.7 - 106.1

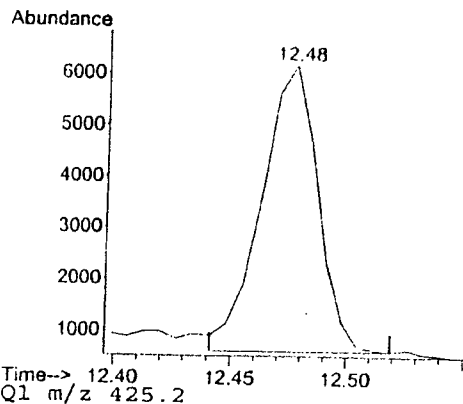
Concentration = 4.91 ** THCA DETECTED **



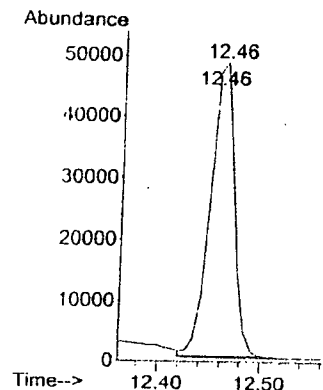
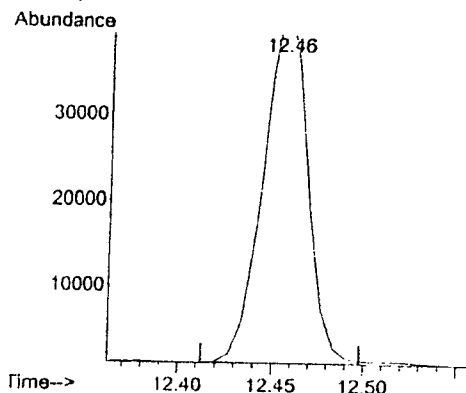
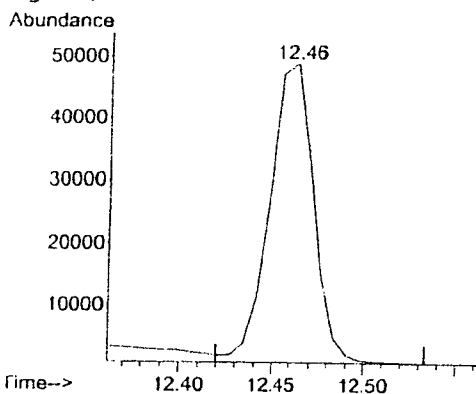
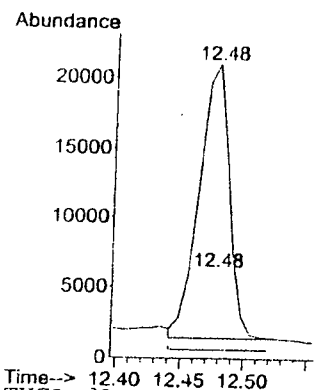
Tgt m/z 590.2



Q1 m/z 591.2



THCA



THCA : RT extraction window from 12.40 to 12.56 min
 THCA-d3 : RT extraction window from 12.36 to 12.56 min

Page 29

Printed on : 14 Apr 2010 1:13 pm

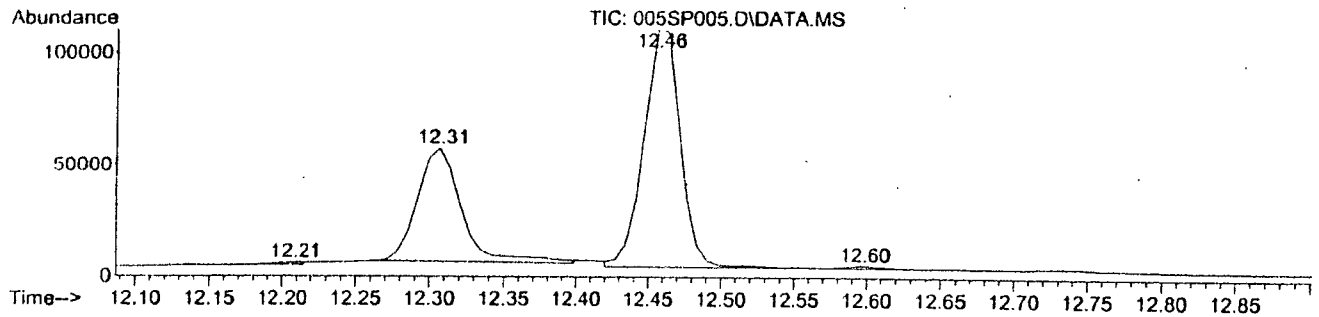
Data File : D:\2010-04-13-1558.b\005SP005.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
Sample Name : negative
Acquisition date : 13 Apr 2010 5:10 pm

Retention Time 0.00 THCA +/- 0.50min = 11.98 - 12.98 min <==
Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
Unknown target ion / ISTD target ion = 0.000

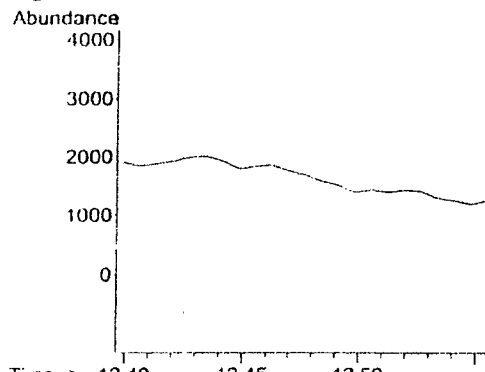
THCA => 590.2 = 0 591.2 = 0
THCA-d3 => 593.2 = 96415 425.2 = 83699

THCA => 591.2/590.2 = 0.0 +/- 25.0% rel = 23.2 - 38.6 <==
THCA-d3 => 425.2/593.2 = 86.8 +/- 25.0% rel = 63.7 - 106.1

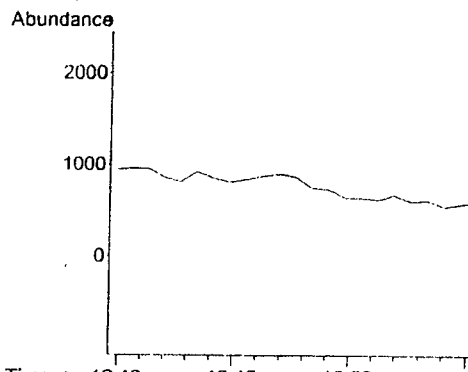
Concentration = 0.00 ** CHECK TARGET CMPD PARAMETERS **



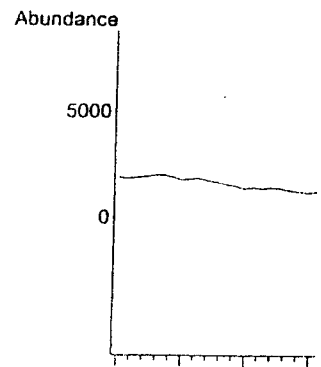
Tgt m/z 590.2



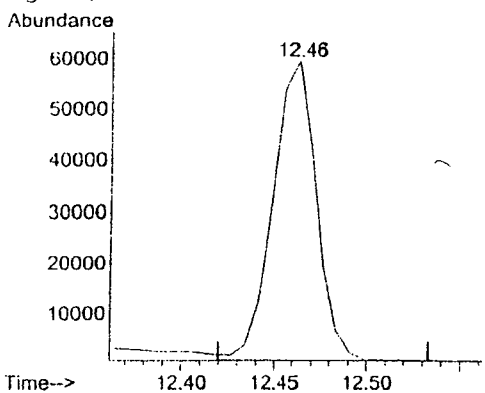
Q1 m/z 591.2



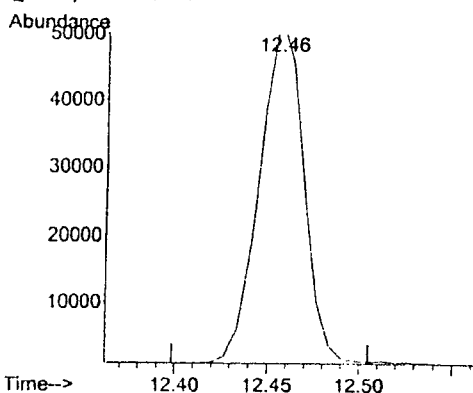
THCA



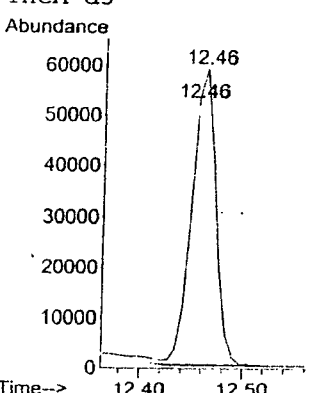
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

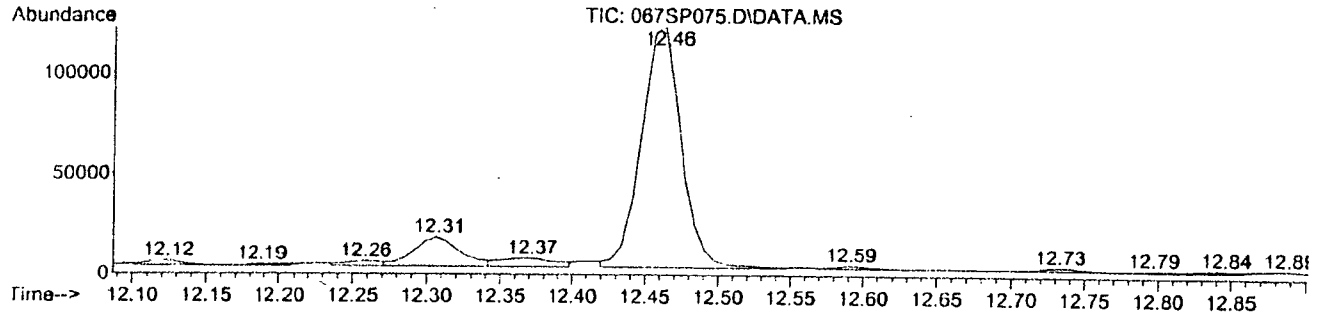
Data File : D:\2010-04-13-1558.b\067SP075.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
Sample Name : 080309 qc
Acquisition date : 14 Apr 2010 8:26 am

Retention Time 12.48 THCA +/- 0.50min = 11.98 - 12.98 min
Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
Unknown target ion / ISTD target ion = 0.138

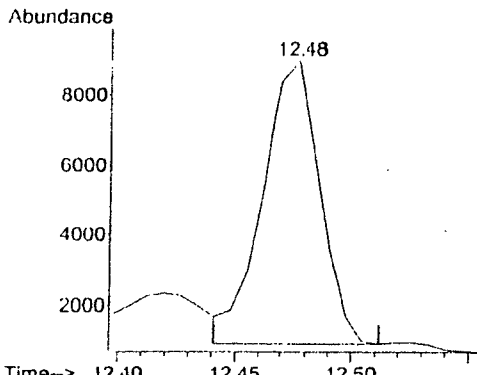
THCA => 590.2 = 13517 591.2 = 4054
THCA-d3 => 593.2 = 98197 425.2 = 87654

THCA => 591.2/590.2 = 30.0 +/- 25.0% rel = 23.2 - 38.6
THCA-d3 => 425.2/593.2 = 89.3 +/- 25.0% rel = 63.7 - 106.1

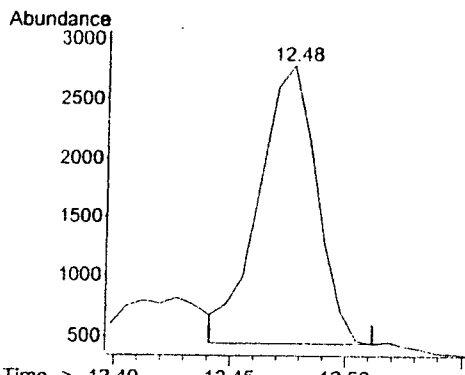
Concentration = 1.69 ** THCA DETECTED **



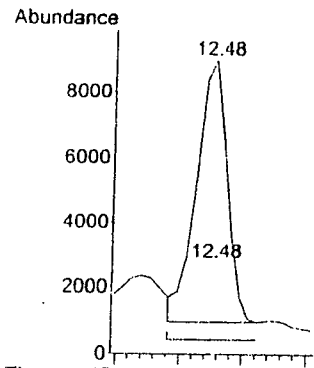
Tgt m/z 590.2



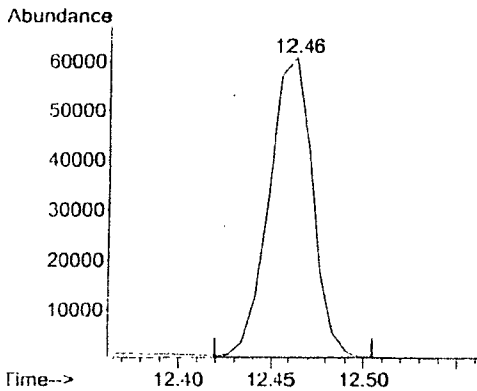
Q1 m/z 591.2



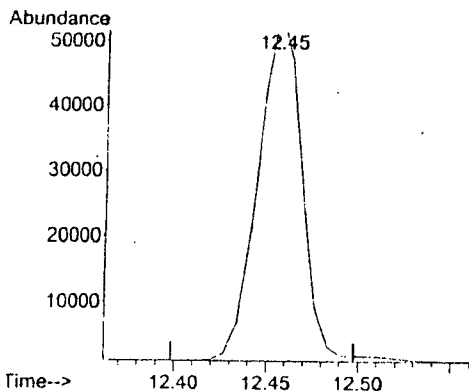
THCA



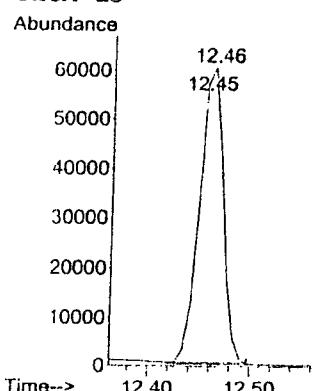
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

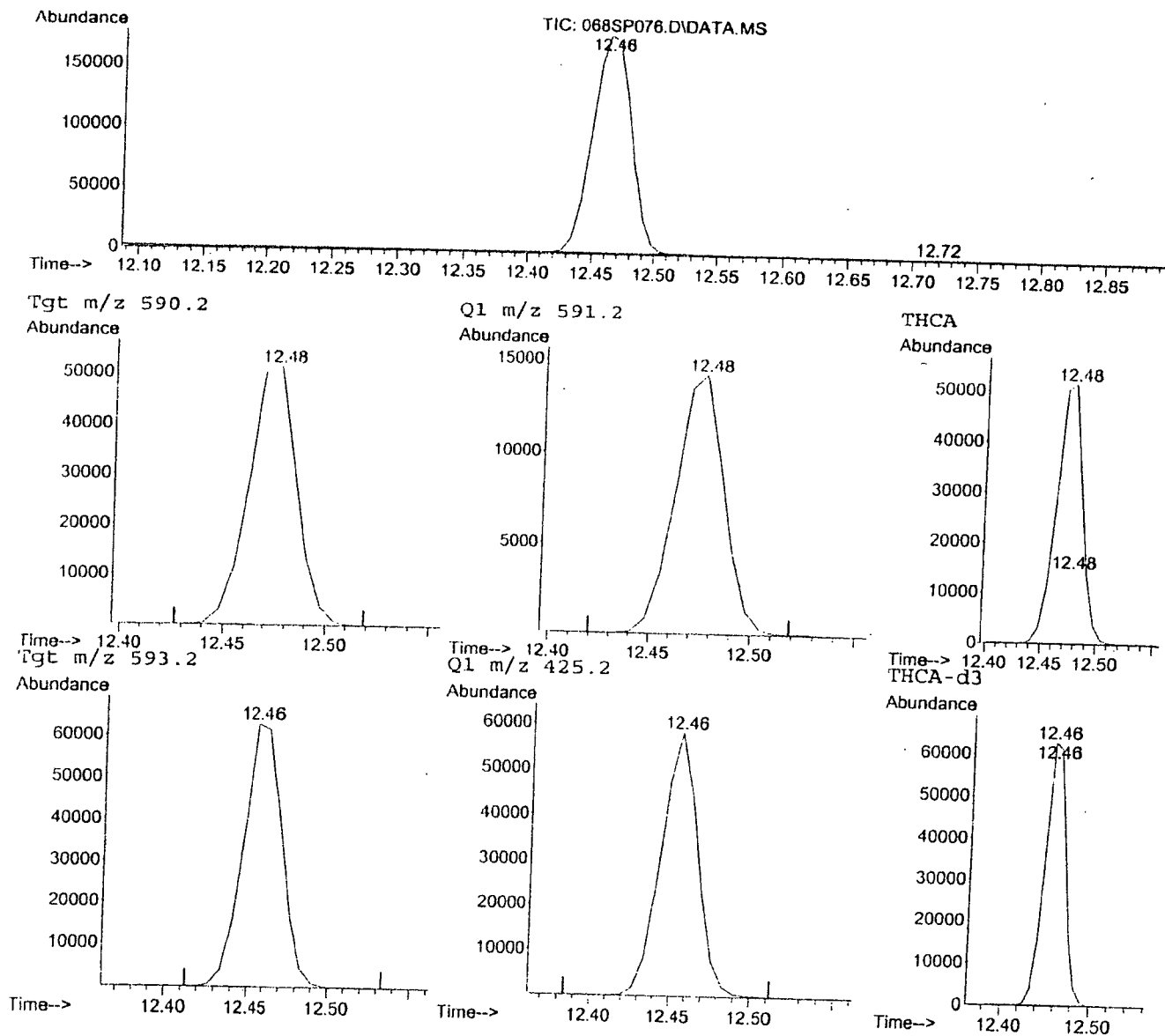
Data File : D:\2010-04-13-1558.b\068SP076.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am
Acq Method Name : THCA.M Calib date : 14 Apr 2010 1:13 pm
Sample Name : ulol
Acquisition date : 14 Apr 2010 8:40 am

Retention Time 12.48 THCA +/- 0.50min = 11.98 - 12.98 min
Retention Time 12.46 THCA-d3 +/- 0.50min = 11.96 - 12.96 min
Unknown target ion / ISTD target ion = 0.805

THCA => 590.2 = 83626 591.2 = 23501
THCA-d3 => 593.2 = 103881 425.2 = 92448

THCA => 591.2/590.2 = 28.1 +/- 25.0% rel = 23.2 - 38.6
THCA-d3 => 425.2/593.2 = 89.0 +/- 25.0% rel = 63.7 - 106.1

Concentration = 9.92 ** THCA DETECTED **



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

QUANTITATION REPORT FOR THCA ON : omega labs/GCMS #6

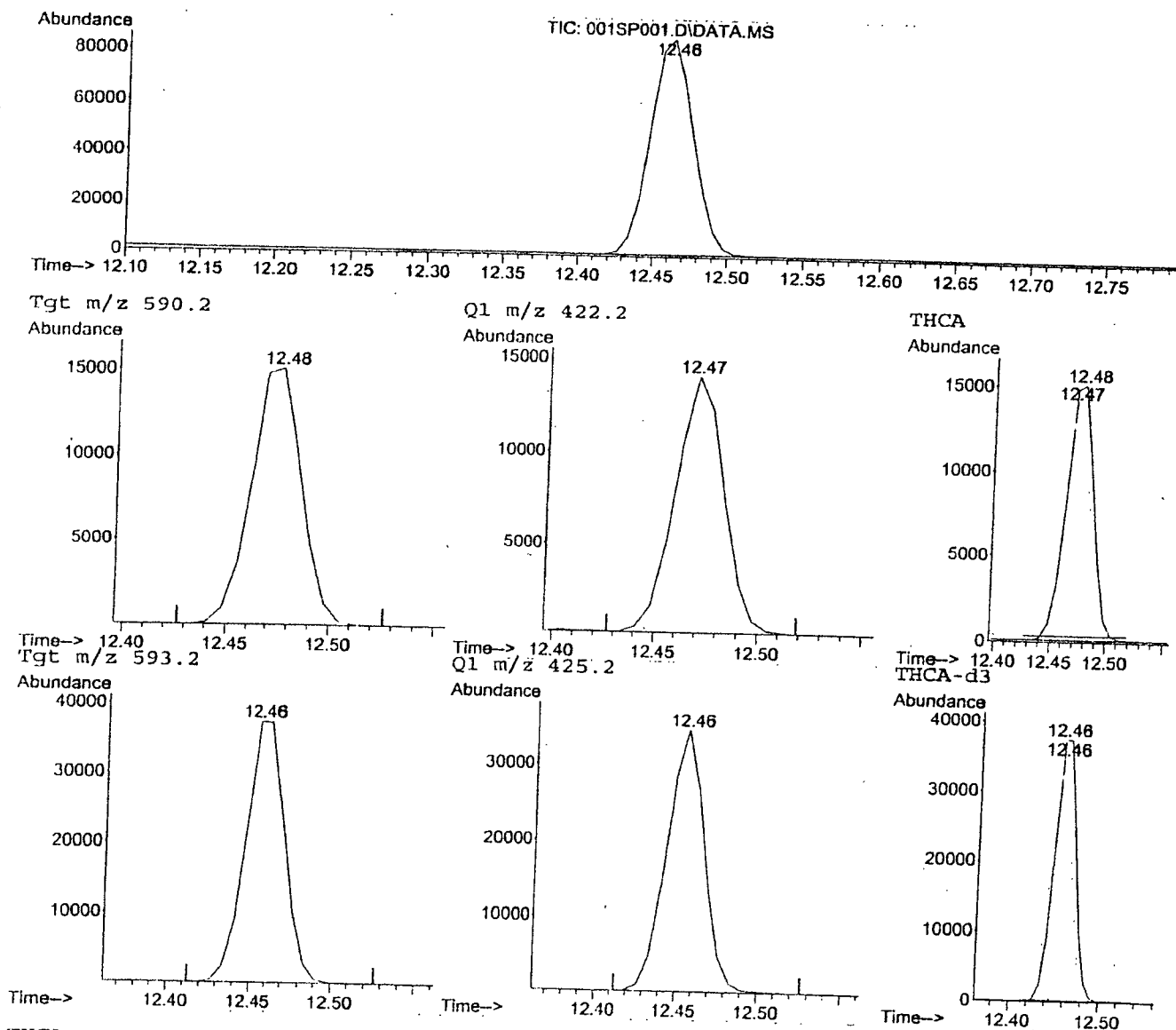
Data File : D:\2010-04-13-1558.b\001SP001.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am
Acq Method Name : THCA.M Calib date : 12 Apr 2010 5:17 pm Mult : 1
Sample Name : Test Mix
Acquisition date : 13 Apr 2010 4:12 pm

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.402

THCA => 590.2 = 25226 422.2 = 22286
THCA-d3 => 593.2 = 62784 425.2 = 54965

THCA => 422.2/590.2 = 88.3 +/- 25.0% rel = 66.6 - 111.0
THCA-d3 => 425.2/593.2 = 87.5 +/- 25.0% rel = 58.8 - 98.0

Concentration = 4.85 ** THCA DETECTED **



THCA
THCA-d3

: RT extraction window from 12.40 to 12.56 min
: RT extraction window from 12.36 to 12.56 min

QUANTITATION REPORT FOR THCA ON : omega Labs/GCMS #6

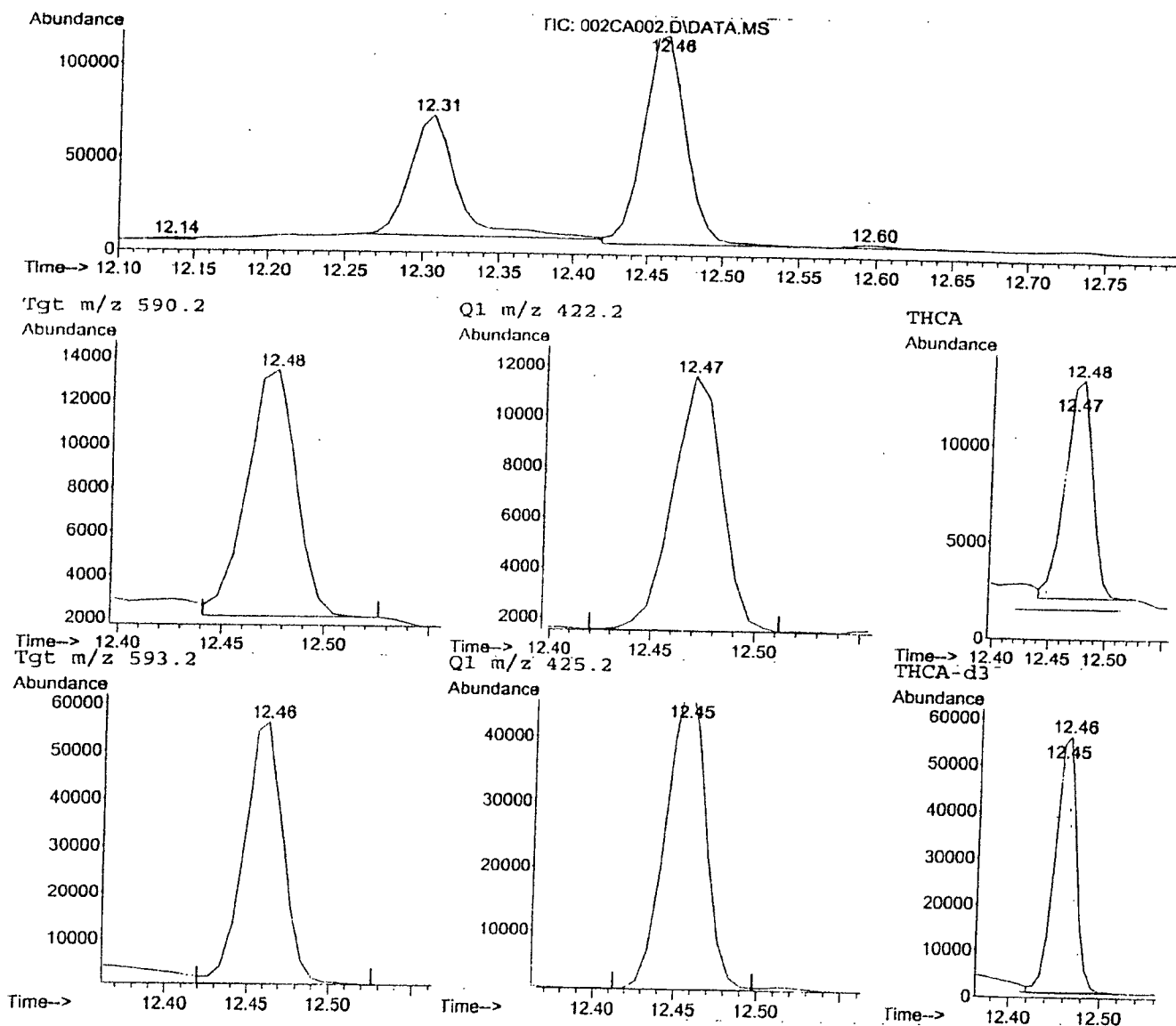
Data File : D:\2010-04-13-1558.b\002CA002.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm
Sample Name : 2.5 pg
Acquisition date : 13 Apr 2010 4:26 pm

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.203

THCA => 590.2 = 18824 422.2 = 16542
THCA-d3 => 593.2 = 92836 425.2 = 78780

THCA => 422.2/590.2 = 87.9 +/- 25.0% rel = 65.9 - 109.9
THCA-d3 => 425.2/593.2 = 84.9 +/- 25.0% rel = 63.7 - 106.1

Concentration = 2.50 CALIBRATOR



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

QUANTITATION REPORT FOR THCA ON : omega Labs/GCMS #6

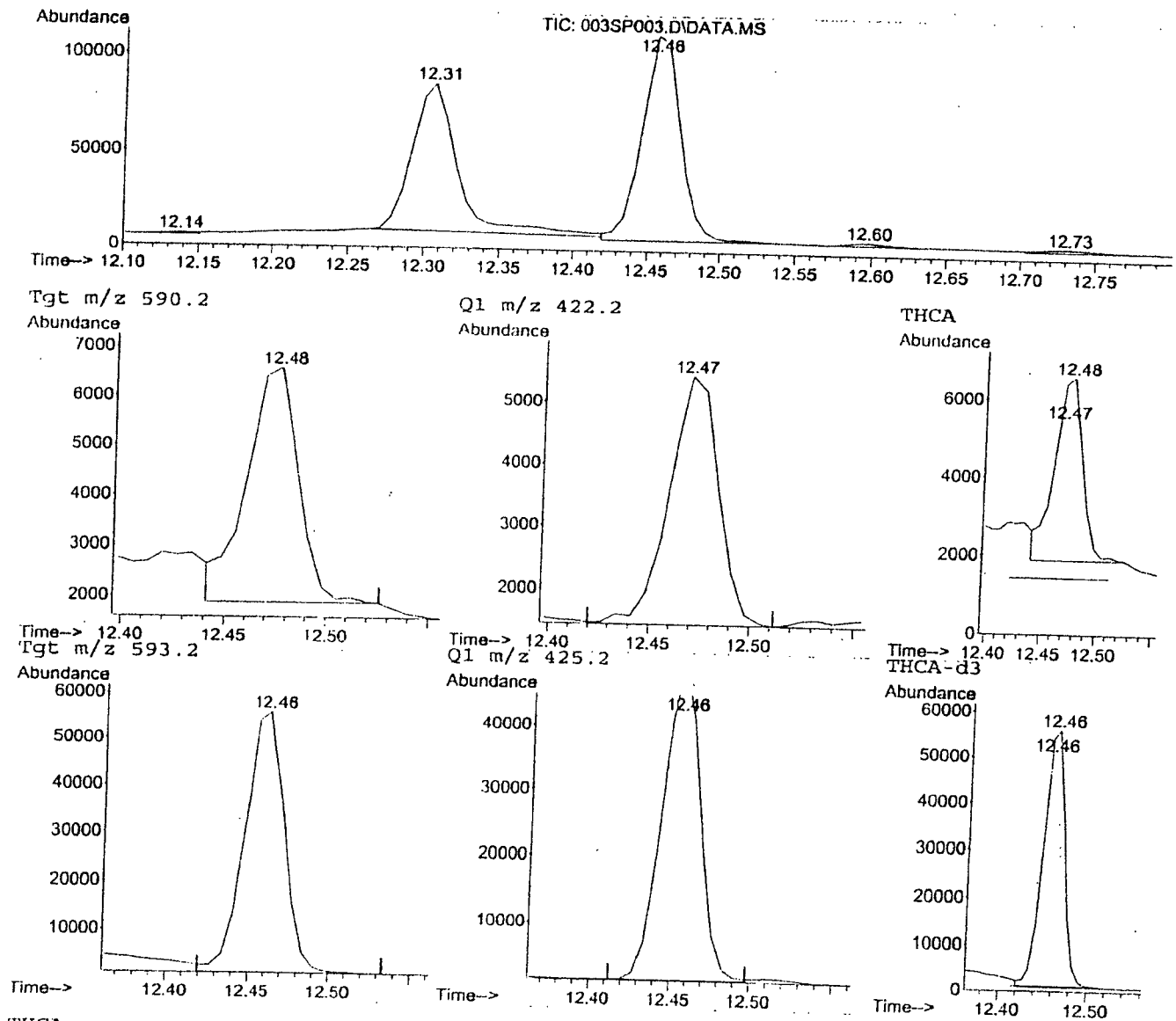
Data File : D:\2010-04-13-1558.b\003SP003.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm Mult : 1
Sample Name : 1 pg
Acquisition date : 13 Apr 2010 4:41 pm

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.088

THCA => 590.2 = 8182 422.2 = 6810
THCA-d3 => 593.2 = 93046 425.2 = 79227

THCA => 422.2/590.2 = 83.2 +/- 25.0% rel = 65.9 - 109.9
THCA-d3 => 425.2/593.2 = 85.1 +/- 25.0% rel = 63.7 - 106.1

Concentration = 1.08 ** THCA DETECTED **



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

QUANTITATION REPORT FOR THCA ON : omega labs/GCMS #6

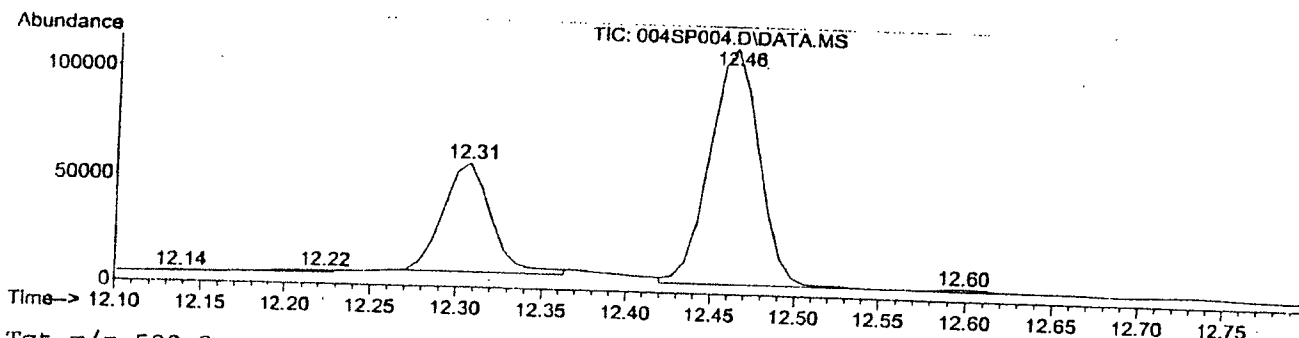
Data File : D:\2010-04-13-1558.b\004SP004.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm Mult : 1
Sample Name : 5 pg
Acquisition date : 13 Apr 2010 4:56 pm

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.399

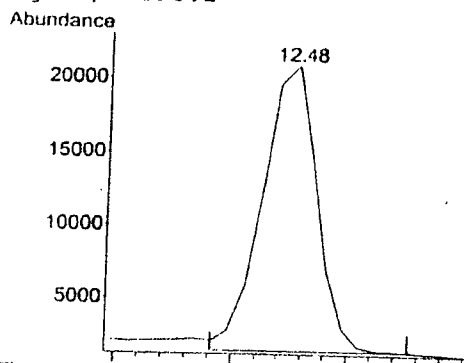
THCA => 590.2 = 32153 422.2 = 28194
THCA-d3 => 593.2 = 80612 425.2 = 69129

THCA => 422.2/590.2 = 87.7 +/- 25.0% rel = 65.9 - 109.9
THCA-d3 => 425.2/593.2 = 85.8 +/- 25.0% rel = 63.7 - 106.1

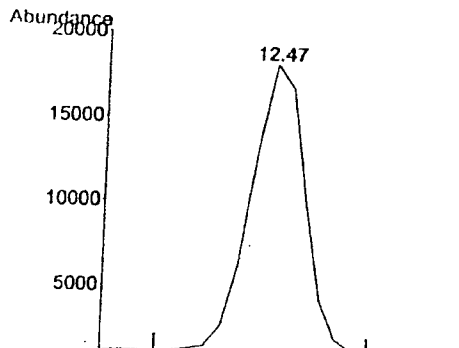
Concentration = 4.91 ** THCA DETECTED **



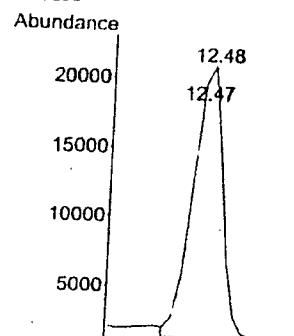
Tgt m/z 590.2



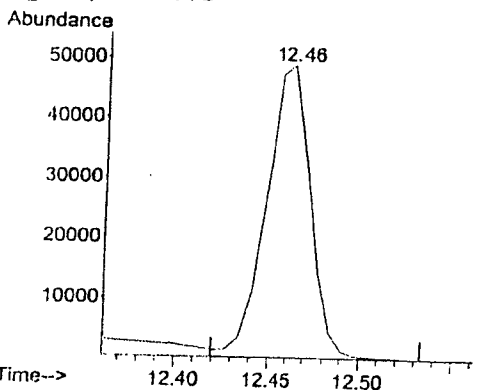
Q1 m/z 422.2



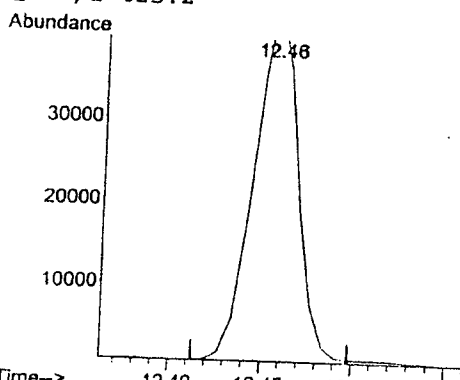
THCA



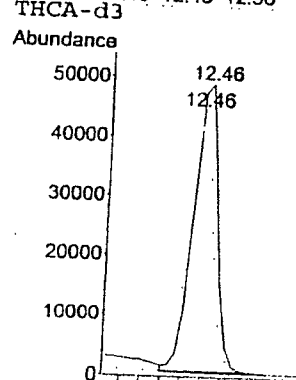
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA

THCA-d3

: RT extraction window from 12.40 to 12.56 min
: RT extraction window from 12.36 to 12.56 min

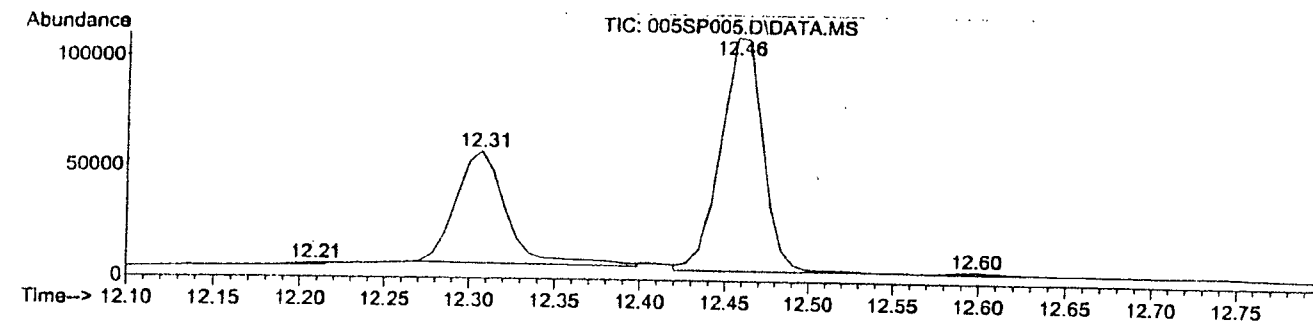
QUANTITATION REPORT FOR THCA ON : omega Labs/GCMS #6

Data File : D:\2010-04-13-1558.b\005SP005.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm
Sample Name : negative
Acquisition date : 13 Apr 2010 5:10 pm

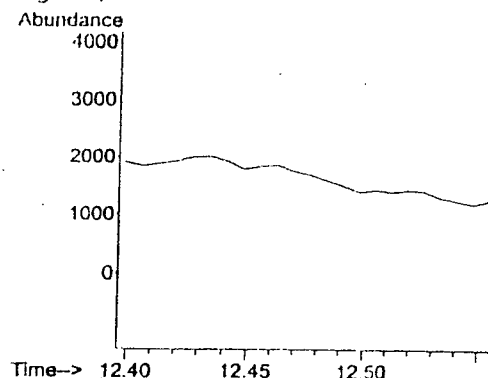
Retention Time 0.00 THCA +/- 2.00% = 12.23 - 12.73 min <==
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.000

THCA => 590.2 = 0 422.2 = 0
THCA-d3 => 593.2 = 96415 425.2 = 83699
THCA => 422.2/590.2 = 0.0 +/- 25.0% rel = 65.9 - 109.9 <==
THCA-d3 => 425.2/593.2 = 86.8 +/- 25.0% rel = 63.7 - 106.1

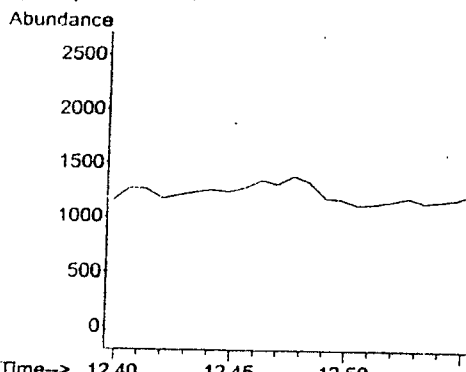
Concentration = 0.00 ** CHECK TARGET CMPD PARAMETERS **



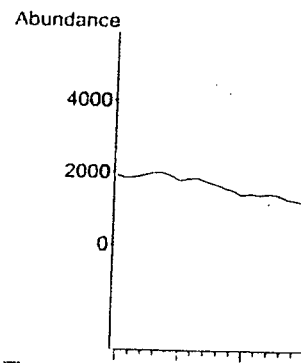
Tgt m/z 590.2



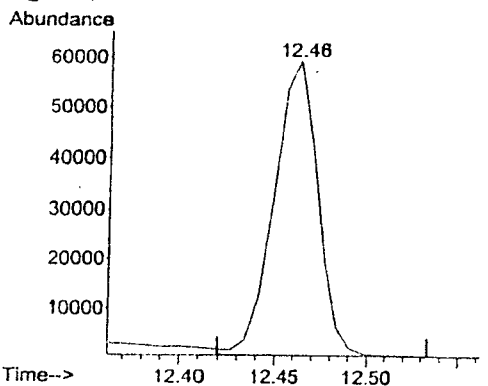
Q1 m/z 422.2



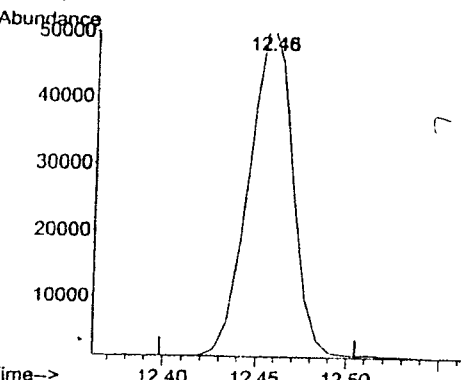
THCA



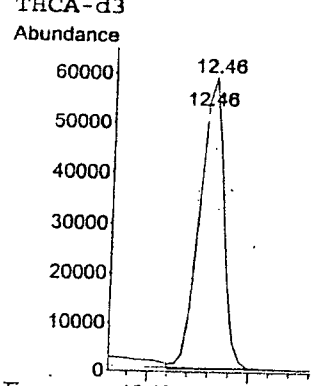
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA
THCA-d3

: RT extraction window from 12.40 to 12.56 min
: RT extraction window from 12.36 to 12.56 min

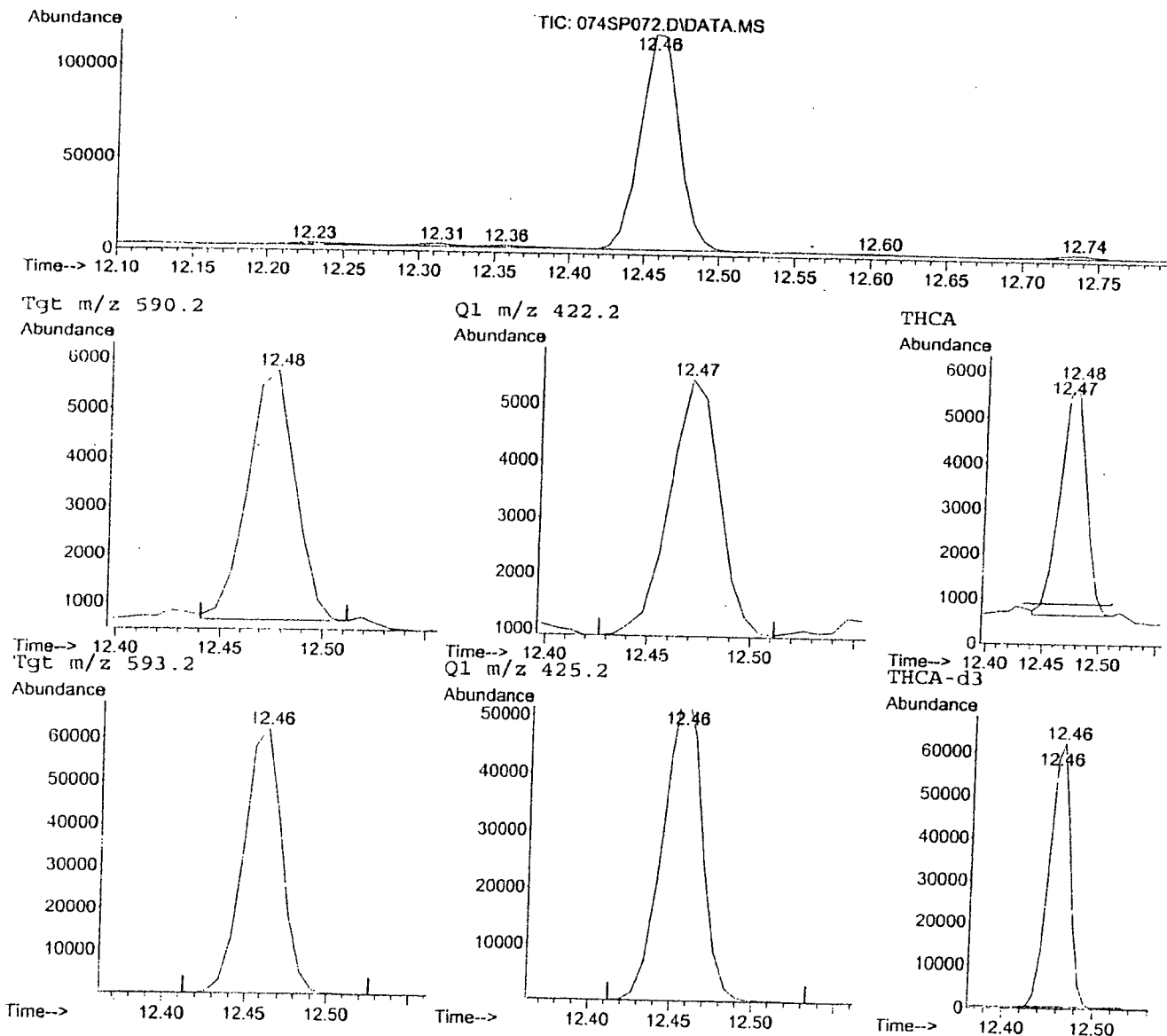
Data File : D:\2010-04-13-1558.b\074SP072.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm
Sample Name : lan# 784059
Acquisition date : 14 Apr 2010 10:09 am

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / ISTD target ion = 0.082

THCA => 590.2 = 8234 422.2 = 7707
THCA-d3 => 593.2 = 100967 425.2 = 88760

THCA => 422.2/590.2 = 93.6 +/- 25.0% rel = 65.9 - 109.9
THCA-d3 => 425.2/593.2 = 87.9 +/- 25.0% rel = 63.7 - 106.1

Concentration = 1.00 ** THCA DETECTED **



THCA : RT extraction window from 12.40 to 12.56 min
THCA-d3 : RT extraction window from 12.36 to 12.56 min

Page 75

Printed on : 14 Apr 2010 10:10 am

Data File : D:\2010-04-13-1558.b\067SP075.D
 Tune File Name : C:\msdchem\1\5975\NCI100209.U
 Tune Date : 26 Jan 2010 10:38 am
 Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm
 Sample Name : 080309 qc
 Acquisition date : 14 Apr 2010 8:26 am

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
 Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
 Unknown target ion / ISTD target ion = 0.138

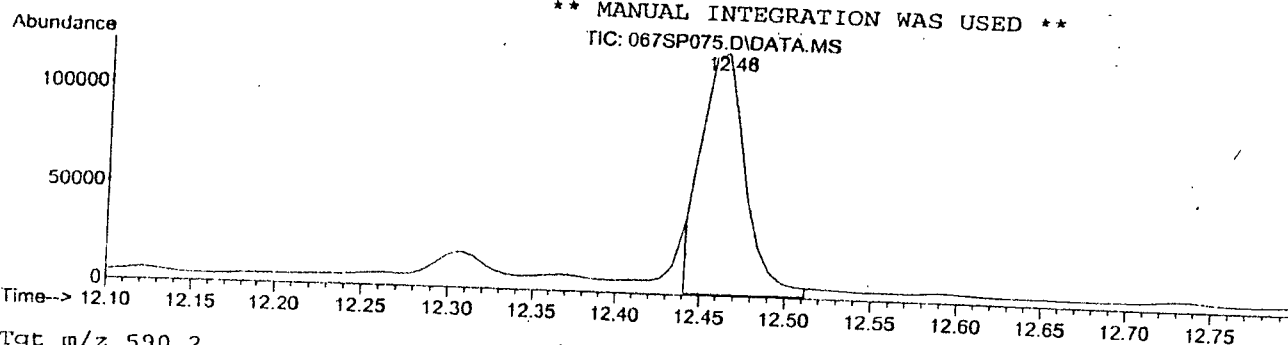
THCA => 590.2 = 13517 422.2 = 14789
 THCA-d3 => 593.2 = 98197 425.2 = 87654

THCA => 422.2/590.2 = 109.4 +/- 25.0% rel = 65.9 - 109.9
 THCA-d3 => 425.2/593.2 = 89.3 +/- 25.0% rel = 63.7 - 106.1

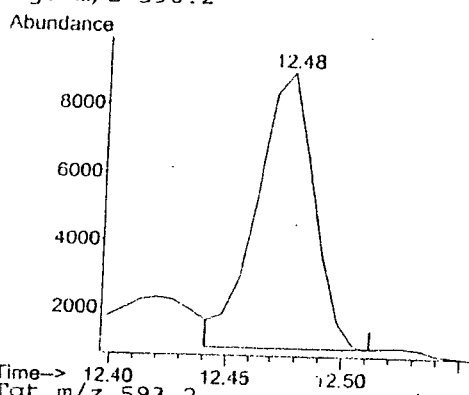
Concentration = 1.69 ** THCA DETECTED **

** MANUAL INTEGRATION WAS USED **

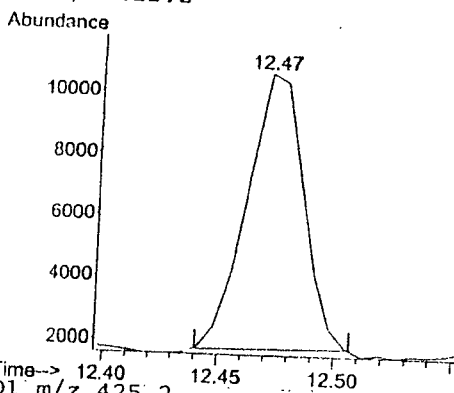
TIC: 067SP075.D\DATA.MS



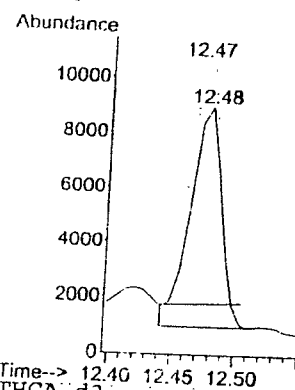
Tgt m/z 590.2



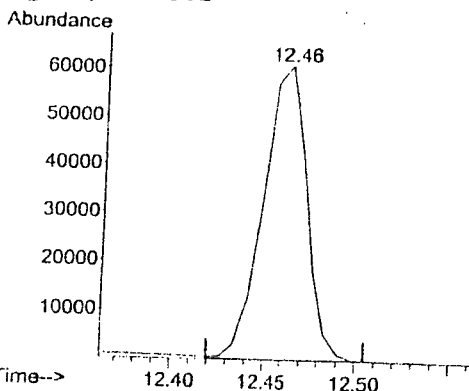
Q1 m/z 422.2



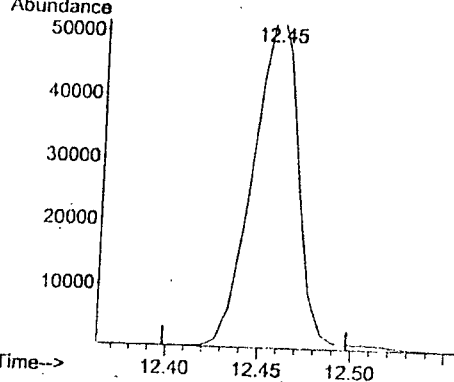
THCA



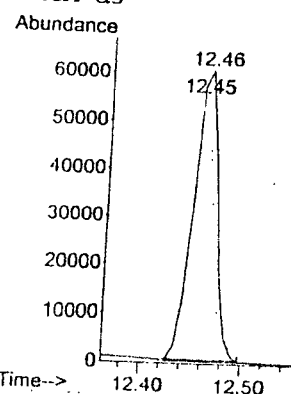
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA
 THCA-d3

: RT extraction window from 12.40 to 12.56 min
 : RT extraction window from 12.36 to 12.58 min

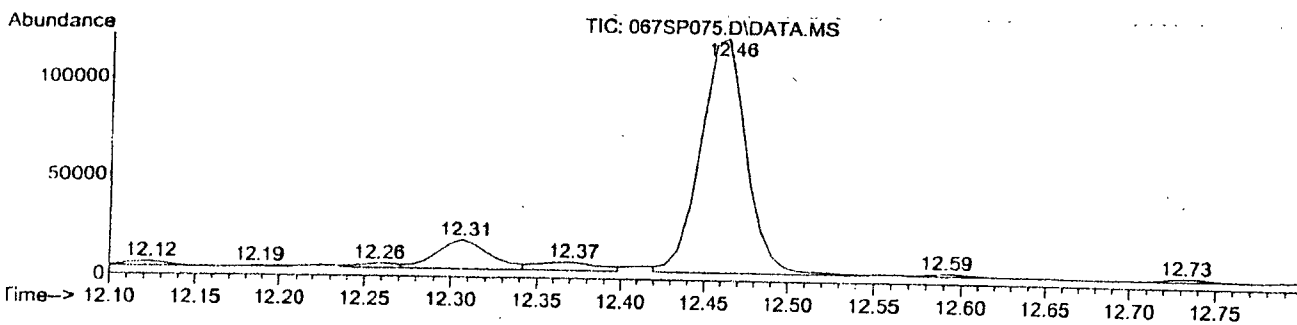
Data File : D:\2010-04-13-1558.b\067SP075.D
Tune File Name : C:\msdchem\1\5975\NCI100209.U
Tune Date : 26 Jan 2010 10:38 am Mult : 1
Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm
Sample Name : 080309 qc
Acquisition date : 14 Apr 2010 8:26 am

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
Retention Time 12.46 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
Unknown target ion / [STD target ion] = 0.138

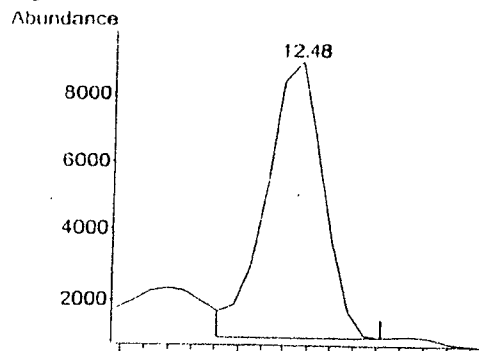
THCA => 590.2 = 13517 422.2 = 15611
THCA-d3 => 593.2 = 98197 425.2 = 87654

THCA => 422.2/590.2 = 115.5 +/- 25.0% rel = 65.9 - 109.9 <==
THCA-d3 => 425.2/593.2 = 89.3 +/- 25.0% rel = 63.7 - 106.1

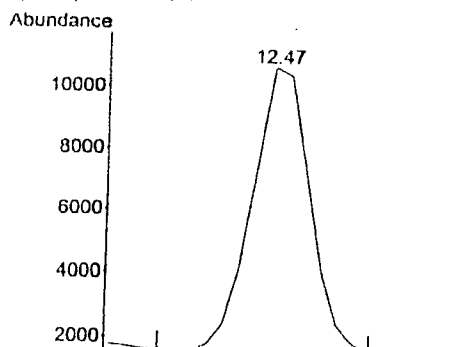
Concentration = 1.69 ** CHECK TARGET CMPD PARAMETERS **



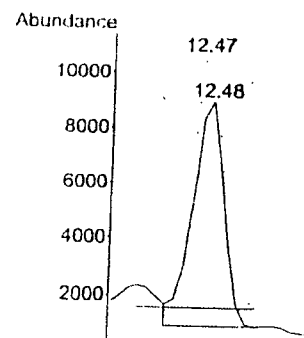
Tgt m/z 590.2



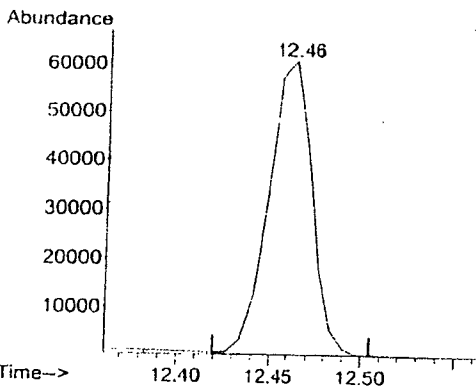
Q1 m/z 422.2



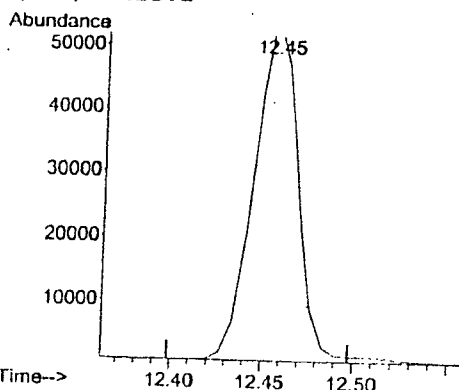
THCA



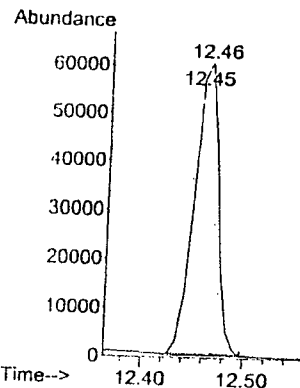
Tgt m/z 593.2



Q1 m/z 425.2



THCA-d3



THCA

THCA-d3

: RT extraction window from 12.40 to 12.56 min

: RT extraction window from 12.36 to 12.56 min

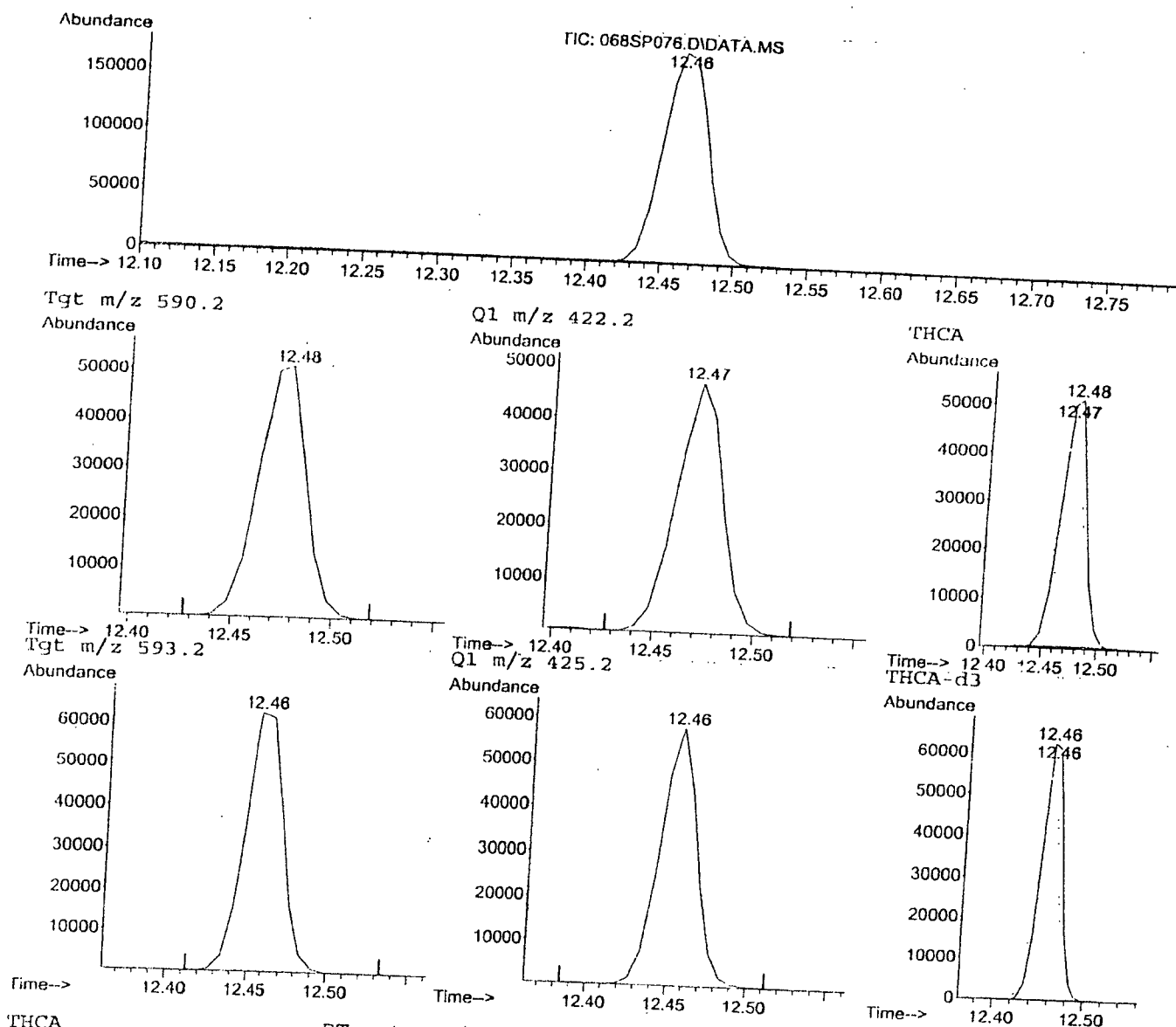
Data File : D:\2010-04-13-1558.b\068SP076.D
 Tune File Name : C:\msdchem\1\5975\NCI100209.U
 Tune Date : 26 Jan 2010 10:38 am
 Acq Method Name : THCA.M Calib date : 13 Apr 2010 4:27 pm Mult : 1
 Sample Name : ulol
 Acquisition date : 14 Apr 2010 8:40 am

Retention Time 12.48 THCA +/- 2.00% = 12.23 - 12.73 min
 Retention Time 12.48 THCA-d3 +/- 2.00% = 12.21 - 12.71 min
 Unknown target ion / ISTD target ion = 0.805

THCA => 590.2 = 83626 422.2 = 73868
 THCA-d3 => 593.2 = 103881 425.2 = 92448

THCA => 422.2/590.2 = 88.3 +/- 25.0% rel = 65.9 - 109.9
 THCA-d3 => 425.2/593.2 = 89.0 +/- 25.0% rel = 63.7 - 106.1

Concentration = 9.92 ** THCA DETECTED **



THCA
 THCA-d3

: RT extraction window from 12.40 to 12.56 min
 : RT extraction window from 12.36 to 12.56 min

GC/MS CONFIRMATION QUALITY CONTROL RECORDING LOG

Month/Year: April 2010

Lot #: 31810
 Preparation Date: 3/18/2010
 Expiration Date: 9/18/2010
 Extracted Control Lot #: 80309

DATE	GC/MS Batch #	Low Control 1.0 0.70 - 1.30	Threshold Control 5.0 3.5 - 8.5	High Control 10.00 7.0-13.0	Extracted Control greater than 0.23	Data Reviewer	POS Certifier	COMMENTS
4/1/10	2010-04-01-1612.6	1.00	5.88	(13.18)	1.37	Jh	W	#5
4/2/10	2010-04-02-0942.6	1.00	5.44	11.17	1.39	Jh	/	#16
4/2/10	2010-04-02-0944.6	0.82	4.50	9.27	1.48	Jh	PM	#16
4/8/10	2010-04-02-1102.6	0.94	6.44	12.62	1.59	Jh	PM	#5
4/15/10	2010-04-05-1050.6	0.77	3.91	10.94	0.86	Jh	PM	#5
4/15/10	2010-04-05-1602.6	1.09	4.54	10.21	1.95	Jh	W	#5
4/16/10	2010-04-06-1533.6	1.17	5.06	11.04	1.55	W	PM	#16
4/16/10	2010-04-06-1714.6	0.94	5.06	10.11	1.67	W	PM	#5
4/7/10	2010-04-07-1640.6	0.92	4.68	8.97	1.53	W	PM	#16
4/7/10	2010-04-07-1644.6	0.96	5.23	7.37	1.50	W	PM	#5
4/8/10	2010-04-08-1637.6	1.13	5.38	10.96	1.47	W	PM	#6
4/8/10	2010-04-08-1638.6	1.13	5.31	10.95	1.47	W	PM	#6 THE 2nd
4/9/10	2010-04-09-1638.6	1.07	4.42	10.21	1.64	W	PM	#5
4/9/10	2010-04-09-1639.6	0.98	5.27/5.27	10.84	1.75	W	PM	#5
4/12/10	2010-04-12-1726.6	1.08	5.52	(13.27)	1.42	W	PM	#5
4/12/10	2010-04-12-1647.6	1.15	4.45	10.09	1.74	W	PM	#16
4/12/10	2010-04-13-1712.6	0.97	5.24	11.04	1.65	W	PM	#5
4/13/10	2010-04-13-1558.6	1.08	4.91	9.92	1.69	W	PM	#6
4/14/10	2010-04-14-1507.6	0.79	4.21	7.85	1.25	W	PM	#6
4/14/10	2010-04-14-1634.6	1.00	5.05	10.14	1.63	W	PM	#5
4/15/10	2010-04-15-1600.6	1.12	5.12	10.91	1.74	W	PM	#6
4/15/10	2010-04-15-1609.6	1.01	5.12	10.91	1.74	W	PM	#6 THE 2nd
4/16/10	2010-04-16-1634.6	1.05	4.82	11.19	2.03	W	PM	#5
4/16/10	2010-04-16-1645.6	1.03	4.30	7.98	1.00	W	PM	#5
Monthly Mean:		1.04	5.00					
Monthly SD:		0.11	0.44					
Monthly CV:		11.2	8.8					

GC/MS Supervisor Weekly Review/Date: PM 4/8/10 PM 4/16/10

GC/MS Supervisor Monthly Review/Date: *[Signature]* 5/10/10
 Laboratory Director Monthly Review/Date: *[Signature]* MAY - 6 2010

Omega Laboratories, Inc.

Carbowax TMS

WEEKLY AND SEMI-ANNUAL QUALITY CONTROL RECORDING LOG

Month/Year: April 2010

Lot #: 31810
 Preparation Date: 3/18/2010
 Expiration Date: 9/18/2010
 Extracted Control Lot #: 80309

DATE	GC/MS Batch #	Low Control 1.0 0.70 - 1.30	Threshold Control 5.0 3.5 - 6.5	High Control 10.00 7.0-13.0	Extracted Control greater than 0.23	Data Reviewer	POS Certifier	COMMENTS
4-16-10	2010-04-16-1559.6	1.02	5.14	9.17	1.08	JS	MS	
4-19-10	2010-04-19-1526.6	1.26	5.29	10.84	1.67	W	MS	#5
4-19-10	2010-04-19-1531.6	1.10	5.15	11.29	1.54	W	MS	#6
4-20-10	2010-04-20-1578.6	1.04	5.22	11.18	1.61	JS	MS	#5
4-20-10	2010-04-20-1579.6	1.04	5.12	10.46	1.57	JS	MS	#6
4-21-10	2010-04-21-1510.6	1.20	4.54	8.97	1.59	JS	MS	#5
4-21-10	2010-04-21-1531.6	1.02	4.93	9.76	1.47	JS	MS	#6
4-22-10	2010-04-22-1510.6	0.98	5.08	10.34	1.60	JS	MS	#5
4-22-10	2010-04-22-1531.6	1.11	4.81	11.22	1.47	JS	MS	#6
4-23-10	2010-04-23-1431.6	0.95	5.17	10.12/10.15	1.32/1.48	JS	MS	#6
4-23-10	2010-04-23-1427.6	1.18	5.15	10.78	1.70	JS	MS	#5
4-26-10	2010-04-26-1527.6	0.97	4.66	8.94	1.70	W	MS	#5
4-26-10	2010-04-26-1537.6	0.92	4.64	9.21	1.57	W	MS	#6
4-26-10	2010-04-26-1527.6	0.96	4.51	8.65	1.79	W	MS	#5 (pinkish from #6)
4-27-10	2010-04-27-1616.6	1.09	5.11	10.58	1.79	W	MS	#5
4-27-10	2010-04-27-1645.6	1.10	5.49/5.27	10.92	1.66	JS	MS	#6
4-27-10	2010-04-27-1645.6	1.14	5.22	10.86	2.03	JS	MS	#5
4-28-10	2010-04-28-1616.6	1.24	4.08	10.14	1.55	W	MS	#6
4-29-10	2010-04-29-1621.6	1.29	4.42	9.10	1.31	W	MS	#5
4-29-10	2010-04-29-1615.6	1.06	4.85	8.81	1.79	JS	MS	#5
4-29-10	2010-04-29-1558.6	1.33	5.02	9.52	1.18	JS	MS	#6
4-30-10	2010-04-30-1609.6	1.07	5.09	10.65	1.61	JS	MS	#5

Monthly Mean:	1.04	5.00
Monthly SD:	0.11	0.44
Monthly CV:	11.2	8.8

GC/MS Supervisor Weekly Review/Date: 4/19/10 4/18/10 4/17/10

GC/MS Supervisor Monthly Review/Date: 5/10/10

Laboratory Director Monthly Review/Date: MAY 10 2010

Omega Laboratories, Inc.

Carboxy-THC: OC 1.00

MARGARETTA C GRIMM
GOOSE CREEK, SC 29445

License number: 361
License type: APRN
Original Issue Date: 06/25/1991
Expiration: 04/30/2012
Status: Active

Privilege To Practice:
APRN Valid in SC Only
RN Multi-State License

Specialty:
ADULT NURSE PRACTITIONER

Prescriptive Authority:
A361

Certification Expiration Date: 12/31/2011
(If above date is not correct, mail a copy of current certification to Board's Office.)

Individual listed above is in good standing with the SC Board of Nursing

EXHIBIT

E# 8, 2p
FILE NO: 101 0377

<https://verify.llronline.com/LicLookup/Alumni>

State of South Carolina
Department of Labor, Licensing and Regulation
Board of Nursing

Margaretta C Grimm
Is Authorized to Practice as an
Advanced Practice Registered Nurse
ADULT NURSE PRACTITIONER
Prescriptive Authority A 361
(APRN-VALID IN SC ONLY)
RN MULTISTATE LICENSE

License Number: 361
Expires: 04/30/2008


Asst. Deputy Director

State of South Carolina
Department of Labor, Licensing and Regulation
Board of Nursing

Margaretta C Grimm
Is Authorized to Practice as a
Advanced Practice Registered Nurse
MULTISTATE LICENSE

License Number: RX 361
Expires: 04/30/2008


Asst. Deputy Director

This is to certify that
Margaretta Grimm
has successfully completed the
Hair Test Collector Certification Exam
on
11/10/2005

SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

DECISION OF APPEAL TRIBUNAL

Hearing Date: July 12, 2010

KIM A. LEGETTE)
517 LAUREL RIDGE RD)
NORTH CHARLESTON, SC 29418 3073)
)

CLAIMANT

NUCOR CORPORATION)
C/O HUMAN RESOURCES)
PO BOX 2259)
MOUNT PLEASANT, SC 29465)
)

EMPLOYER

APPELLANT: Claimant

SS NO: 

APPEARANCES

FOR THE Present
CLAIMANT: With Two Witnesses

FOR THE
EMPLOYER: Two Witnesses

FINDINGS OF FACT

The issue in this case is whether the claimant was discharged for illegal drug use.

The claimant appealed the claims adjudicator's determination mailed May 27, 2010, which held the claimant disqualified from receiving benefits for twenty-six weeks effective April 18, 2010 until October 16, 2010 upon a finding the claimant was discharged for illegal drug use.

The claimant worked from August 24, 1998, to April 22, 2010, with the subject employer, most recently as a cold mill scheduler. Her employer discharged her because she tested positive for an illegal drug. The employer requires workers to undergo random drug testing. The claimant's test results revealed positive readings for marijuana. The claimant obtained tests independent from those performed by the employer, with contradictory results. The claimant maintained that she had not used marijuana in approximately twenty years; however, she admitted that she had been in the presence of a family member who had smoked marijuana in her presence on a regular basis during the past twenty-eight years. The claimant attributed any positive test results to second-hand smoke. The claimant was aware that testing positive for drugs or alcohol were grounds for immediate termination according to the employer's policy.

REASONS

South Carolina Code provides in §41-35-120(3) for an indefinite disqualification of benefits if a claimant is found to have been discharged for illegal drug use. The disqualification continues until the claimant returns to work and earns at least eight (8) times the weekly benefit amount in covered employment.

An illegal or unlawful drug related violation must meet the provisions outlined in Section 41-35-120 (3) (a) through (c). "Unlawful" means without a prescription. Those provisions, in summary are: the company must have communicated a drug policy; show the worker failed or refused to provide a specimen; or otherwise cooperate in providing an unadulterated specimen; show the worker provided a specimen which tested positive; the sample was collected and labeled by a licensed health care professional; the test was performed by a certified laboratory; the initial test was confirmed using the gas chromatography/mass spectrometry; and provide documentation of such; or show the worker failed to follow the employer's policy for admitted drug use and provide documentation of such. Documentation may be used and received into evidence for the purposes of determining eligibility for unemployment compensation.

Although the claimant subpoenaed witnesses who failed to appear to provide testimony, the Tribunal finds that there is sufficient evidence to reach a fair and impartial decision and the testimony of the claimant's subpoenaed witness is not necessary. In this case, an employer has a right to expect its workers to report physically and mentally prepared to work. Reporting to work in a condition altered by drugs is both dangerous to the worker and a liability to the employer. Although the claimant denied that she used marijuana, she tested positive for the substance and admitted being in the presence of individuals who used marijuana. Therefore, the Tribunal must impose a disqualification.

DECISION

The Tribunal finds the claimant disqualified indefinitely effective April 18, 2010, until requalification, upon a finding claimant was discharged for illegal drug use. This decision modifies the claims adjudicator's determination mailed May 27, 2010.

This will be the final decision of the agency unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date. If the tenth day falls on a Saturday, Sunday, or holiday, the appeal period is extended to the next business day. Your appeal may be filed in person at any Workforce Center, or by mail, addressed to "Appellate Panel," PO Box 995, Columbia, South Carolina 29202. For additional information or assistance in filing an appeal, contact your local Workforce Center.

V. Joan Marshall

V. Joan Marshall
Administrative Hearing Officer

VJM: alw

Decision Mailed: 07/19/10

Mailed on the above Date By: *alw*

faxed on 7-23-10 @ 2:15 pm am
Appeal No. 1010377

SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION

4-17-11

APPLICATION FOR LEAVE TO APPEAL TO COMMISSION

Sent
7/23

Claimant's Name Kim A. Legette

SSN [REDACTED]

Address 517 Laurel Ridge, North Charleston, SC 29418

Date of

Initial Claim 04/23/2010

Employer's Name Nurcor Corporation

Address c/o Human Resources, PO Box 2259, Mt. Pleasant, SC 29465

Party Appealing Claimant

On 07/20/2010, I received Appeal Tribunal Decision Number 2010-A-11555

mailed to me on 07/19/2010 and ask for review of the record on the following grounds:

I am innocent. I do not smoke marijuana. There are contradictory test results. My witnesses did not appear at the initial appeal and we were not able to present our questions to the summoned witnesses. At the time of my appeal, I was informed by Joan Marshall, Administrative Hearing Officer, if the appeal did not rule in my favor, I would be able to appeal to the Commission and re-subpoena my witnesses.

* If appeal is untimely, state the reason. If appellant failed to attend Appeal Tribunal hearing, state the reason and whether postponement was requested:

SCDEW

JUL 23 2010

I know that I must continue to file my claims for each week of unemployment during the pendency of this appeal, I know that I can only be paid for those weeks that I have timely claimed. If I have received benefits and am ruled disqualified or ineligible, I know that I will be required to repay the benefits I have received for that time period.

**As a Board of Review, the Commission is confined solely to the record submitted by the Appeal Tribunal and does not accept additional evidence or testimony in its consideration of the appeal.

Appellant Claimant

Signed by

Kim Legette

Title

Date 7/22/2010

Does claimant need an interpreter? ☐ YES ☒ NO What language/dialect?

Claimant is ☐ Deaf ☐ Mute

SO Employment Benefit

JUL 23 2010

(For Workforce Center Use Only)

Filed at Summerville WFC - 1800

(Workforce Center Name and Number)

Date 07/22/2010

Received Benefits Div.

Received by

Giulio Spotto

(Workforce Center Representative)

**SOUTH CAROLINA
DEPARTMENT OF EMPLOYMENT AND WORKFORCE
631 Hampton Street
P.O. Box 995
Columbia, SC 29202**

NOTICE OF CLAIMANT APPEAL TO THE APPELLATE PANEL

DATE: July 28, 2010

APPEAL NO: 10377-11778

CLAIMANT:

Kim A. Legette
517 Laurel Ridge Rd.
N. Charleston, SC 29418
SSN: [REDACTED]

LIABLE EMPLOYER:

Nucor Corporation
c/o Human Resources
P. O. Box 2259
Mt. Pleasant, SC 29465

SEPARATING EMPLOYER:

The claimant in this case appealed the Appeal Tribunal Decision to the Appellate Panel for review. A copy of the appeal is attached.

The Panel will review your case as soon as possible. If a hearing is scheduled, a copy of the transcript and the hearing notice will be mailed to you at a later date.

Any benefits received by the claimant might be subject to recovery if the Appeal Tribunal Decision is reversed. The claimants must continue filing a weekly claim pending the appeal in order to receive benefits.

Legal Department
Telephone: (803) 737-1105

cc: Claimant:
Liable Employer:
Separating Employer:
Local Office: Summerville
Claimant's Attorney:
Employer's Attorney:
Imaging
File

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
631 Hampton Street
Post Office Box 995
Columbia, South Carolina 29202

Date: November 2, 2010

NOTICE OF HEARING BEFORE THE APPELLATE PANEL

CLAIMANT:

SSN: XXX-XX-8079

APPEAL NO 11773
KIM A LEGETTE
517 LAUREL RIDGE ROAD
NORTH CHARLESTON SC 29418

LIABLE EMPLOYER:

APPEAL NO 11773
NUCOR CORPORATION
ATTN HUMAN RESOURCES
P O BOX 2259
MT PLEASANT SC 29465

SEPARATING EMPLOYER:

A hearing has been scheduled in this matter for 10:00 a.m. on Wednesday, November 17, 2010. All hearings are held in **Columbia, SC.**

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE
C. LEM HARPER, SR., CENTRAL OFFICE ANNEX BUILDING
631 HAMPTON STREET, ROOM 350, COLUMBIA, SC

The Appellate Panel acts as a Board of Review, and hearings are heard solely on the record; **no further evidence is admissible.** Parties may appear in person or be represented by counsel. Parties may submit written arguments. **Failure to appear may result in your interests being considered abandoned. NO CELL PHONES ALLOWED. PLEASE LEAVE THEM IN YOUR VEHICLE.**

Unless there is an unexpected emergency, **a postponement will not be granted less than 24 hours before the hearing.**

Legal Department
(803) 737-2663
(803) 737-0124 FAX

cc: Claimant
Claimant Attorney
Liable Employer
Separating Employer
Employer Attorney
Local Office - Summerville
File

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this record in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the interagency Mail Service address to the party(ies) or their attorney(s).

This 24th day of January, 2011
By: Jessica Chesley

Title: Administrative Legal Assistant, Legal Department

Administrative Law Court

DEBORAH BROOKS DURDEN
Administrative Law Judge



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

April 4, 2012

Nosizi Ralephata, Esquire
Turner Padgett, Graham & Laney, P.A.
Post Office Box 22129
Charleston, South Carolina 29413

RE: Nucor Corporation v. S.C. DEW, and Kim A. Legette
Docket No. 10-ALJ-22-0938-AP

Dear Ms. Ralephata:

I am writing in response to your letter of March 28, 2012 requesting that this Court issue a final order disposing of all issues raised in the above-referenced case. Unfortunately that will not be possible, as this Court does not have an open file or any continuing jurisdiction in the matter.

I invite your attention to page six of my order dated May 24, 2012, which states, "With this Order this Court closes the docket in this matter. Should Appellant desire review of the Department's decision on remand, she will be required to file a separate notice of appeal from that determination." Because the order of remand was a final decision in the matter there is nothing left for this Court to decide absent an appeal of the Department's decision on remand.

Sincerely,

A handwritten signature in cursive script, reading "Deborah Brooks Durden".

Deborah Brooks Durden
Administrative Law Judge

cc: Romi Y. Robinson, Esquire
Kim A. Legette

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Nosizi Ralephata

E-Mail: Nralephata@TurnerPadget.com

Writer's Direct Dial: (843) 576-2807

Direct Fax: (843) 577-1655

March 28, 2012

The Honorable Deborah Durden
South Carolina Administrative Law Court
Edgar A. Brown Building
1205 Pendleton Street, Suite 224
Columbia, SC 29201

Re: Kim A. Legette v. SC Department of Employment and Workforce and Nucor Corporation
Docket Number: 10-ALJ-22-0938-AP
TPGL File No.: 5670.111

Dear Judge Durden:

As you may recall, appellant, Nucor Corporation filed a Petition for Judicial Review on December 14, 2010. The parties briefed the issues, and on May 24, 2011, this Court issued an order holding that Nucor's arguments that benefits must be denied pursuant to S.C. Code Ann. § 41-35-120(2) and (4) were without merit. In so holding, the Court found that "[t]he Department's finding that Nucor failed to prove that Legette had used illegal drugs is supported by the evidence in the record, including the negative test results cited by the Appellate Panel in its order." *See*, Order, at p. 4, attached hereto. The Order remanded to the South Carolina Department of Employment and Workforce ("Agency") on the single and narrow issue of whether disqualification from benefits comported with the requirements set forth under S.C. Code Ann. § 41-35-120(3)(iii)(C) which deals with certification of the testing laboratories. *Id.*

On June 2, 2011, Nucor filed a Motion for Oral Argument, and this Court responded via email dated June 14, 2011, advising all parties that the ALC "no longer has jurisdiction in the matter *because Judge Durden's Order is a final order in this matter.*" Attached hereto. (Emphasis added). In response to this correspondence, Nucor filed a Notice of Appeal with the South Carolina Court of Appeals appealing this Court's application of South Carolina Code Ann. § 41-35-120(2) and (4) to the dispute. Thereafter, the Court of Appeals issued an order dated October 13, 2011 dismissing the appeal as one that is not immediately appealable in light of

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TPGL 4373863v1

ROA 853

The Honorable Deborah Durden
March 28, 2012
Page 2

Charlotte-Mecklenburg Hospital Authority v. S.C. Dep't of Health & Environmental Control, 387 S.C. 265, 692 S.E.2d 894 (2010). See, October 23, 2011 Order, attached hereto.

On August 15, 2011, the Appeal Tribunal conducted a *de novo* hearing pursuant to the ALC's remand Order, and issued its decision on August 18, 2011, which was the subject of Claimant's appeal to the Appellate Panel. On November 15, 2011, the Appellate Panel advised the parties that oral argument had been scheduled for November 30, 2011. The Appellate Panel also specifically requested that the parties "come prepared to discuss the practical impact of Public Law 102-321, which reorganized the Department of Health and Human Services, as well as the differences and similarities between the laboratory certification program once administered by the National Institute on Drug Abuse (NIDA), and the laboratory programs currently administered by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Centers for Medicare & Medicaid Services." See, Appellate Panel correspondence attached hereto.

On November 30, 2011, the parties argued the sole issue of whether or not the laboratory met the certification specifications set forth in the statute. On December 9, 2011, the Appellate Panel issued its decision regarding the narrow issue of whether the laboratory was certified as contemplated under S.C. Code Ann. § 41-350120(3), which provides that a testing laboratory must be certified by the NIDA, CAP or SLED. The Appellate Panel held that the laboratory was not certified at the time of the subject test as required. Neither party appealed this decision. The Appellate Panel's order is attached hereto.

Nucor thereafter filed a Notice of Appeal with the Court of Appeals asserting that Judge Durden's Order was now final since the only issue on remand had been disposed of by the Appellate Panel. See, January 9, 2012 Notice of Appeal, attached hereto. Nucor also explained that the Judge Durden's Order finally determined application of South Carolina Code Ann. § 41-35-120 regarding termination of an employee for cause and for gross misconduct and that the single and narrow issue of whether the laboratory was properly certified as required under South Carolina Code Ann. § 41-35-120, subsection (3)(iii)(B) had been ruled on.

On February 2, 2012, the Court of Appeals requested that the parties submit memoranda addressing the issue of appealability within ten (10) days of the date of the correspondence. (Attached hereto). The parties complied with the request. Of significance is that neither party disputed that the applicable Orders were final.¹ Rather, Respondents, while acknowledging the

¹ See, p. 2 of Respondent Kim Legette's Brief ("Because the December 9, 2011 Appellate Panel Decision of South Carolina Department of Employment and Workforce ... disposes of the entire controversy, any issues from the May 24, 2011 Order are moot and not appealable."). See also, p. 2 of the South Carolina Department of Employment and Workforce's Brief ("Additionally, in accordance with Judge Durden's Order, the Respondent Department has issued a final agency decision on this claim for benefits ... which is dispositive on this claim for unemployment benefits.").

The Honorable Deborah Durden
March 28, 2012
Page 3

finality of the Orders at issue, argued instead, that Nucor's appeal had been rendered moot based on the Appellate Panel of South Carolina Department of Employment and Workforce's ("Appellate Panel") most recent decision regarding certification of the laboratory pursuant to South Carolina Code Ann. § 41-35-120 (3)(a)(iii)(B). In response, Nucor asserted that Respondents' mootness argument was tantamount to a declaration, without any legal authority, that: (1) South Carolina law permits an employee to obtain an outside independent drug test using different and less sensitive detection levels to trump an employer's properly administered workplace drug tests; (2) In determining eligibility for unemployment benefits, the South Carolina Department of Employment Workforce and the ALC are authorized to apply additional or different criteria or exceptions that are not contained in South Carolina Code Ann. § 41-35-120 ("the Statute"); (3) *As a matter of law*, an employer in South Carolina can terminate an employee for illegal drug use *only if* the employer strictly complies with Section 41-35-120(3)(a) of the Statute; and that (4) Section 41-35-120(3)(c), which permits an employer to rely information regarding, or consideration of, any drug test results received by the employer as evidence of drug use, is rendered null and superfluous by operation of Section 41-35-120(3)(a).

However, on March 23, 2012, the Court of Appeals disagreed and again dismissed the appeal stating: "the order on appeal is not a final order." *See*, March 23, 2012 Order. Thus, it is clear that the Court of Appeals has determined that this Court's May 24, 2011 Order is not yet a final order pursuant to *Charlotte-Mecklenburg Hospital Authority v. S.C. Dep't of Health & Environmental Control*, *supra*. Pursuant to the Court of Appeal's March 23, 2012, Order, a final order must be issued by this Court before the parties can exercise their appeal options to that court.

As a result, Nucor respectfully requests that this Court issue a final order disposing of all issues raised in this case in order to enable the parties to evaluate and timely determine their appeal options. This case has already had a long and convoluted history, and the parties have expended significant time and resources regarding their respective positions. The dispute has undergone full fact-finding hearings at the Appeals Tribunal on two separate occasions; has been appealed to the Appellate Panel of the South Carolina Department of Employment Workforce (hereinafter "Appellate Panel" or "Agency") twice; has been appealed to the Administrative Law Court (hereinafter "ALC") once; and Nucor has attempted to appeal to the Court of Appeals on two separate occasions.

In the event that this Court determines that resolution of the issues raised requires new and/or additional briefing from the parties, including whether certification of the laboratory renders applicability of Sections (2), (3)(c), and (4) of S.C. Code Ann. § 41-35-120 moot, please let us know.

Both counsel for South Carolina Department of Workforce and counsel for Ms. Legette are copied on this correspondence.

TPGL 4373863v1

The Honorable Deborah Durden
March 28, 2012
Page 4

We appreciate your consideration of this matter.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Nosizi Ralephata

NR/adh

Enclosures

cc: Ms. Sandra Grooms
Ms. Romi Y. Robinson
Ms. Anne E. Mjaatvedt
The Honorable Jana E. Shealy



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
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February 2, 2012

John S. Wilkerson, III, Esquire
Nosizi Ralephata, Esquire
Turner, Padgett, Graham,
& Laney, P.A.
P.O. Box 22129
Charleston, SC 22129

Re: Nucor Corp. v. SCDEW(2)
Case Tracking #: 2012206406

Dear Counsel:

This will acknowledge receipt of your Notice of Appeal from the order of the Honorable Deborah Brooks Durden dated May 24, 2011 in the above entitled matter. A preliminary review of the accompanying order shows it might not be appealable.

Accordingly, it is requested that you submit a memorandum to the court addressing the issue of appealability within ten (10) days of the date of this letter. Opposing counsel may also submit a memorandum addressing the matter within the same time period. Upon receipt of the memoranda, the matter will be taken under consideration and you will be notified as soon as action has been taken.

The time limits for perfecting the appeal are held in abeyance pending the court's decision of appealability.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/ec

cc: Anne E. Mjaatvedt, Esquire
Romi Y. Robinson
The Honorable Jana E. Shealy

McDonald, Kristen M.

From: Robin Coleman <rcoleman@scal.sc.net>
Sent: Tuesday, June 14, 2011 2:16 PM
To: Ralephata, Nosizi; legal@dew.sc.gov; kimlegette@yahoo.com
Subject: Nucor Corporation v. S.C. DEW, and Kim A. Legette; Docket No. 10-AJ-22-0938-AP

Ms. Ralephata, Ms. Robinson, Ms. Legette: This Court has received several pieces of correspondence in the above-referenced case since Judge Durden's Order remanding the matter back to the Department, namely Appellant's Motion for Hearing/Oral Argument, Appellant's Notice of Request for Protection, and Respondent's Return to Motion for Hearing/Oral Argument. Please be advised that this Court no longer has jurisdiction in the matter because Judge Durden's Order is a final order in this matter.

Robin E. Coleman
Judicial Aide to Judge Deborah Brooks Durden
S.C. Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, South Carolina 29201
(803) 734-6407

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Nikki R. Haley
Governor

John L. Finan
Executive Director

631 Hampton Street
P.O. Box 995
Columbia, South Carolina 29202
(803) 737-2666
FAX (803) 737-0124
June 7, 2011

Ms. Nosizi Ralephata, Esquire
P.O. Box 221219
Charleston, SC 29413

RE: Nucor v. SCDEW and Kim Legette
Case No 10-ALJ-22-0938-AP

Dear Ms. Ralephata:

Per Judge Durden's order in the above matter, this case has been remanded to the agency for further proceedings on Ms. Legette's claim. Pursuant to that order, the case is remanded to the Appeal Tribunal to reopen the matter and accept additional testimony and evidence to supplement the record from the previous evidentiary hearing on July 12, 2010. The entirety of the proceedings from the previous evidentiary hearing along with the new evidence will be considered in the decision of the Appeal Tribunal and in any further appeal. A hearing will be scheduled by the Appeal Tribunal in the near future and both parties are advised to appear and be prepared to present any additional evidence they believe is necessary for their case.

With kind regards, I am

Sincerely,

A handwritten signature in dark ink, appearing to read "Romi Y. Robinson", written over a horizontal line.

Romi Y. Robinson
Attorney for SCDEW

cc: Kim A. Legette

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellate Case No.: 2012-206406

APPEAL FROM ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden

Docket No.: 10-ALJ-22-0938-AP

Nucor Corporation, ...Appellant,

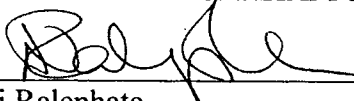
v.

South Carolina Department of Employment
and Workforce, and Kim A. Legette, ... Respondents.

CERTIFICATE OF COUNSEL

210. Counsel for Appellant certifies that the Record on Appeal complies with SCACR

TURNER PADGET GRAHAM & LANEY, PA

BY: 

Nosizi Ralephata

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ATTORNEY FOR APPELLANT
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