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Former Agent Says FBI Memo Cost Him New Job

By KEVIN LESSMILLER

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(CN) - A former FBI agent claims in a lawsuit that he was fired by his new employer because the agency published a legal opinion falsely accusing him of breaking the law.

Richard Lambert sued Attorney General Eric Holder, former FBI Director Robert Mueller, the Justice Department, the FBI, FBI employee Patrick Kelley and unknown Justice Department and FBI employees for legal malpractice and violations of the Federal Tort Claims Act and Privacy Act.

Lambert was fired from his job as the senior counterintelligence officer for the U.S. Department of Energy's Oak Ridge, Tenn. field office because Kelley and others falsely accused him of violating a post-employment requirement to not speak with colleagues, according to the lawsuit.

Lambert retired in 2012 from his job as the FBI's special agent in charge of the Knoxville division after 24 years, the complaint says. In his new job, Lambert often communicated with local FBI officials.

Kelley accused Lambert in a Nov. 8, 2012, legal opinion of violating a one-year "cooling off" criminal provision, which says Lambert cannot talk to FBI employees for a year after leaving, the lawsuit says.

"In response to defendant Kelley's continuing and ongoing propagation of his erroneous legal opinion, plaintiff self-reported Kelley's conflict of interest allegations to both the United States Attorney for the Eastern District of Tennessee and to the FBI Office of Professional Responsibilities at FBI headquarters," the complaint states. "Both entities deemed defendant Kelley's legal opinion to be meritless."

The Energy Department and contractor UT-Battelle LLC fired Lambert in June 2013 as a result of the legal opinion that suggested he committed a crime, the lawsuit states.

Lambert says part of the reason he was unfairly targeted was due to a whistleblower report he filed in 2006 about the mismanagement of an investigation into 2001 anthrax letters.

"In April 2008, some of plaintiff's foregoing whistleblower reports were profiled on the CBS television show *60 Minutes*," the complaint states. "This *60 Minutes* segment was critical of FBI executive management's handling of the Anthrax investigation, resulting in the agency's embarrassment and the introduction of legislative bills calling for the establishment of congressional inquiries and special commissions to examine these issues."

Lambert notes that federal law protects current FBI employees from whistleblower retaliation but does not protect employees after they leave. He says the agency was waiting for his retirement from the FBI to release Kelley's legal opinion.

"Defendants waited patiently for plaintiff's retirement and then wielded a grossly negligent and erroneous interpretation of the conflict of interest statute as a blunt instrument of retaliation," Lambert claims in the lawsuit. "Seemingly drunk with blood lust and blinded by animus, defendants failed to discern that the platter on which they sought to serve plaintiff's head was illusory - a factually unfounded and wholly meritless legal opinion."

As a *pro se* plaintiff, Lambert represents himself. He seeks \$2.4 million plus punitive damages. 

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