

Note: Exhibits labelled “R. Ex. ...” are from Docket C-23-88, HHS Departmental Appeals Board, Civil Remedies Division. “R” stands for respondent, in this case, myself.

Dear members of the OIG/DHHS,

As former PI in NIH grant R01GM072614, I am reporting acts of corruption to defraud the United States associated with an alleged COVID-19 cover-up. I became the target of the censorship and I am currently enduring an attack on my reputation. The acts of corruption were conducted at NIH in collusion with the DHHS Office of Research Integrity (ORI). The ORI was weaponized to discredit me when NIH discovered that I was the first dissenting voice to publish scientific findings opposing the official narrative regarding the origin of SARS-CoV-2 (ACS Medicinal Chemistry Letters 12, 941 (2021) <https://pubs.acs.org/doi/10.1021/acsmchemlett.1c00274>). The official narrative asserted that the emergence of SARS-CoV-2 was a natural zoonotic occurrence. As proven below, the retaliation was promoted by Dr. Peter DASZAK, head of EcoHealth Alliance, the NIH contractor that subcontracted the gain-of-function (GoF) SARS virus research to the Wuhan Institute of Virology [1].

As it has been made public by the White House [1], the COVID-19 cover-up involved the suppression and censorship of dissenting voices that opposed the “official narrative”. I became the first such dissenting voice. I was the first scientist to show in a scientific publication that SARS-CoV-2, the causative agent of COVID-19, was a chimeric dual-purpose product of GoF research, in all likelihood engineered as a bioweapon [2]. My paper was published on May 27, 2021 [2], way before anyone else linked SARS-CoV-2 with dual-purpose GoF, let along with a bioweapon.

My paper was published **before** the D.A.R.P.A proposal “DEFUSE” came to light. The DEFUSE proposal was submitted by Daszak/EcoHealth Alliance and contained the blueprint for making SARS-CoV-2. In the end, DEFUSE was funded by USAID under its “biodefense programs”. **The plan was to weaponize a virus through GoF modification, which is precisely what I reported in my paper [2].** At the time, of course I had no knowledge of Daszak or the DEFUSE project.

Immediately after my paper was published, the DHHS and Daszak tried to get it retracted. **Since NIH did not manage to get my paper retracted, it weaponized the ORI to destroy my reputation.** With shameless malfeasance, the ORI resurrected a 15-year-old case against me and launched a retaliatory investigation where the ORI lied

by commission and omission and omitted all the evidence that I presented in my defense back in 2011 [3].

On June 5, 2021, a week after my paper was published, Daszak attacked the paper while viciously discrediting me [4a,b,c,d]. Few weeks later, the journal editor received a request from NIH/Daszak demanding the retraction of my paper [4d]. I argued persuasively that my work was scientifically sound and correct and should not be retracted. Finally, an “Expression of Concern” was issued.

Dissatisfied with this outcome, the NIH launched a retaliatory campaign to destroy my reputation, resurrecting a dead case to discredit me [3, R. Ex. 34]. Daszak and ORI colluded to censor my findings on the lab origin of COVID 19.

After threats from NIH demanding that I withdraw the paper [5] and phone threats from “Maryland” at (336)3548315, I received a fierce “Charge Letter” from ORI [3]. The letter indicated that some of my experimental results reported while I was the Principal Investigator in NIH grant R01-GM072614 were fraudulent. These charges resurrected misconduct accusations dating back to 2009. That case was closed thirteen years ago when I proved that a) the whistleblower was lying, as he, not me, faked experimental results (R. Exs. 8,22,37,59,61); b) my experimental work was authentic and of genuine provenance (Eli Lilly labs, R. Ex. 4); c) my experimental results were sound and correct, as certified at academic institutions (R. Exs. 6,56,57) and by an expert witness (R. Exs. 34,62) [3]. In retaliation for dissenting with the official narrative on COVID-19 [4,5], ORI obliterated my defenses, maliciously lied by omission and commission and discredited my certifications, defenses and witnesses [3]. Furthermore, ORI ignored my evidence establishing the illegality of the process, as provided in R. Ex. 61 (Cross Motion for Summary Judgment in Fernandez’s Response Brief [3]).

With no hope for fairness, I appealed the ORI Charge Letter, knowing that the administrative law judge (ALJ) that would be hearing my case was appointed and paid by the same agency, DHHS, where the ORI is based. Three ALJs heard my case, Carolyn Cozad HUGHES, Karen ROBINSON and, finally, Margaret BRAKEBUSCH. ALJs Hughes and Robinson did not issue a verdict and allowed me to rebut the absurd objections to my evidence raised by ORI lawyer Lucy STARK (rebuttal filed July 17, 2023 [3]). **Finally, by appointing ALJ Brakebusch, the DHHS got the person up to the task of discrediting me: She was functional to the COVID-19 cover-up.** After almost three years, ALJ Brakebusch granted summary judgment (!) to ORI (resolution CR6690). To do so, Brakebusch parroted the ORI lawyers to dismiss each and every one of my defenses and evidence.

To defend myself, I first showed that the whistleblower in my case, Abhinav TIWARI, was lying, as witnessed by my former student Sean SESSEL who worked with Tiwari on

the same project (R. Exs. 8, 22). Sessel offered testimony (R. Exs. 37, 59) and was introduced as witness. The rest of the students in my group also offered testimony that Tiwari, not me, was in charge of the experimental work for his Ph. D. project (R. Exs. 39, 40, 41). Second, I proved the authenticity and genuine provenance of the experimental results under scrutiny (R. Ex. 4). This work was performed at Eli Lilly labs as attested in an affidavit by a senior Vice President of the company, Dr. Sangtae KIM (R. Ex. 4). Thirdly, I showed in two ways that the experimental work I published was valid: a) through an official certification of the University of Wisconsin-Madison signed by Dr. John FELTENBERGER (R. Exs. 6, 56, 57), and b) through the opinions of the expert witness Prof. Ridgway SCOTT (R. Exs. 34, 62).

ALJ Brakebusch dismissed all my evidence by reproducing verbatim the inane ORI objections, while ignoring my rebuttal of the objections, filed at the behest of ALJ Robinson [3]. ALJ Brakebusch claimed Prof. Scott is not an expert in the matters contested, although Prof. Scott has published dozens of key papers in my field and served in NIH advisory panels (R. Ex. 34). She also stated that the certification by the Lilly Vicepresident Kim (R. Ex. 4) is invalid because Kim does not have direct knowledge of who did the work [sic] and because I am not presenting Kim as witness. The said certification was not presented with the appeal but has been on the record for over 13 years. Similarly, ALJ Brakebusch dismisses my certification from Dr. Feltenberger (R. Ex. 6, 56, 57) without taking into account that these documents have been on the record for more than 13 years.

The decision CR6690 by ALJ Brakebusch constitutes a colossal aberration functional to a corrupt system. To illustrate the dishonesty and stupidity of the ALJ decision CR6690, it suffices examine the following section lifted verbatim from her ruling:

He [expert Scott] further added "it seems that ORI is beating a dead horse with a broken whip. They should be strongly criticized for raising these false issues." Id. He concluded his statement by asserting:

"It is personally disturbing to me to see such a poor quality of analysis emerging from ORI. ORI has access to everyone in the field to provide expert opinion. But they seem to have found a very weak group of scientists in this case. This reminds me of my teaching days. I saw behavior like. this, but not from the good students. I cannot give ORI a passing grade in this case."

While Scott extensively discussed his opinion regarding what he felt to be ORI's erroneous findings, he provided no proof to support Respondent's assertions that the experiments or research data in issue were produced by Lilly.

How can this expert opinion (R. Ex. 34) not constitute a material dispute of facts sufficient to prevent any judge from granting summary judgment to ORI? Why should

the expert that was supposed to assess the validity of the results also prove provenance? This was the call of Lilly's Vice President (R. Ex. 4). Brakebusch is clueless, as clueless as she is dishonest.

These actions expose the NIH-promoted COVID-19 cover-up and are calculated to impair the US Government efficiency and destroy the value of its reports. Under 18 U.S.C. section 371, the ORI/NIH/DHHS has defrauded the United States Government by depriving it of its lawful right and duty to promulgate accurate information officially acquired in the way dictated by law or departmental regulation.

I trust the persons hereby accused will be referred for prosecution while steps are taken to protect me from ORI's retaliatory accusations.

REFERENCES/OIG EXHIBITS

(1) The White House. "Lab Leak: The True Origins of Covid-19".
<https://www.whitehouse.gov/lab-leak-true-origins-of-covid-19/>

(2) Ariel Fernandez (2021) *ACS Medicinal Chemistry Letters*, volume 12, 6, 941–942.

(3) Department of Health and Human Services, Departmental Appeals Board, Civil Remedies Division, Docketed Case C-23-88, Filed documents # 27-45,48.

(4) X Peter Daszak (at)PeterDaszak·Jun 5, 2021.

https://x.com/PeterDaszak/status/1401154450715197441?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Etweet

a. Peter Daszak (at)PeterDaszak·Jun 5, 2021. *Why is a journal with an impact factor of 3.74 publishing such clearly erroneous, innuendo-filled, unsubstantiated garbage? (at)ACSPublications tagline: "Most trusted. Most cited. Most read." Clearly false statements that are damaging to public health...*

b. X Peter Daszak (at)PeterDaszak·Jun 5, 2021. *This is not science, it's conspiratorial pseudo-science: "An indicator that the NIH-funded research had gone too far arose when the tinkered CoV-RaTG13 became endowed at the spike protein"*

c. X Peter Daszak (at)PeterDaszak·Jun 5, 2021. *Completely false, clearly political statement here: "NIH funded \$3.7 million grant was approved by Trump's COVID-19 advisor Anthony Fauci in 2015. The gain-of-function research was outsourced to the WIV.."*

d. X Peter Daszak (at)PeterDaszak-Jun 5, 2021. *I'm calling on the Editor of (at)ACSMedChemLett, Dr. Dennis C. Liotta of (at)EmoryUniversity to investigate how this could have made it through peer-review & insist that the paper is retracted.*

(5) Email

From: **Cherry, Josh (NIH/NLM/NCBI) [E]** <jcherry@ncbi.nlm.nih.gov>

Date: Mon, June 7, 2021 at 3:40 PM

Subject: Gain of Function

To: arifer0408@gmail.com <ariel@uchicago.edu>

You need to quietly take down your sars cov g-o-f bull. Or else... we'll resurrect (and I'll pad up) your ORI case.

Your message was read on Monday, June 7, 2021 7:22:09 PM UTC.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ariel Fernandez'.

Ariel Fernandez, Ph. D.

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