



U.S. Department
of Transportation
Federal Aviation
Administration

Western-Pacific Region

P. O. Box 92007
Los Angeles, CA 90009-2007

June 19, 2008

Jeffrey Lewis
28242 South Salo Road
Mulino, Oregon 97042

Dear Mr. Lewis,

This letter is in response to grievance number NC-08-79364-CCR, filed by you on May 1, 2008. Due to an administrative oversight and confusion of the unusual circumstance of your current status the Agency failed to respond at step one of the grievance procedure. You correctly elevated this grievance to step two on May 30, 2008. This letter represents the Agency step two response to your grievance.

Your grievance claims a violation of Article 66 Medical Qualifications, Article 10 Disciplinary/Adverse Actions, and Article 22 Employee Records, of the 2006 contract between NATCA and the FAA.

A review of all available documents has been conducted and no violation of the agreement was found. The record indicates on February 16, 2007, the Aerospace Medical Officer, due to the violent and inconsistent behavior that you demonstrated in the facility, medically disqualified you. The applicable Medical Standards can be found in FAA order 3930.3A, Appendix 1, Section G. You were provided written notification on March 12, 2007, by Manager Jason Ralph, of what information would be required to challenge the determination by the Medical Officer. In accordance with Article 66 section 6 (b) all transportation and expenses will be borne by the employee. On June 21, 2007, you were notified by the Regional Flight Surgeon of your right of appeal and your responsibility to pay for any additional information you wish to present.

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On July 12, 2007, you requested information and payment for medical expenses in a letter to the Regional Flight Surgeon. In response, dated July 23, 2007, the Regional Flight Surgeon reminded you "it is your responsibility to prove that you meet the medical standards of your position. Clearly, the treating professional chosen by you and the letter authored by Dr. Haldman indicates that you do not meet the specific medical standards as noted in the Federal Aviation Administration order 3939.3 A". "Accordingly, the Federal Aviation Administration will not be reimbursing you for the psychological evaluation you provided for our review". This action is in accordance with Article 66 Section 6 (b). Therefore, the Agency finds no violation of Article 66 as claimed in the grievance.

No violation of Article 10, Disciplinary /Adverse Action, can be found as there was no discipline or adverse action taken as of the date of the grievance.

No violation of Article 22, Employee records, can be found as you were provided with all the documentation requested under FOIA requests made by you.

You have also alleged that your time and attendance is incorrect in that you were charged with sick leave or annual leave when you should have been on administrative leave. Corrections have been made to your sick leave due to an earlier settlement of another case. Further review indicates that you have been correctly charged and placed on the appropriate leaves.

Based on the Agency findings there is no violation of the collective bargaining agreement and therefore, your grievance is denied.


Andrew M. Richards
District Manager
San Francisco Air Traffic District

Cc: Hamid Ghaffari
NATCA RVP

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