

**Re: Response Email**

**Tuesday, November 4, 2008 8:33 PM**

**"Jeff Lewis" <lsjef@yahoo.com>**

**Clemortee.R.Marable@faa.gov**

Rosslyn,

Thanks for clarifying that...though Article 7 of the CBA is mid-term bargaining (I'm confident you meant Article 9).

As we discussed on the phone Monday, I feel it is not only appropriate for FAA HQ to apply Article 10 Section 16 in this case...it is also prudent. There is far too much on the line for the Agency to allow the decision of one air traffic manager to cause such severe financial hardship to an employee and his family, on such a weak and unsubstantiated case. It would simply be irresponsible for the agency to incur this added liability. (Hey, they just announced Obama won!! ...the other reason I came into town tonight. :) )

It would also be prudent for my pay status to continue so that discovery can be completed. I have many reasonable FOIA requests (4 FOIAs from 2007, 3 from 2008, and 4 awaiting appeal reply from ARC-1) which have been unreasonably stonewalled by a couple key FAA managers. If I am compelled to appeal this matter, the discovery process, driven by adjudicating forces outside the FAA, will quickly produce the records I have been denied since February 2007. .and stonewalling AT managers will not bear well under the light of truth.

Lastly, the immediate financial impact. My present financial obligations to my three kids and ex amount to roughly \$3,000 per month, for both court-ordered support and maintaining health insurance for my kids.

Anyway, please forward on what you need to HQ and advise me ASAP if any decision is made. I have not yet gone to my local Child Support office to submit paperwork as I do not want to prematurely place this burden on my kids, or on my ex. So, I need a definitive statement later this week...has my pay been stopped, and starting on what date?

Also, please advise with whom I need to consult in HR to sort out the surprise problems a stop-pay may create...how to maintain my health insurance, etc.

Thanks. Jeff

From: Clemortee.R.Marable@faa.gov  
To: Jeff Lewis <lsjef@yahoo.com>

**Date: Tue, Nov 4, 2008 at 4:18 PM**

SUBJ: Re: Response Email  
Mr. Lewis,

Unfortunately I have not yet hear back from HQ regarding your question about Article 10, Sec 16, but I should receive a response within the next few days how you should start that process. I will send you an update as soon as I hear back from HQ.

To clarify the appeal options, you do have your choice of the three options listed, GFT, MSPB and the Grievance Procedures. I have attached information from cyberFeds that makes the Guaranteed Fair Treatment applicable to the bargaining unit employees, which is dated from 2005. See page 2 of 3, #(4) - (h). The Prib # 17 had not been updated since April 1, 1996, to reflect this information.

You can file your grievance under Article 7 of the white book, which are the steps for grievances filed by the employee, but at Step 3 the Union is responsible for submitting your grievance to arbitration.

C. Rosslyn Marable  
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AWP-16 - Western Pacific

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STARTING WITH YES!

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From: Jeff Lewis <lsjef@yahoo.com>  
To: Clemortee R Marable/AWP/FAA@FAA  
**Date: 11/04/2008 02:17 PM**  
SUBJ: Re: Response Email

Hi Rosslyn,

Thanks for emailing; I trust this will get through to you.

I was unable to access the internet last night at the wifi restaurant I visited...sorry for the delay.

I am concerned about the letter I received from your office, as signed by Mr. Deplasco. Please refer to the end of page five into the middle of page six. The letter advises I have two (or is it three?) avenues for appeal. The attached PRIB #17 declares repeatedly that this PRIB does not apply to employees represented under a collective bargaining agreement. And, the specific cited NATCA grievance option (listed as number three) applies to the Union and Agency...not to an individual employee. Can you please clarify these in a reply email, ASAP.

Also, regarding the section of Article 10 we discussed on the phone, any word as to your research and decisions from FAA HQ?

I'll likely go to a different wifi tonight, and will send more then.

Later, Jeff