

MAILED 6-6-09

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Saturday, June 6, 2009

Debt Management Branch, ATTN: Jeff Moore
National Business Center, Payroll Operations Division
P.O. Box 272030
Denver, CO 80227-9030

Dear Mr. Moore,

Yesterday, I received your 6/1/09 letter, advising that I may have been overpaid by the FAA in the amount of \$2,653.06. I greatly appreciate your prompt return call so we could briefly discuss this case.

As I expressed to you in our phone conversation, my pay case is a mess. Twenty years into my ATC career, I was locked out from my facility on 2/16/07, illegally forced to obtain a psychological evaluation at my own expense, and eventually removed on 11/6/08. Until the summer of 2008, I was provided with no substantial explanation and no letter declaring any definitive action. My dozens of calls, emails and letters were broadly ignored.

Fourteen months into this ordeal, I was provided a 4/17/08 letter from the District Manager, Andy Richards, finally confirming I was in a paid administrative leave status, and advising he would soon contact me with a "return to work plan". I heard nothing more from him until three months later, when I received his six-page letter proposing my removal "for the efficiency of the Federal Service". So, in general, I endured 21-months of paid administrative leave...except for the six-month constructive suspension begun 4/17/07 (which \$40,000 is still unpaid, and awaits an arbitration). If your instinct (as it is for many) is to ask, what has your Union done for you, the answer is simple: NOTHING. In fact, because of an ongoing contract dispute between FAA and NATCA, the Union was very antagonistic to me for my having filed a grievance using the Agency's imposed Contract.

After my 11/6/08 removal, I filed an MSPB Appeal. A hearing was scheduled for 3/4/09. Just before the hearing was to begin, the Judge asked where we last were on settlement, and a Settlement Agreement was reached. In the process, though, Agency Counsel misrepresented to the Judge that I had NOT been previously admonished...which was clearly incorrect, based on dozens of Agency documents, including recent depositions. So, on the basis of this fraudulent misrepresentation, I petitioned the MSPB for a review, asking that it be remanded and finally heard.

As if all this complexity is not enough, it gets worse. Related to the 4/17/08 "return to work plan" letter from Andy Richards, I accepted another Agency offer of Settlement for an FLRA complaint I had filed in late 2007. An element of this settlement was for the Agency to restore the 72-hours of sick-leave involuntarily assigned in Pay Period 07-10 (the start of the Constructive Suspension). Since this agreement was signed, on 5/1/08, various Agency

officials have been submitting pay amendments, none of which have yet accomplished the agreed-to pay restoration. I have made many requests for documentation to clearly define all these amendments, but have received little more than Agency stonewalling. It appears that all these undocumented amendments have accomplished nothing: just one big convoluted tangle of actions and reactions.

This mess clearly needs to be sorted out. Please accept this letter as a formal request for a complete audit of all my pay records, from 2/4/07 to date. This audit needs to include all documentation related to the many Agency pay amendments, at a depth where they clearly define the reason for each pay amendment. I suspect the Agency will also need to produce a letter explaining their actions: the entire history, the reasons behind each action, what failed, what subsequent corrections were made, etc. A few specific questions that need to be addressed include:

1. for Pay Periods 07-08 and 07-09, ending 3/31/2007 and 4/14/07, why was I encoded as eighty hours of regular pay, when I should have been encoded Administrative Leave? (I was locked out from the facility, thus "away" the entire period).
2. for Pay Period 07-05, I was originally encoded as 8-hours of sick-leave on the day I was locked out (2/16/07), so why was I mysteriously amended by Agency on 10/9/08, 600-days later, to become "administrative leave"? It appears Agency was trying to amend the record in preparation for my removal, as Agency's draft removal letter was initiated on 10/9/08, and Agency needed to project that I had been ordered to leave the facility (a charge that is false and unsubstantiated). For the record, late last year I asked the DOT IG to investigate this fraudulent act, but they advised they would only pass the concern back to the Agency...and, apparently, no investigation has yet been made.
3. who are the specific individuals responsible and accountable for the specific pay code entry actions?
4. which specific pay code entry actions were proper, which actions were not, and what specific laws, orders or statutes were applied in each of these actions?
5. what corrective actions have been taken by the FAA, and what specific actions are planned in the immediate future?

I request a copy of the entire audit package, so that I may fulfill my responsibility as indicated on my Leave and Earnings Statements, all of which prominently advise: *"Employee is responsible for verification of pay, earnings, and leave"*.

Please call or write if you have questions, and thanks for your help.

Sincerely,



Jeff Lewis

ATTACHMENTS:

- "An ATC Work History", (5p, reference) ✓
- Pay records (2p, spreadsheet) ✓

PP#	end date	Pay assigned:							Restorations:		notes/amendments
		regular	Admin	HOL	SL	AL	CR	LWOP	done	needed	
07-5	2/17/07	72:00			8:00			-3:30			8SL was 2/16/07 (lockout day)
07-6	3/3/07		72:00	8:00							
07-7	3/17/07		80:00								
07-8	3/31/07	80:00									
07-9	4/14/07	80:00									
07-10	4/28/07	8:00			72:00				64:00	8:00	4/17/07: Begin Constructive Suspension
07-11	5/12/07				80:00					80:00	
07-12	5/26/07				80:00					80:00	
07-13	6/9/07			8:00	72:00					72:00	
07-14	6/23/07				80:00					80:00	
07-15	7/7/07			8:00	72:00					72:00	
07-16	7/21/07				73:30	3:00	3:30			80:00	
07-17	8/4/07				4:00	76:00				80:00	
07-18	8/18/07				4:00	39:00		37:00		80:00	
07-19	9/1/07							80:00	16:00	64:00	amended on APS:D45
07-20	9/15/07			8:00				72:00	72:00		amended on APS:D46
07-21	9/29/07							80:00	80:00		amended on APS:D47-48
07-22	10/13/07		72:00	8:00							
07-23	10/27/07		80:00								
07-24	11/10/07		80:00								
07-25	11/24/07		64:00	16:00							
07-26	12/8/07		80:00								
07-27	12/22/07		80:00								
08-01	1/5/08		56:00	24:00							
08-02	1/19/08		80:00								
08-03	2/2/08		72:00	8:00							
08-04	2/16/08		80:00								
08-05	3/1/08		72:00	8:00							
08-06	3/15/08		80:00								
08-07	3/29/08		80:00								

08-08	4/12/08	80:00										
08-09	4/26/08	80:00										
08-10	5/10/08	80:00										
08-11	5/24/08	80:00										
08-12	6/7/08	72:00	8:00									
08-13	6/21/08	80:00										
08-14	7/5/08	72:00	8:00									
08-15	7/19/08	80:00										
08-16	8/2/08	80:00										
08-17	8/16/08	80:00										
08-18	8/30/08	80:00										
08-19	9/13/08	72:00	8:00									
08-20	9/27/08	80:00										
08-21	10/11/08	80:00										
08-22	10/25/08	72:00	8:00									
08-23	11/8/08	64:00										11/6/08: Removed
08-24	11/22/08											
08-25	12/6/08											
08-26	12/20/08											
09-01	1/3/09											
09-02	1/17/09											
09-03	1/31/09											
09-04	2/14/09											
09-05	2/28/09											
09-06	3/14/09											
09-07	3/28/09											
09-08	4/11/09											
09-09	4/25/09											
09-10	5/9/09											
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