



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

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

Nov 10-22-10

OCT 18 2010

Mr. Jeffrey Lewis
28242 S. Salo Road
Mulino, OR 97042

Freedom of Information Act (FOIA) Request No. 2010-008248WP

Dear Mr. Lewis:

This letter responds to your September 8, 2010, Freedom of Information Act (FOIA) request for copies of Arbitration Review Board (ARB) and Merit Systems Protection Board (MSPB) cases that were listed on Terminal Reports dated July 27, 2007, October 9, 2007, April 22, 2008, and September 11, 2008.

The 14 items/records requested are being withheld from disclosure due to the respective individuals' privacy interest in that information. The records are protected from release under Exemption 6 of the FOIA, as defined in 5 U.S.C. 552(b)(6). Exemption 6 may be used to withhold records found in "...personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Also, the records are protected from release under Exemption 2 of the FOIA. Title 5 U.S.C. 552(b)(2) protects internal documents, the disclosure of which would risk circumvention of a statute or agency regulations, or impede the effectiveness of an agency's activities. The release of the records would allow access to strategies and theories of government litigation of ARB and MSPB cases.

There are no fees associated with this response.

The undersigned and Tim Kubik, Director, Human Resource Management Office, are responsible for this denial recommendation. You may request reconsideration of this determination by writing to the Assistant Administrator for Regions and Center Operations (ARC-1), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591. Your request for reconsideration must be made in writing within 30 days from the date of receipt of this letter and must include all information and arguments relied upon. Your letter must state that it is an appeal from the above-described denial of a request made under the FOIA and include your assigned FOIA control number. The envelope containing the appeal should be marked "FOIA."

Sincerely,

William C. Withycombe
William C. Withycombe
Regional Administrator