

From: Jeff Lewis <lsjef@yahoo.com>
To: Mike Hull <mhull@natca.net>
Sent: Friday, December 3, 2010 2:54 PM
Subject: Re: The last of my docs, for now...

Mike,






Here are all the supplemental copies we discussed. Had some problems with the scanner, so had to break up a few. Once you print them you can set them up correctly. If you need me to clean up these scans into a single file (especially for passing it on to the lawyer at NATCA HQ), just let me know.

I looked at Adverse Action in 5USC75. For what it is worth, I had never even heard of a "constructive suspension" until Aug-08 when, trying to figure out what was going on and how to defend myself (while facing the deadline for responding to the removal proposal) I phoned MSPB and chatted with an employee. He listened to me explain a 3-minute history, then said "sounds like a constructive suspension...". Based on what I read at sec.7513, this is clearly a suspension (no work, no pay) and clearly way in excess of 14-days (107-days). Thus, it should be an Adverse Action per 7513. Note Exhibits 65-66, wherein Jason drafts my Jun-07 grievance denial with language Rotella asks him to remove...about "for the efficiency of federal service" (the very heart of the required Adverse Action notification). It appears even Jason saw this constructive suspension as an adverse action. Granted, none of this may matter in the MTF process...but if you think a stronger case exists around Adverse Action (stronger as in we can get this to a full regular arbitration, thus open it up for a decision letter, which is what I most need and want), well, maybe bounce it off your HQ counsel and let me know what I can do to help it happen.

I remember years ago watching one of the best FAA briefing videos I ever saw. It was a straight-forward assessment of the fatal crash at LAX, when a position-and-hold commuter was crushed by an arrival. It emphasized how to break the chain that sometimes leads to aviation disasters. This briefing video may have been initiated by the incident or by mandate from NTSB or both...who knows. But, in that same spirit, it sure would be great if an arbitration decision or settlement could include mandating the Agency to brief all employees on the illegality of and the intention to avoid in the future all constructive suspensions. They would be far less likely to ever happen if employees knew what they were. Maybe this is something the new Audit and Evaluation office (Foushee) could pursue...toward achieving the meaningful cultural change FAA so desperately needs.

Thanks again for all your hard work.

5 attachments —

-  **Jun-09 Audit, Lewis, p.1-24.pdf**
950K
-  **Jun-09 Audit, Lewis, p.25-40.pdf**
1466K
-  **Jun-09 Audit, Lewis, p.41-42(end).pdf**
126K
-  **12-3-10..supplemental exhibits, index and first 17 pages.pdf**
1294K
-  **12-3-10..supplemental exhibits, JL Photo (last page).pdf**
226K

From: Mike Hull <mhull@natca.net>
To: Jeff Lewis <lsjef@yahoo.com>
Sent: Thu, December 2, 2010 7:49:44 AM
Subject: RE: The last of my docs, for now...

Hi Jeff,

I have been through all of the docs you sent me on Monday and yesterday. Wow, I must say that you did a fantastic job of gathering all of the info and chronicling it for me. I have been through all of the docs and as of right now, I have just a few questions. On or about 12/19/07 you sent a letter to Sarah Kriesher with a couple of receipts and vouchers for payment. These are chronicled by you as numbers 176-179. My question is were you ever paid for this?

Secondly, on 3/31/08, you sent an application to FAA HR in LA for immediate retirement. Can you tell me what type of retirement was it? Was it regular retirement or medical or some other type of retirement?

Thanks brother, and if I have any further questions for you over the next few days, I will let you know.

KJ

From: Jeff Lewis [mailto:lsjef@yahoo.com]
Sent: Wednesday, December 01, 2010 2:56 PM
To: Mike Hull
Subject: The last of my docs, for now...

Mike,





Here is the rest of what I have for now. Hope i have not sent you too much that is off target.

The only other thing I am contemplating producing for you is a review of the 9/25/08 letter from castellon to Ham, in which so many grand statements are fully revealed as lies by specific records (most of which I have already sent to you). All three charged Article violations - 10, 22, 66 - Castellon simply asserts no violation, but the record obtained since shows otherwise. For example, the 7/6/07 Goodman to Fossier medical records violation...was forwarded from Fossier to Davis on 7/8, thus should have been copied to me when Kubik sent me FOIA-07-7648 in Sep-08.

I look forward to hearing from you and am ready to reformat my records to whatever you need to help NATCA win this case...and bring AWP HR back to reality.

BTW, after our phone conversation, I looked up MTF Panel online. Holy shit....they clearly more-than-spanked FAA for the IWR. I was frankly stunned to see a panel like this would use the word "draconian" in their opinion (deserved by FAA, but so rare to see panels be see blunt). So, big CONGRATS on getting that done and, after so many years, prevailing.

Later, Jeff

-  **12-1-10..Answers to Mike's 20 Questions, keyed to Exhibits.pdf**
387K
-  **7-27-07..CPDSS Note by Mary Williams, cannot talk.pdf**
78K
-  **FEB-09 Disability Estimate.pdf**
489K
-  **attachment to AR on 8-7-08.doc**
21K

From: Mike Hull <mhull@natca.net>
To: Jeff Lewis <lsjef@yahoo.com>
Sent: Mon, November 29, 2010 5:42:57 PM
Subject: Call today

Hi Jeff,

I would like to thank you very much for you taking my call today and discussing your grievance with me. I know you are very busy, as you explained on the call today, getting me all of the information that I requested. I want to thank you for that and let you know that I look forward to seeing all of the information that you will be sending me. That will tie up a bunch of loose ends that I have regarding the documentation that I do have as of right now.

You told me that you would get me all of that information (over 200 pages per your count) by this evening. I greatly appreciate that brother, but I also know that you have been working very hard to assemble all of the info that I have requested. I have approximately 10 more grievances to prepare for our meeting with the agency next week. That will take me the better part of tomorrow as well as some of Wednesday. Therefore brother, if you need an additional day or two, please feel free to send me the information that I have requested not later than Wednesday at noon. That will give me time to prep my other grievances so that I can spend Thursday and Friday on your grievance for its preparation.

As we discussed today, based on the information that you promised you will send me in answer to my inquiry, I may have some additional questions/issues for you after I look at the info when I receive it. I want to also thank you for agreeing to be available to me on Thursday and Friday in case I need to call you for further clarification on any issue based on the information you will be sending me.

Thank you again brother, and I look forward to getting my hands on the information that I requested from you.

KJ