

Weingarten Investigation

Investigation with: [REDACTED]

Date/Time: 4/18/2011

In attendance (name/title): Ron Lilly, [REDACTED]

Laura Vilag

Representative: Todd Parkman Drew MacQueen

Declined: _____

Will be given opportunity to review tapes & amend statement if needed

> Read the following statements and record the employee's, representatives, and other participants' response(s):

Human Resource Policy Manual (HRPM) ER-4.1, Standards of Conduct states, "It is the duty and requirement of every employee to give, orally and/or in writing as directed, to any supervisor or DOT official conducting an investigation, inquiry, or hearing in the interest of the agency, **complete and truthful** information and testimony pertaining to all matters in which queried." Additionally, failure to cooperate in an investigation itself is grounds for disciplinary action, as is giving false testimony.

- Do you understand this statement? I do.

CBA 2009, Article 9, section 9 states: Radios, television sets, appropriate magazines/publications, pagers/cell phones, and electronic devices will be permitted in designated non-work areas at all facilities for use at non-work times. Pagers/cell phones will be permitted in operational areas but shall be set in the "off" position due to possible interference with NAS communications equipment. The operation of weather radios shall be permitted in operational areas.

On 1/5/2011 you signed MBI P10278 which briefed on electronic devices (see attached briefing). You read and acknowledged by your signature, is this your signature?

That is

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Enclosure

A HAM radio operator called and reported a movie interference with frequencies 124.4 and 121.2. VADER22 also reported interference on the frequencies and the appearance of a movie playing in the background. Explain what happened.

Was not feeling good that day ^{I called in sick on my shift}
Was fatigued... put a movie on to help stay awake
Wanted to make sure I stayed awake + provided a service

Were you sleeping on duty? NO

Who else was in the area? [REDACTED]

Anything abnormal with any equipment? Other than stuck mike - No

How many aircraft were you working? - ONE
almost sure of it
Understand against FAA regs - Yes I do ^{need to be in position}

Was the FLM aware you were watching the movie? He came down after he got the phone call and video player was off @ time

When the FLM walked into the area did he observe you watching a movie?

If so, what was his response?

What FLM say to you when he walked in the area
Can't remember exact words was to effect (he obviously knew we were watching) the movie

He told us to pause the movie if we were ~~watching~~ transmitting. He did not say to put it away.

Has this happened before as far as watching movie on air. Occasionally to keep myself about 50% I don't get sleepy or tired. Occasionally = rarely ²⁻³ ⁴⁻⁵ was paying

You + [REDACTED] watching movie... [REDACTED] was paying attention to his traffic. Only time I was watching was when nothing to say to [REDACTED] - I was monitoring the whole time (freq + radar scope)

Anything to add

Managers aware? - Not to my knowledge. Never had words, but managers have walked by without saying anything. Have observed others watching movie on mids. - Can't be specific I don't know everyone

Did you file an ATSAF - NO

You were assigned a midnight shift and working the morning of 4/17/2011 and working R53 0400 - 0827Z (monitoring frequencies: 126.95, 121.2, 124.4 and 126.72).

At 0530:38 - 0536:49 non ATC communications were broadcasting over the frequency as aircraft are attempting and unable to communicate with you.

You were working [REDACTED] and he was under your control and responsibility. Did you hear [REDACTED] attempt to reach you on your frequency and then again on guard frequency at about 0536:42.

What were you doing at this time and why did this interruption to ATC service occur?

Explain how this happened. Initially checked in and I did answer
Best on my recollection
Barbled over guard ~~1st~~ time
2nd time did hear him on guard + did answer
I took my shoe off + rested my foot in my shoe
There was a stuck mike
Shoe depressed foot pedal causing a stuck mike

Never neglected duties & provided safe environment
Always been vigilant

The information collected during this meeting will be reviewed with Human Resources for a determination of the appropriate follow-up action.

In the meantime you are reminded that you are expected to: **It is my expectation that you comply with all FAA directives, orders and initiatives. Maintain focus on the safe and efficient operation of ATC services. This is a ongoing investigation; you are asked to maintain the confidentiality of this matter. You are not permitted to work an operational position pending the conclusion of this investigation.**

I am offering you an EAP referral should you feel the need to utilize this service.

Interviewed by:

Rama Veloz

Date:

4-18-11

Q
SOURCE: FI-8134 APPEND RESPONSE
RVD 6-8-13