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## New FOIA request: ZOB ARTCC movie over hot mic incident

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To: FAA-HQ FOIA <7-awa-arc-foia@faa.gov>

Please accept this as a request for records under the FOIA.

Text below was copied from the 4/18/11 FAA Press Release concerning a controller and an FLM suspended "pending an investigation" for the apparent viewing of a DVD movie at ZOB ARTCC.

*During the early morning hours of April 17, 2011, an air traffic controller at the Cleveland Air Route Traffic Control Center was watching a movie on a portable electronic device while working a radar position. For a little more than three minutes, the controller's microphone was inadvertently activated, transmitting the soundtrack of the movie over the radio frequency for that airspace. The problem was brought to air traffic control's attention by the pilot of a military aircraft using an alternate frequency. The controller and the front line manager have been suspended from operational duties pending an investigation. FAA policy prohibits the use of portable DVD players and other devices from being used on the floor of the radar room.*

For this FOIA request, I ask for the entire unredacted copies of all investigative records, all letters proposing discipline, and all letters implementing the final disciplinary decision.

FOIA Exemption #2 is not applicable as, clearly, Agency rules against the viewing of a movie while performing ATC duties would not be considered "internal". FOIA Exemption #5 is not applicable as all these records would be releasable to a party in litigation with the Agency. FOIA Exemption #7 is not applicable as none of these records were compiled for law enforcement purposes.

As regards FOIA Exemption #6, there is a clear and substantial public interest in disclosure which far outweighs the debatable "privacy" value of the names of the FAA personnel involved, all of whom were acting in an official (not personal) capacity. A full disclosure would serve the core purpose of the FOIA by contributing significantly to public understanding of the operations or activities of the government.

I agree to pay up to \$25 for the production of these records, so long as the fee amount is justified by FAA's FOIA Order. I ask that you fully comply with this FOIA Order and produce these records within the Time Limits as specified within this Order.

Thank you for your assistance.

Jeff Lewis

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