

From: **Jeff Lewis** <[reformfaanow@gmail.com](mailto:reformfaanow@gmail.com)>  
Date: Wed, Aug 17, 2011 at 6:33 AM  
Subject: Lewis-CCR grievance arbitration.. [No. 08-79364-CCR]  
To: Mark Wilson <[mwilson@natcad.org](mailto:mwilson@natcad.org)>, Jay Barrett <[rkmedez@gmail.com](mailto:rkmedez@gmail.com)>

Hello,

I understand from Mike Hull that the two of you are NATCA's team for the arbitration of the grievance I filed 39-months ago. I also understand that the arbitration will be held somewhere in/around the Bay Area on a pair of days in late October...which appear to be 10/26 and 10/27. I would appreciate an email from either or both of you, confirming these dates, advising the location, and advising what plans I need to make. I want to do everything I can to assist our Union in not just winning this one small grievance, but setting a precedent with that victory that will ensure other NATCA members are not subjected to the horrific maltreatment I have faced the past four+ years.

Regarding the arbitration, can you also advise what our strategy is. Will we be calling Glen Rotella as a witness, to testify as to why I was even offered the timeliness waiver that enabled the filing of this grievance? ...To testify as to what he saw happen next...the retaliation for my having filed the grievance he had invited me to file? ...To testify about the email he sent to Ham and Mike Hull in mid-July, immediately after the removal proposal letter was mailed, in which he said:

*"...I know there are some understandable differences between you guys however, if ever there were someone in need of representation and your professional advise it is Mr. Lewis. He has been on admin. leave for way over a year with almost no communication from the Agency. Now he receives a proposed removal based on stuff that occurred more than a year and a half ago. Please forgive me for sticking my nose in your business buy my Union blood sometimes overrides my professional responsibility..."*

This email was from an AWP-16 LR Specialist to the NWP leadership...showing that there were responsible officials WITHIN THE AGENCY who saw the wrongs being done, and spoke up...

Who else do you anticipate will be called to testify, and what areas do we plan to pursue in collecting testimony? Marable? Marshall? Fossier? Kubik? Lopez-Hickson? DiBernardo? Castellon? Goodman? Richards? Davis? Bristol? France? Vernon? Giles? (...there were an awful lot of Agency officials in AWP, WSA, and at HQ involved in this case...)

What is our end-goal? We can all see that I was plainly and thoroughly screwed over by AWP-16, with coordinated assistance from AWP-7 and WSA-ATO. In my grievance, I asked to be put back to work, consistent with the 4/17/08 letter from District Manager Andy Richards in which he said, "...a return to work plan will be discussed with you at a later date..." The relevant documentation shows that, when the filing of this grievance was coordinated with Rotella, the intent was to be "made whole". And, as the last item on the "cure" requested in the original grievance filing, I restated returning to work as a part of that cure. In the large picture, had I been timely returned to work, the removal proposal would never have happened. Even more, there is strong evidence that the sole purpose of the "new" 14-month-old removal proposal was solely to retaliate against me for filing this grievance, as well as to undermine my grievance rights by rendering the grievance moot. So, as for our end-goal, what are we doing to make whole this former NATCA member, to restore his pay and his job?

**The last question: is NATCA interested in saving the cost of arbitration by negotiating this case directly with officials at the top of FAA, toward a full, fair, and just conclusion?**

Here is some background history as to why I would now support a "settlement" (so long as I am made whole as in put back to work, etc.) which I would not and simply could not accept last December...

I provided a considerable amount of documentation to Mike Hull last year. Ideally, I could have given him a couple dozen pages and a clean case, but Agency had made this not possible. Enormous effort had been made by Agency officials to conceal their actions, their coordinations, and their rationales. It has been only due to my concerted effort to collect Agency records and piece together this puzzle that I have slowly obtained the 8,000+ pages (really!...I am dismayed, too) via FOIA, MSPB Discovery, and Privacy Act that I have today. Please note that, had I taken the disability retirement that AWP and WSA/ATO were fraudulently offering me in Summer 2007, I never would have know about the numerous slanders against me by the CCR ATM, AWP-300, AWP-7, and personnel in AWP-16. I never even would have known the actual charges that they were making within their circle of malice...the charges such as "lunging" at a female supervisor (really?), such as four NATCA members witnessed me use the n-word (really?), or that I was AWOL pending a medical retirement for eight months (really?) ... All of these charges, never presented to me, were critically needed to gain concurrence from the Regional Flight Surgeon, WSA-ATO, AWP-10, AWP-700, and Accountability Board to do whatever (corrupt actions) they had to do to conclude the removal of this employee.

Since I last provided Mike Hull with documentation, I have received more than 3,000-pages. These have included many key records which have filled in many of the holes of the larger puzzle.

- I now have the emails between AWP-16 (Marable and Rotella) and District Manager Andy Richards contemporary with the filing of Grievance 08-79364-CCR. These include the draft 14-day suspension proposal, being considered from 4/17/08 until around 5/15/08. These "new" Agency records show that this suspension was abruptly upgraded to a removal just days after I filed this grievance. Notably, too, the upgrade to a removal was based not on recent actions on my part (that was impossible, as I had been locked out for nearly 15-months!) but was based solely on a 14-month-old ROI prepared under an Accountability Board Order that declares the requirement to initiate disciplinary action within ten-days (!) of receipt of the ROI. Oh, yeah, the ROI was never substantiated and filled with errors that damaged my reputation (so, add AWP-300 Jones-Ramos-Giles-Austin to the list who slandered me).
- I now have the entire series of emails/attachments that show the full step-by-step evolution of the removal proposal letter...for a one-time quoting of a song lyric, including a non-disparaging use of the n-word, by a 22-yr controller with no prior conduct history. These records show that the first removal proposal draft was created on or just before 5/15/08, and that the "insubordination" charge was not added until on or just before 6/11/2008 (based solely on an unsubstantiated ROI completed 3/27/2007!) for a controller who had been "locked out" on 2/16/07 and never set foot in his tower again...).

- I now have a copy of the Douglas Factors Checklist, not signed but instead with the Acting District Manager's name printed (Mark Deplasco)...in which he answers Factor #12 by saying that no lesser sanction was considered because "...*Mr. Lewis was asked to consider a disability retirement but he refused...*" Note that it was three months *after* I obtained this copy that I obtained the 14-day suspension draft that Deplasco either knew nothing about (quite possible) or was lying about, by declaring it had not been created.

Anyway, because of the many material records obtained SINCE I last supplied documentation to Mike, early last December, the complexion of this case has changed. It is no longer as critical to me that we actually proceed to questioning witnesses and obtaining answers that fill in the holes of this puzzle. I now know exactly what happened, and already have the documentation to show I was badly mistreated by a cabal of unaccountable Agency officials. I also know, from additional research, that the abusive handling of my case is simply par for the course...the same despicable behavior used against many other employees, NATCA members and otherwise. It is as if they have an unofficial guidebook for the manipulation of whistleblowers and other "undesirables" into early retirements, disability retirements, or progressively documented disciplinary firings. This must be cleaned up, and our Union can lead the effort to clean this up.

So, my closing question is this: *what documentation or information can I provide to you to aid in a more efficient resolution of this case, so that I am treated with the same fairness we expect for all NATCA bargaining unit employees, while the Agency and the Union can avoid wasteful expenditures of time, money, and effort?*

I look forward to hearing from you...and to closing this matter.