



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

OCT 14 2011

RCVD 10-19-11

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

10/17/11
(notice 10/12/11)
-62/p

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

Dear Mr. Lewis:

This letter responds to the remand of your September 8, 2010, Freedom of Information Act (FOIA) request for copies of litigation items extracted from terminal reports dated 7/27/07, 10/9/07, 4/22/08, and 9/11/08. In your September 8, 2010, letter, you requested that each entire document be provided, "with minimal (names only) redactions."

A search was conducted in the Human Resource Management Office (HRMO). The following are the findings to your request. We have referred to the items as you numbered them in your September 8, 2010, letter:

1. (Item #1) – Enclosed is a redacted copy of the arbitrator's final decision.
2. (Item #2) – Enclosed are redacted copies of the agency's brief and the arbitrator's final decision.
3. (Item #3) – Enclosed is a redacted copy of the arbitrator's final decision. There is no written agency brief.
4. (Item #4) – Enclosed are the Initial Appeal File, the narrative response, removal proposal letter, and the signed removal decision letter.
5. (Item #5) – Enclosed are redacted copies of the arbitrator's final decision and the agency's brief. There is no settlement document.
6. (Item #7) – Enclosed is a redacted copy of the settlement and the agency's letter to the employee.
7. (Item #9) – Enclosed is a redacted copy of the settlement. There is no agency brief or arbitrator's decision.
8. (Item #10) – Enclosed are redacted copies of the agency's brief and arbitrator's final decision. There is no settlement document.
9. (Item #11) – Enclosed is a redacted copy of the arbitrator's final decision.
10. (Item #12) – Enclosed is a redacted copy of the arbitrator's final decision.
11. (Item #13) – Enclosed is a redacted copy of the arbitrator's final decision. There is no settlement document.
12. (Item #14) – Enclosed is a redacted copy of the arbitrator's final decision. There is no settlement document.

In each case, we have redacted the names of the employees against whom the personnel actions were taken; we have also redacted the names of the witnesses. Because your September 8, 2010, request did not include the names of individuals, we consider that the

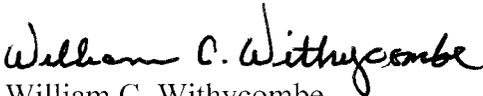
release of records with those names redacted to be full releases under the FOIA. (We have not redacted the names of other individuals involved in the proceedings, e.g., arbitrators, employee representatives and agency representatives.)

However, we have also redacted the initial employment dates of the employees against whom the personnel actions were taken. In addition, we have redacted references in the records by which the facilities can be identified, e.g., facility names and related geographic references. Those redactions were made to protect the privacy interests of the employees against whom the personnel actions were taken. It is necessary to redact that minimum information because the initial employment dates and facility identifications, combined with the information that is being released, would identify the employees against whom the personnel actions were taken. The redactions 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."

Because there are fees associated with this request, an invoice is enclosed.

The undersigned and Tim F. Kubik, Director, Human Resource Management Office, are responsible for this partial denial. 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
Regional Administrator

Enclosures



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INVOICE

Date: October 14, 2011
Requester: Jeffrey Lewis
FOIA Number: 2010-008248WP-R
Pay.gov Web Payment ID Number: 380104

CHARGES	AMOUNT DUE
Duplication (573 pages x .10 per page) (First 100 are free) (473 pages x .10) =	\$47.30
TOTAL DUE	\$47.30

Payment must be made within 30 days from the date of receipt of this invoice. Payment may be made by check or electronically through Pay.gov.

To Pay by Check: Please make your check, in the above amount, payable to **DOT/FAA**. Please include the above FOIA number on your check and mail to:

Dolores Corpus
Regional FOIA Coordinator, AWP-31
Federal Aviation Administration
P.O. Box 92007
Los Angeles, CA 90009-2007

To Pay thru Pay.gov: Please use the link from our FOIA web page (www.faa.gov/foia) to access the proper pay.gov account. This pay.gov account is a secure website where you can pay by e-check or credit card. When you access the Pay.gov website, you will be asked to provide the following information:

FOIA Web Payment ID:	<u>380104</u>
FOIA Request Number:	<u>2010-008248WP-R</u>
Name of FOIA Requester:	<u>Jeffrey Lewis</u>
Amount Due:	<u>\$47.30</u>