

From: Jeff Lewis <reformfaanow@gmail.com>

Date: Thu, Feb 2, 2012 at 9:55 AM

Subject: Re: Arbitration

To: James Barrett <jaybarrett5@me.com>

Hi Jay:

Call anytime. 971-295-7669.

My cellphone coverage is weak at my home in the country, but I have a few locations where it seems to work well. If these do not work well, I will gladly drive to better reception.

Need confirmation of location and time commitments for the arbitration. I have heard nothing for about two months and two weeks notice is a bit tight, but I will certainly make my schedule fit whatever NATCA needs to be as effective as possible in winning this arbitration. The arbitrator is from the Portland area, so we are meeting up here, right?

Witnesses? We need to discuss that, as it depends on scope of NATCA's aim in this arbitration. The original grievance happened specifically because Glen Rotella, AWP-16, invited the filing of this grievance to be "made whole" (words in Glen's emails, and in the AWP-10 grievance log); related to this, Glen coordinated with Hub Manager Andy Richards to issue a letter, which Andy did on 4/17/08, advising that a return to work plan would be discussed. Rotella also coordinated with Ros Marable who, on 4/17/08, checked out a 93-page ROI completed 13-months earlier and used it to draft a proposal to suspend me for 14-days. Marable emailed this proposal to the deciding official, Andy Richards, on 4/17/08 and again on 4/28/08. Well, receiving Andy's "return to work plan" letter and Glen's invitation to file this grievance, I filed. Glen forwarded this grievance filing to Andy via a 5/7/08 email; a week later, Marable emailed Andy advising she was redrafting the suspension as a removal. So, I assert, my removal at the end of 22-yr ATC career with no disciplinary record was a retaliation for exercise of a right to file a grievance. As to witnesses: just this portion suggests: Rotella, Richards, Marable.

BTW, it is important to realize that the large volume of records I shared with Mike Hull in December 2010 has largely been replaced a smaller collection of documents obtained last year. As part of their pattern to deny my Due Process rights, Agency aggressively withheld many critical and exculpatory records. It was only after years of persistent FOIA requests and appeals, with thousands of hours of careful analysis of nearly 10,000 pages received, that I was able to compel Agency to release these records. As such, the case NATCA can present to the arbitrator, can be fully documented within a concise package of Agency-provided FOIA records; all we need to do is clarify, what is NATCA's aim in this arbitration? I.e., how far will NATCA reach to make whole a member with a fully-documented case of retaliation for protected activities?

As for settlement, in view of the enormous damages done against me by Agency in retaliation for the filing of this grievance, I should accept nothing less than to be "made whole", as offered by Rotella when I was encouraged to file this grievance. I continue to be denied Due Process on not only the original unsubstantiated charges in the March-07 ROI, but also on the series of slanders, misrepresentations, privacy violations, and frauds by Agency officials that were part of the history leading to my removal. Therefore, it is reasonable that, I will accept a cash settlement ONLY if it is in an amount that would "make me whole", as if none of the events post-lockout (2/16/07) ever happened. Included should be a statement acknowledging Agency improper actions, an apology, and a record of disciplinary actions taken against Jason Ralph, Dr. Goodman,

Monique France, Dan Castellon, Tony DiBernardo, and others whose complicity is revealed during the arbitration.

Jeff Lewis

*PS: when I testified at the Andy Papageorge arbitration hearing in March 2008, Glen Rotella was the FAA rep. It was a couple weeks later that Rotella called me to offer to settle the ULP I had filed in November-07; he told me that he realized something was amiss at CCR, based on his knowledge of both the Papageorge case and my case. Based on what Rotella was telling me at the time, as well as by numerous Agency emails since revealed via FOIA, I believe Glen was the one decent employee at AWP-16 in 2008 (he quit in summer 2009); I also believe in his heart, Glen wants to be in a legal environment where he can testify as to what he knows, to sort of cleanse himself from a very bad experience. In view of the situation at that time (post-STL Contract briefing, plus the lawsuit *Gilding v. Carr et al*), it is really not surprising that the Agency was so cowboy, and that the Union was so ineffective at the time my removal was being carried out. Luckily, we can now correct this, and in the process, perhaps we can help clean up the waste and corruption that has come to define our FAA.*

On Wed, Feb 1, 2012 at 2:34 PM, James Barrett <jaybarrett5@me.com> wrote:
Jeff

I just wanted to touch base with you concerning the hearing on Feb 16 & 17. Mark and I will need to prep you on the 15th, probably a full day. I have a couple of questions for you.

1. What would be an appropriate financial settlement for the grievance? Keep in mind that there is no ability to recover for pain and suffering only for lost leave or time you were in an LWOP status or other medical and associated costs.
2. Who do you think would make good witnesses for your case and would be able to testify on your behalf?
3. When would you be available this week to spend some time on the phone with me to answer questions?

Thanks very much,

Jay Barrett

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Sent in solidarity from Jay's ☐ iPad2.