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Thursday, July 26, 2012

FAA-WSA, FOIA Coordinator
Renton, WA 98057-4056
-via email to ANM FOIA-

Dear Sir or Madam:

Please accept this as a request for copies under the Freedom of Information Act.

Attached are three WSA-Terminal Accountability Board (AB) Case status reports, as follows:

1. The first is from a Nevada terminal where it is alleged that a FLM used the term "*n***er rich*" in a conversation with a CPC. It was allegedly in reference to a friend who recently received a large check. No action was taken.
2. The second is from a California terminal, where it is alleged that on a Sunday, controllers were watching NASCAR auto races on a TV in the breakroom. Another controller came into the breakroom and said, "*NASCAR drivers are fags.*" The AB reporting party answered with: "*They are tougher than you.*" The same reporting party then "*...advised facility management of the incident and subsequently went home stressed out over the incident.*" No action was taken.
3. The third is from an Arizona terminal, and a bit more complicated. A reconstruction of this and other FAA records indicates that, on 4/10/08, the facility manager filed an AB complaint against the facility secretary, accusing her of being too close and touching excessively. Two outside managers investigated. Their report was reviewed by HR and by WSA-Terminal, and the conclusion was that the allegations could not be substantiated. However, it had been found that the manager had asked "*...employees to write statements on (his) behalf and give their opinion about working in a hostile work environment.*" So, the manager was charged with inappropriate conduct and interference with an investigation. A 14-day suspension was drafted, but it was negotiated down to a letter proposing a 10-day suspension, which was signed. That was the **proposal** letter; the actual **decision** letter was for a 5-day suspension. However, AWP Regional Administrator Bill Withycombe has declared in at least one FOIA response, that no final decision was ever issued. Thus, it is not clear what disciplinary action was actually taken against this Arizona terminal manager.

This new FOIA request seeks similar AB Case records.¹ For this FOIA request, **I ask for copies of these three AB Case Status Reports:**

AB Case 2009-0213

AB Case 2009-0225

AB Case 2009-0238

¹ These three examples were obtained in February 2011 via a FOIA request.

Since the data on these records accumulates over weeks and months, please ensure that each AB Case Status Report includes all entries (i.e., is the last version). FOIA Exemption 2 is not applicable to these records, as they are not related solely to internal personnel rules or procedures. FOIA Exemption 5 is not applicable either, as all of these records would be fully disclosable to a party in litigation with the Agency. If you feel any material must be redacted under FOIA Exemption 6, please do so minimally; ensure that the redactions are truly personal identifying information, and that these few words are properly segregated to allow release of all other disclosable content. I will not appeal the redaction of "respondent" names, but will exercise my right to appeal all other excessive redactions.

I agree to pay up to \$20 for this production, which should measure three to six pages total. Please call if you determine I need to amend the amount of this fee agreement, or if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lewis", written over a horizontal line.

Jeff Lewis



Air Traffic Organization
Terminal Services, Western Service Area
Accountability Board Case Status Report as of 12/11/08
Report Submitted By: Vicki Hendrickson (425-203-4150)

Case #: 2008- [REDACTED]

Status: Closed

Date Reported to Board: 9/08/08

Resolution Due Date: 10/17/08

Extension Granted?: Yes

Please list multiple complainants and respondents separating each by a comma.

Reporting Party (Complainant):

Reporting Party's Supervisor:

Respondent: [REDACTED] FLM, [REDACTED]

Respondent's Supervisor:

Facility: [REDACTED]

City/State: [REDACTED] Nevada

Respondent's Past AB Case History (Please provide details):

Accountable Official: Kathryn M. Vernon, Director, Western Terminal Services

Allegation(s): Racial remarks. On 8/27/08, it was brought to management's attention that approximately 5 weeks earlier, [REDACTED] was in a conversation with [REDACTED] CPC, in which [REDACTED] allegedly used the term "n-----r rich" in reference to a friend having recently received a large check. [REDACTED] did not report the incident then or now; it was reported by a coworker to whom [REDACTED] described the incident.

[REDACTED] management initiated a fact finding set of interviews on 9/03. Based upon the information gathered, it was determined to report the incident to the AB. [REDACTED] Operations Manager at [REDACTED] and [REDACTED] ATM of [REDACTED], will conduct the investigation next week.

File-216765, rec'd 2-28-11

Update(s): (9/17/08). One of the interviewees is away from the facility this week. The inquiry will be completed next week when the individual returns. The AO requested and was granted an extension to 10/08/08.

(9/25/08). Management inquiry planned to be complete this week. Coordination with HR pending.

(10/02/08). Final statement from an involved party received today. Management report of findings anticipated to be complete today. Coordination with AO pending.

(10/09/08). Management is gathering final details for the inquiry. Extension was granted by the AB to 10/17 to accomplish coordination of the proposed resolution.

(10/16/08) An investigation of the allegations was conducted; however, the specific allegations concerning the usage of the term "(N*)-rich", could not be substantiated. At most, all testimonies confirmed the topic of the conversation (a friend of the respondent who had recently received a lump sum of money and her decision to spend it on general shopping instead of her financial obligations).

Additionally, the testimony of the only other individual in the room, revealed that the conversation appeared to end abruptly, but with no evidence of contentment between the two parties. The investigation revealed that while the incident was reported in late August 2008, it actually occurred in June 2008. It was also discovered, that based on existing friendships between certain employees (in and outside the workplace), some have jokingly established nicknames for one another. There were no findings of employees indicating that they were offended by any terms/references used within the workplace. However, when it was originally reported to management that inappropriate references were being used in discussions as well as in referring to facility employees, the Staff Manager stepped in and counseled the workforce. The behavior immediately ceased and there have been no occurrences since.

(10/30/08) Case reopened by AB.

(11/6/08) Awaiting confirmation from AB on status of case. If necessary, AWP-16 requested extension of case to continue further discussions with AB after their review of additional supporting documentation.

(11/13/08) Awaiting confirmation from AB on status of case. If necessary, AWP-16 requested extension of case to continue further discussions with AB after their review of additional supporting documentation.

In Summary:

The case involves an incident that was previously reported and resolved.

There have been no new incidents reported.

Management's on-going assessment of behavior in the workplace has been favorable.

Specific use of alleged terms could not be substantiated

Based on the aforementioned:

Management will take no action against the respondent.

The workplace behavior will continue to be closely monitored.

A workplace behavior briefing will be presented to all facility employees at least once per year.

Closure of this case was granted today, 10/16/08, by Debbie Williams, ABC.

Resolution/Disposition: Case reopened on 10/27/08 for further review. Awaiting guidance from AB. Monique France is FedExing on 10/29 additional information to Debbie Williams, AB Consultant,

(11/26/08) Update: Awaiting complete review of material.

(12/4/08) Awaiting review of material by HQ

(12/11/08) Review of material by HQ continues.

(12/11/08-Updated) Received final closure notice from AB on 12/11/08.

Additional Information (Optional):

Case Substantiated?: No

Closed Date: 10/16/08 (Reopened 10/27/08)



Air Traffic Organization
Terminal , Western Service Area
Accountability Board Case Status Report as of 3/19/09
Report Submitted By: Vicki Hendrickson (425-203-4163)

Case #: 2009-██████████

Status: Closed

Date Reported to Board: 2/17/09

Resolution Due Date: 3/9/09

Extension Granted?:

Please list multiple complainants and respondents separating each by a comma.

Reporting Party (Complainant): ██████████ ATCS, ██████████

Reporting Party's Supervisor: ██████████ ATM

Respondent ██████████ ATCS, ██████████

Respondent's Supervisor: ██████████ ATM

Facility: ██████████

City/State: ██████████ CA

Respondent's Past AB Case History (Please provide details):

Accountable Official: Kathryn Vernonon, Director, Western Terminal Operations

Allegation(s): On Sunday, February 15th, several employees were in the ██████████ ██████████ break room watching a NASCAR event on television. An employee walked into the room and blurted out "NASCAR drivers are fags". The reporting party, replied "They are tougher than you". The reporting party advised facility management of the incident and subsequently went home stressed out over the incident.

Update(s):

(3/5/09) Coordination with AO/HR on appropriate action is pending completion and receipt of management inquiry.

(3/12/09) Coordination with AO/HR is complete. Request for closure forwarded by AO to AB on 3/9.

F11-218765, rec'd 2-28-11

94

(3/19/09) Harold Pratt confi. d case closed effective 3/9/09.

Resolution/Disposition: Although the comments alledged in this case could not be substantiated, to ensure employees are aware of expected workplace behavior all employees will be subject to a training class focused on respecting others in the workplace.

Additional Information (Optional):

Case Substantiated?: No

EEO Case?: No

Closed Date: 3/9/09



**Air Traffic Organization
Terminal Services, Western Service Area
Accountability Board Case Status Report as of 5/22/08
Report Submitted By: Shirley Rutherford (425-203-4136)**

Case #: 2008- [redacted]

Status: Closed

Date Reported to Board: 04/10/08

Resolution Due Date: 05/06/08

Extension Granted?:

Please list multiple complainants and respondents separating each by a comma.

Reporting Party (Complainant): [redacted] ATM, [redacted]

Reporting Party's Supervisor: [redacted] District Manager

Respondent: [redacted] Administrative

Respondent's Supervisor: [redacted]

Facility: [redacted]

City/State: [redacted] AZ

Respondent's Past AB Case History (Please provide details):

Accountable Official: Kathryn Vernon

Allegation(s): On 03/05/08, [redacted] was counseling the employee, [redacted] with regard to performance, when at some point [redacted] allegedly stated to [redacted] "I don't want to be just your secretary, I want to know about your life.." [redacted] alleges that [redacted] had exhibited numerous inappropriate behaviors that in his opinion constituted sexual harassment and a hostile work environment, including hugging, excessive hand and arm touching, and comments of an inappropriate nature. [redacted] also initiated an informal EEO complaint with same allegations on 04/10/08.

(04/24/08). A management inquiry is being conducted by two managers from outside of Terminal Services. Interviews are complete and the report is expected to be complete Friday. Kathryn Vernon will be briefed Monday. Resolution date has not yet been identified by the AB.

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L 4/28

F11-216705, read 2-28-11

Update(s): (05/01/08). Consultations between AB POC and AO are taking place this week; a management proposal is pending.

(05/08/08). The report from the [REDACTED] management inquiry was forwarded to the Director, Executive Staff, District Manager and AB POC for review and recommendation. The aforementioned parties participated in a thorough review of the report, as well as extensive discussions, and collectively concluded that the allegations could not be substantiated. Request for case closure has been made to AB, based on inconclusive findings and no management action.

(05/22/08). AB closed this case effective 05/02/08.

Resolution/Disposition: Request for case closure was made to AB on 5/6, based on inconclusive findings and no management action.

Additional Information (Optional): [REDACTED] became of aware of the allegations against the respondent on April 7, 2008; the allegations were reported to AB on April 10, 2008.

Case Substantiated?: No

Closed Date: 05/02/08