



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Office of the Regional Administrator

1601 Lind Avenue Southwest
Renton, Washington 98057

RWD CEPT 9-10-12
(6p)

SEP 4 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Dear Mr. Lewis:

Subject: Freedom of Information Act (FOIA) Request 2012-007033WS

This is a Northwest Mountain Region, Air Traffic Organization (ATO), Western Service Area, partial denial and partial no records response to your FOIA request dated July 26, 2012, made under the provisions of Title 5 United States Code (U.S.C.), Section 552. You requested a copy of records regarding "AB Case Status Reports" for three specific case numbers.

A search for records was conducted by the Accountability Board/Equal Opportunity Office (AB/EEO) within the Administrative Services Group in the Western Service Area. The AB/EEO was unable to locate any records pertaining to case number 2009-0225. They produced two pages of responsive records for each of the other two case numbers you provided.

We have withheld portions of all four pages containing information exempt from disclosure under FOIA Exemption (b)(6), Title 5 U.S.C., Section 552. The redacted information consists of names, genders, and locations of employees involved in the AB process.

FOIA Exemption (b)(6) protects personally identifiable information, which if released, would cause a clearly unwarranted invasion of personal privacy. Based upon our review of the material, we have determined that the personal privacy interests involved outweigh any public interest in the release of this information.

Your request qualifies for the "All Other" fee category whereby you are not charged for the first 2 hours of search time, any review time, and the first 100 pages of documents. There is no charge to you for processing this request.

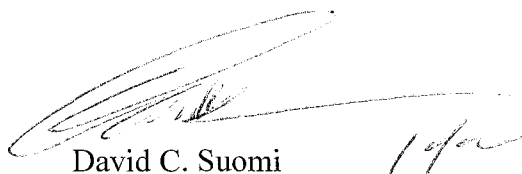
The undersigned and Ronald G. Beckerdite, Director, ATO, Western Service Center, are responsible for this partial denial and partial no records response to your request. You may request reconsideration of this determination by writing to:

Victoria Wassmer
Assistant Administrator for Finance and Management, AFN-1
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Your request must be made in writing within 30 calendar days from the date of receipt of this letter and include all information and arguments relied upon. Your letter must also state that it is an appeal from the above described determination under the Freedom of Information Act and include your assigned FOIA control number. The envelope should be marked "FOIA Appeal."

If you have questions, please contact Barbara January, FOIA Officer, ATO, Western Service Area, at (425) 203-4199.

Sincerely,



David C. Suomi
Acting Regional Administrator
Northwest Mountain Region

Enclosures



Air Traffic Organization
Terminal , Western Service Area
Accountability Board Case Status Report as of 7/16/09
Report Submitted By: Vicki Hendrickson (425-203-4163)

Case #: 2009-0213

Status: Closed

Date Reported to Board: 6/18/09

Resolution Due Date: 7/7/09

Extension Granted?:

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

Reporting Party (Complainant): [REDACTED] ATM; [REDACTED] FLM

Reporting Party's Supervisor: [REDACTED], [REDACTED] District Manager

Respondent:

#1 [REDACTED] ATCS (Caucasian, [REDACTED]),

#2 [REDACTED] ATCS (African-American, [REDACTED])

Respondent's Supervisor: [REDACTED] ATM, [REDACTED] ATCT

Facility: [REDACTED] ATCT

City/State: [REDACTED]

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

Accountable Official: Richard A. Belmonte, Director, Western Terminal Operations

Allegation(s): In the presence of the ATM, Respondent #2 made the statement, "I'm trying to emancipate my people here on the use of the N-word". Respondent #1 then advised the ATM that the FLM immediately stopped the (previous) conversation (regarding the "N-word"). Respondent #1 continued with the statement, "I just told [REDACTED] to shut the fuck up nigger". Immediately following the statement made by Respondent #1, management relieved [REDACTED] from position to discuss [REDACTED] behavior.

3

Update(s): (06/24/09) Completion of management inquiry is pending.

(07/01/09) Completion of the management inquiry is pending.

(07/08/09) The management inquiry was completed, and the findings were discussed between the Accountable Official and Gwen Marshall, HR AB POC. Ms. Marshall concurs with the management's actions. Request for closure was forwarded to the AB on 7/7/09.

Resolution/Disposition: The allegations were substantiated by the management inquiry. The Respondent [REDACTED] will receive a verbal admonishment for [REDACTED] involvement in the incident. Respondent [REDACTED] because of [REDACTED] previous involvement in similar incidents will receive a Letter of Reprimand. Additionally, each facility employee will be re-briefed on the Accountability Board procedures.

Additional Information (Optional):

Case Substantiated?: Yes

EEO Case?: No

Closed Date: 7/7/09

4



Air Traffic Organization
Terminal , Western Service Area
Accountability Board Case Status Report as of 9/11/09
Report Submitted By: Vicki Hendrickson (425-203-4163)

Case #: 2009-0238

Status: Closed

Date Reported to Board: 7/29/09

Resolution Due Date: 9/1/09

Extension Granted?: Yes

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

Reporting Party (Complainant) [REDACTED] CPC

Reporting Party's Supervisor: [REDACTED] District Manager, [REDACTED]

Respondent: [REDACTED] FLM

Respondent's Supervisor: [REDACTED], District Manager [REDACTED]

Facility: [REDACTED]

City/State: [REDACTED]

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

Accountable Official: Richard A. Belmonte, Director, Western Terminal Operations

Allegation(s): During a general conversation, in the workplace, the respondent referred to the reporting party as a "white supremacist racist". The reporting party was not present when the reference was made, it was a third party who advised the reporting party of the incident

Update(s):

(7/31/09) Completion of the management inquiry is pending.

(8/5/09) Completion of management inquiry and coordination with HR/AO on appropriate action is pending

(8/13/09) Request for extension to 9/1/09 granted on Resolution Date.

(8/20/09) Completion of management inquiry is pending.

5

(8/27/09) The District Manager is awaiting receipt of the completed management inquiry. Closure is pending review of management inquiry and AO/HR AB POC coordination/concurrence on appropriate action. Management anticipates closure by Resolution Date.

(9/3/09) After a thorough review of the management inquiry, the AO/HR concur that the allegations were not substantiated. The management inquiry did reveal that the manner in which the Respondent provides leadership could potentially add stress to the overall work environment. A management official has been designated to work closely and frequently with the Respondent on [redacted] leadership style. Closure is pending AB confirmation effective 9/1/09.

(9/10/09) Closure effective 9/1/09 is pending confirmation by AB.

(9/11/09) AB confirmed closure of this case.

Resolution/Disposition: Even though the allegations could not be substantiated, a management official has been designated to work closely and frequently with the Respondent on [redacted] leadership style.

Additional Information (Optional):

Case Substantiated?: No

EEO Case?:

Closed Date: 9/1/09

6