

Duke:

I am hoping you can help resolve one of the problems being caused by the ANM FOIA personnel. Please see the attached PDF files:

1. the 7/23/12 FOIA request submitted to WSA via email, which became multi-assigned as F12-7031.
2. the ANM portion of the FOIA Response to the F12-7031 as received yesterday.

For the record, F12-7031 relates to the issuance of a 4/24/07 disciplinary proposal letter, and a 6/5/07 30-day suspension decision letter. These were given to a controller who had made comments regarding Hitler; he had also drawn a swastika on a facility document. The root cause of these inappropriate behaviors is not yet clear (and hopefully will become clear with this FOIA response), but likely relates to extreme tensions connected to the ATC work rules imposed by FAA management in September 2006.¹

The most immediate problem with this FOIA response is the quite liberal use of redaction ink accompanied with the bizarre text annotation of ***“not responsive to request”***. Typically, this bizarre annotation is related to paragraphs declaring allegations. I have many earlier FOIA responses for this same type of agency record, for which all of that same content was provided. Oddly, it makes absolutely no sense that they find this content ***“not responsive to request”***, as *my request asked for complete copies* of both the proposal letter and the decision letter (see Item #4 and Item #5 on the 7/23/12 letter).

An additional problem is that the FOIA (‘b6’) exemption applications are concealing names and titles of management officials, yet there is no ‘personal privacy’ value in those officials who clearly were acting in official capacities.

One last problem with this FOIA response is that it is already past due, having failed the FOIA response timelines. Yet, because other responses have not been provided, I am not allowed to formally Appeal (per your past guidance, I must wait until all responses are produced). So, it is a FOIA morasse...

What I need from you is to help ANM correct the deficiencies in the present FOIA response, so that I will not need to appeal it later. In the big picture, although I have a FOIA right to the names of the officials mentioned in these two records, I am more concerned about the content improperly concealed under the ***“not responsive to request”*** annotations. These redactions conceal details reflecting the quality of work done by agency officials; they thus need to be revealed in accordance with the transparency intent of our FOIA laws. So, if you would simply discuss this portion of the response with ANM and encourage their production of an amended response with fewer redactions, it may eliminate the need to appeal. Thanks.



¹ At the bottom of page 3 of the 6/5/07 decision letter, the FAA manager stated: “...it is true that the implementation of the 2006 Contract has created some issues that challenge the relationship of NATCA and facility management. There are appropriate avenues for redress of concerns of the bargaining unit, which have been employed by the union....” Thus, FAA management was effectively acknowledging that the imposed work rules (whitebook contract) had created LMR difficulties.