

## *A Timeline: Concealment of Case Records by FAA*

FAA officials concealed many records, denying Lewis access to documents and facts needed for his defense. When he was fired on 11/6/08, Lewis knew very little about his case: ... that he had been locked out ... had been issued an admonishment letter ... had lost roughly \$40,000 during enforced leave ... had restored his ATC medical clearance in January 2008 ... had been told a "return to work plan" would be discussed ... and then was inexplicably fired.

It was only **AFTER** Lewis was fired, and then forced to retire, that key FAA records were released. [Details listed below, on the right half of the page, with gray background.] They reveal extensive coordination between FAA officials, and alternate sanction plans, including a reassignment to Santa Rosa Tower, and a letter proposing a 14-day suspension drafted in April 2008. They also reveal many substantial slanders by Dr. Goodman, Jason Ralph, Dick Fossier, Andy Richards and Naomi Tsuda, as well as the behind-the-scenes involvement of Tony DiBernardo and Dan Castellon.

### Revealed by FAA, before May 2009:

2/16/07: Lewis locked out by CCR manager.

3/28/07: FAA Special Agent interviews eight, and completes Report of Investigation (ROI, 93-pages) for Accountability Board; sent out for review and disciplinary action.

4/17/07: Start of 24-week Enforced Leave.

6/7/07: doctor-to-doctor slander memo

6/13/07: Accountability Board case CLOSED.

6/14/07: Marshall recommends written admonishment.

7/14/07: Fossier recommends written admonishment.

7/16/07: Jason Ralph drafts admonishment letter.

7/27/07: Dennis Sullivan sends admonishment letter.

9/5/07: Fossier emails five managers, confirms Lewis was admonished, so ROI is releasable.

10/1/07: Jason Ralph emails FOIA Specialist Zullo, says he does not have to produce records because there is "no current proposed disciplinary action" for Lewis.

10/10/07: Lewis receives FOIA copy of ROI.

1/10/08: Dr. Goodman (AWP Regional Flight Surgeon) fully restores Lewis' ATC Medical Clearance.

4/17/08: Andy Richards sends Lewis letter advising "a return to work plan will be discussed".

5/1/08: Lewis accepts LR Specialist Glen Rotella's offer of settlement, withdraws ULP, and files a new grievance, to recover \$40,000 in pay lost during the 2007 Constructive Suspension.

7/16/08: Lewis receives first copy of removal proposal letter from Andy Richards; action based solely on the ROI completed in March 2007. At the time, Lewis had been locked out for 17-months.

8/22/08: Lewis submits letter rebutting removal proposal.

10/9/08: 600-days later, Agency secretly amends Lewis' pay for the day he was locked out (2/16/07).

11/6/08: Lewis fired 21-months after start of "lock-out"

11/30/08: Lewis files MSPB Appeal (though the Appeal is never heard).

2/13/09: Naomi Tsuda continues to offer Lewis a disability retirement: Lewis declines, as he is ineligible.

3/4/09: Naomi Tsuda tells Judge, Lewis was never admonished (yet, two weeks earlier, she witnessed Jason Ralph repeatedly declare in deposition that Lewis had been admonished).

MSPB Hearing never starts.

5/5/09: Lewis forced to retire.

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2/2/07: Jason Ralph's AB Intake slander, falsely claiming four named witnesses. [revealed 3/8/2010]

3/12/07: Cindy Lopez-Hickson, AWP EAP Manager, coordinates with AWP Medical, Legal, and LR officials; she was the source of the two letters, initiating the lockout, and ordering Lewis to get a \$2,000 evaluation. [revealed 6/25/2010]

5/9/07: LR Specialist Fossier emails that Lewis has no conduct record. [revealed 2/16/2010]

6/13/07: LR Specialist Fossier twice questions Dr. Goodman: was Lewis properly notified? [revealed 3/18/2010]

7/6/07: Dr. Goodman sends email to LR Specialist Fossier, advises Lewis' medical file is on his desk for viewing. Fossier then forwards this email to Dennis Sullivan, Barry Davis, and Jason Ralph. Nobody reports this privacy violation. [revealed 12/3/2009]

12/3/07: District Manager Andy Richards wants to reassign Lewis to the tower at Santa Rosa. Barry Davis advises Teri Bristol that there is a "timeliness" issue. [revealed 7/22/2010]

4/5/08: LR Specialist Fossier sends email to LR Specialist Marable, calls Lewis a "slime ball"; declares Lewis has never certified in twenty years. [revealed 11/5/2011]

4/17/08: LR Specialist Marable reviews 13-month-old ROI, drafts letter proposing 14-day suspension, sends to Andy Richards. [revealed 4/25/2011]

5/15/08: LR Specialist Marable emails District Manager Andy Richards, advises she has started drafting a removal letter. [revealed 9/27/2010]

6/30/08: Monique France concurs with draft removal proposal; she had been reading AWP/LR Terminal Reports for eight months that falsely claimed Lewis was AWOL. [revealed 1/28/2011]

10/6/08: Mark DePlasco (Acting District Manager) submits unsigned Douglas Factors. None of the alternative sanctions (written admonishment, reassignment, or 14-day suspension) are mentioned. States: "Mr. Lewis was asked to consider a medical retirement but he refused." (also fails to note, Lewis was not eligible for disability). [revealed 1/15/2011]

2/24/09: In two MSPB pre-Hearing conferences, AWP Counselor Naomi Tsuda expresses "significant security concerns" and requests "armed guards" and "metal detectors" ...yet, Lewis had no police record, no history supporting these concerns. [revealed 1/15/2011]

6/29/09: Lewis receives Detailed Incident Report, ...the first of dozens of exculpatory records Agency had concealed for more than two years...