

Exhibit 15:

The following 6 pages are submitted as an Exhibit for 'Plaintiff's Memo, Presenting Details of his Complaint'.

Description of Exhibit Contents:

This is Plaintiff's FOIA Request for FOIA #2011-4047, as filed on March 8, 2011. It includes a 3-page cover letter, and 3-page of attachments, as follows:

- *2-pages of sample Watch Items, from AWP Terminal Reports, and obtained from earlier FOIA and Privacy Act responses;*
- *a 1-page email, dated 4/7/08, illustrating the method by which Nina Dillard and others at AWP-16 regularly distributed the AWP Terminal Reports.*

28242 S. Salo Rd., Mulino, OR 97042

tel. (503) 710-1515

Tuesday, March 8, 2011

Ms. Dolores Corpus
FOIA, Regional Coordinator
P.O. Box 92007
Los Angeles, CA 90009-2007

Dear Ms. Corpus,

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

This request is a little bit different. The unusual aspect is that this FOIA request is largely a repeat of a recent Privacy Act request, as necessitated by the gross deficiency of the response received last week. I am hopeful that, with a sufficient response by AWP-10, it can quickly eliminate the need for further FOIA requests, while also enabling the withdrawal of numerous Appeals currently at ARC-40. Here's a little background information...

For the past year, many of my FOIA requests have been focused on "AWP Terminal Reports" (henceforth noted as TermRpts). These are the Excel spreadsheets that were prepared biweekly, with occasional skipped reports, such as during Summer and Holidays. Within the 20-pages or so, each TermRpt had sections that summarized "Conduct & Discipline (C&D), Grievances, ULP's, AB Issues, Litigation, and Watch Items. The clear purpose of the TermRpts was two-fold: first, to manage and coordinate the work product of Dick Fossier, Glen Rotella, Ros Marable and others within the LR/ER function at AWP-16; and, second, to communicate and coordinate these matters with the AT-LOB authorities whom AWP-16 was serving...Teri Bristol, Kathryn Vernon, Barry Davis, Monique France, et al at WSA-ATO-Terminal, in Renton, WA. With these objectives in mind, Tymeke Walton and Nina Dillard were regularly involved in the collection of revisions, updating the spreadsheets, and distributing the TermRpts, every two weeks (and occasionally, less frequently).

The Privacy Act response received on 3/3/11 included nine heavily-redacted pages; it was missing roughly forty pages. The pages appeared to be true copies, but were hand-marked in the upper right corner with month and year...as if to imply they came from the "April 2008" TermRpt. In fact, this is quite deceptive, because for most months, there were two reports (e.g., there should be copies for both the 4/7/08 and 4/22/08 TermRpt versions). The response letter declared Mr. Kubik and Mr. Withycombe responsible, and advised I could write to Carla Scott for reconsideration. Last Fall, when I submitted a request to Ed Jones (AWP-700) for a Privacy Act amendment to nine substantial errors in ROI AWP 2007-0078, he refused to make amendments. I had numerous contacts with Ms. Scott (via phone and letter), and she assured me in December that a letter was forthcoming, but nothing more has happened. It appears, Ms.

Scott is ineffective in her duties; I have lost all confidence in Ms. Scott, and feel the most efficient way to obtain these records is via FOIA. Hence, this new request.

Please see attached samples. (❶) is pg.2 from the Privacy Act response, controlled under FOIA # 2011-1547WP, and received on 3/3/11. It is marked “April 2008”, though it is actually from the 5/5/08 TermRpt. (❷) is a copy from the 4/22/08 TermRpt, as received in a previous FOIA response. In this case, it now appears likely the true version of this had no date in the header, and that “April 22, 2008” was added at the time the FOIA response was produced. The lack of any annotation indicating this as an added “note” on the FOIA response leaves a FOIA requestor wondering: has he/she received a true record, or a reconstruction, and what other “edits” have been performed upon the record? It seems clear that, within FOIA law, all edits need to be annotated and clearly identifiable.

The Privacy Act response, as received last week, continues a troubling pattern for FOIA responses under Mr. Tim Kubik. Records obtained via FOIA and Privacy Act show, indisputably, that a CCR AWOL entry¹ was included in the Watch Items section of AWP TermRpts, from at least OCT-07 through MAY-08...yet, Mr. Kubik’s office has provided only a “May 2008” copy (which is true, as it is the 5/20/08 version) and an “April 2008” copy (which is FALSE, as it is actually the 5/5/08 version). It is also beyond dispute that the C&D pages from 5/20/08 onward refer to a 14-day suspension that was “*previously drafted*”...yet, Mr. Kubik’s office has failed to provide any C&D pages showing the timing of this 14-day suspension (when started, when abandoned) or the authorship (likely Fossier or Marable).

I am hopeful that, by submitting one more FOIA request for these records, a new thorough search will promptly generate the records I have been seeking. If this happens, and I finally obtain the records listed below, I will promptly withdraw those of my current FOIA Appeals that would be rendered moot by a complete FOIA response.

For this request, I request the following pages, minimally redacted, related to all AWP Terminal Reports produced from 10/1/07 through 6/1/09:

1. copies of all emails from Tymeka Walton and/or Nina Dillard and or any other employee, showing biweekly (or occasionally less frequent) distribution of the updated “AWP Terminal Report” (please see example email at ❸).
2. copies of all “Conduct & Discipline” pages with entries related to “Concord”, “CCR” or “Lewis” (as Justin, Jeffrey, or whatever other pseudonym may have been applied).
3. copies of all “Watch Items” pages with entries related to “Concord”, “CCR” or “Lewis” (as Justin, Jeffrey, or ...?).

¹ The CCR AWOL Watch Item entry is critical to my case, as it shows how AWP-16 carried me for eight months under a pseudonym of “Justin Lewis”, in an “AWOL” status, and declared as pending a medical revocation. In fact, I was never AWOL in my 22-year career; Dr. Goodman had fully restored my ATC medical clearance on 1/10/08 (thus, nothing was pending); and, the use of the “Justin” pseudonym served to effectively conceal records from my FOIA requests for nearly a year.

4. after 12/1/08, copies of all "Litigation" pages with entries related to "Concord", "CCR" or "Lewis" (as Justin, Jeffrey, or ...?).

For all records produced in this FOIA request, please redact minimally. In the application of FOIA Exemption 6, if you would simply redact the name of the subject (which I do not care to know), this would effectively segregate information, allowing full disclosure of all other information (facility, charge, disciplinary proposal, notes, etc.). There should be no valid application of FOIA Exemption #2 (which simply does not apply) or #5 (as all these records would be releasable to any party in litigation with the Agency).

I agree to pay up to \$25, if fees are needed to produce these records. Please call if I need to increase my fee agreement, so that I can promptly send you a written fee amendment.

I am copying to two other parties. I am sending a copy to Mr. Taylor, because he should know that, if AWP HRMD would be fully responsive to FOIA requests such as this, the Appeal workload at his office would be reduced. I am also sending a copy to Regional Administrator Withycombe because he is routinely signing FOIA letters yet is likely not aware of the ongoing failures by HRMD to produce records under the FOIA laws. The Regional Administrator may want to remind HRMD of the widely held expectations of full diligence and maximum disclosure in the processing of this (and other) FOIA requests.

Thanks again for your all your good work, Dolores. And, if needed, please call.

Sincerely,



Jeff Lewis

"...the government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed..."

- President Barack Obama, 1/21/2009

ATCH ITEMS

1006-97-11

Facility	Employee Name	Issue	Status
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CCR	Lewis, Justin	AWOL	Pending medical revocation with Aerospace Medicine
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

1

WATCH ITEMS
April 22, 2008

Facility	Employee Name	Issue	Status
[REDACTED]	[REDACTED]	FMLA	FMLA granted for a serious health condition. Emp. also requested advanced s/l for another ailment which was denied. Medical certificate and employee's statement did not support that this was a serious ailment. Gm 4/22/08
[REDACTED]	[REDACTED]	ODP completed	Sustained performance for one year was deleted from the congratulatory letter based on recent guidance from HQ-Field. Gm 4/22/08
[REDACTED]	[REDACTED]	Misuse of gov't card, insubordination & disrespectful conduct	
[REDACTED]	[REDACTED]	AWOL	Pending medical revocation with Aerospace Medicine
[REDACTED]	[REDACTED]	ReaAc Req.	Pending
[REDACTED]	[REDACTED]	OSC MSPB	Currently on hold pending the Fed Dist. Ct decision on his initial appeal of the removal action. 8/22/07 ahm given an ext. by courts ahm 3/25/08, no change ahm 4/7/08
[REDACTED]	[REDACTED]	Training Failure	Awaiting the Training Package from Facility ahm 4/7/08

2



Nina R Dillard/AWP/FAA
AWP-016A, Labor & Employee
Relations Branch

04/07/2008 02:58 PM

To Barry J Davis/ANM/FAA@FAA, Monique
France/ANM/FAA@FAA
cc Aletha Hicks-Moffatt/AWP/FAA@FAA, Clemortee R
Marable/AWP/FAA@FAA, Gwen Marshall/AWP/FAA@FAA,
Joseph Harris/AWP/FAA@FAA, Kevin W
bcc

Subject Terminal Report - April 7, 2008

Attached is Western Pacific's terminal report.



Terminal Report 04_07_08.xls

Nina Dillard
Labor / Employee Relations
Western Pacific Region, AWP-16
(310) 725-7821
Fax (310) 725-6892
Starting From Yes

3