

6

40

45

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SECURITY AND HAZARDOUS MATERIALS DIVISION

Date of Interview: March 22, 2007
Location of Interview: ATCT, Concord, CA.

I, Kenneth Moyer, make the following statement freely and voluntarily to Special Agent James Austin who has identified himself to me as Special Agent of the Federal Aviation Administration. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. I make this statement with full knowledge that it may be used in any administrative or civil proceeding.

I am employed as an ATCS at ATCT, Concord, CA. I have been advised that the FAA is conducting an investigation into inappropriate comments and hostile work environment.

I have consented to Special Agent Austin assisting me in preparing this statement.

The first 2 to 4 weeks Jeffrey was on good behavior. The second day he was here he was not following the dress code and wore tennis shoes saying he had a toe problem. The manager, Jason Ralph, told him he had to wear appropriate foot wear.

When Jason would bring up a performance issue with him he would relate the story and mimic Jason. Jeffrey would dumb himself down using words out of context; he would talk like a poor black man. As time went on he became more confident, pushing the edge believing he could get away with more.

Some time ago I was counseled on inappropriate comments that I believe Jeffrey was aware of. One day he was coming up the stairs to the cab, I was at the local control position, James Swanson was off position, standing by the sink; Jeffrey looked at me and said "how are all you niggers doing." I think he felt he could get away with this type of comment because of my past counseling.

I was asked by Agent Austin if there was a hostile working environment here. There was a controller named Papageorge, who is retired, who would regularly get upset in the cab. He would yell and shout profanities and be disruptive. One day he began yelling at another controller named Hogue and would not stop. I knew after working with him that if I went to push the briefing button, which records everything in the cab, he would calm down or leave the cab. This day he left the cab and went down stairs we could still hear him yelling. Patricia Hardy arrived with some visitors from Travis for a tour. Papageorge began yelling at her she told him she did not have time to deal with him. Jeffrey witnessed this and felt we were all picking on Papageorge.

Case No. AWP20070078

FOR OFFICIAL USE ONLY
(Public Availability Determined by USC 552)



Exhibit 6

Page 1 of 3

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SECURITY AND HAZARDOUS MATERIALS DIVISION

John I was Jeffrey's primary instructor; one day shortly after he arrived here I was training with him. He was upset over not getting what he believed to be the proper amount of administrative hours for moving here. He began to argue with Patricia Hardy about this and show her in the regulations where he was entitled to it. She told him she knew that and to go ahead and train. He said he was sick and could not train. He had a pattern of when he had a disagreement or conflict with someone he would take sick leave.

On one occasion Bill Marks had observed an aircraft on approach turning away. He radioed the pilot and asked what the problem was and the pilot said he had a landing gear problem and was returning to the airport he had departed from. Bill acknowledged the pilot and another controller made the comment "gee Bill just tell them to go somewhere else." Jeffrey got upset set a yelled at Bill and said "if that was my dad and I was you I would kick my ass". I told Jeffrey to leave the cab and he poked me in the chest and told me we would discuss this later.

Our instructor/trainee relationship was strained. He would tell me I was not training him properly, complained about my competency, and get upset over training issues. He told all of us what we were doing was wrong. I told the supervisor he should have another trainer. For awhile Patricia Hardy got me away from him

One day I was working local and Jeffrey was working ground control. I was trying to coordinate with him and he would ignore me because I was not addressing him properly and he got upset. Patricia told him I had been doing this a long time Rather than telling *John* him he should be more seasoned in the position she used the term marinated He became very upset and wanted sick leave and Pat denied the leave telling him to work his position. She told him he could take sick leave at 3:45pm, fifteen minutes prior to the end of his shift. Jeffrey received a call from Travis approach and acted like he was impaired. He repeated the conversation 2 or 3 times while messaging his head. He then had an aircraft on the east ramp and told them he had a migraine and could not see and I won't be relieved. He did not take leave but went down stairs for 2 hours and came back and completed his shift. When he came back he asked me if I ever had a migraine.

Case No. AWP20070078

FOR OFFICIAL USE ONLY
(Public Availability Determined by USC 552)



Page 2 of 3

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
SECURITY AND HAZARDOUS MATERIALS DIVISION

I have read this entire statement consisting of 3 pages. I have been given the opportunity to make any additions, deletions, or corrections. I have initialed each page and all corrections. This statement is the truth to the best of my knowledge and recollections.

[Signature] 3/22/07
Signature of Interviewee Date

Subscribed and sworn before me a person authorized by law to administer oaths this 22 day of MARCH, 2007 at CONCORD
(city) CALIFORNIA (state).

Signature of Witness

[Signature]
Signature of Administering Agent



43