



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

Southwest Region
Arkansas, Louisiana,
New Mexico, Oklahoma,
Texas

2601 Meacham Blvd
Fort Worth, Texas 76137

RCVD CPPT 11-22-2011
(77p)
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NOV 09 2011

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

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

Subject: Freedom of Information Act (FOIA) Request Number 2011-008134

Dear Mr. Lewis:

This is in response to your FOIA request dated July 31, 2011. Your request sought copies of all investigative records and all letters of proposed and final disciplinary action stemming from an April 17, 2011, incident in which a controller at Cleveland Air Route Traffic Control Center (ARTCC) was watching a movie while on duty. This response is specific to those items maintained by the Air Traffic Organization, Central Service Center.

A search was conducted at the appropriate air traffic control facilities within the Central Service Area. We are enclosing 75 pages of responsive records from Cleveland ARTCC's investigation. Please note that portions of this information, such as names and telephone numbers, have been redacted pursuant to FOIA Exemption 6. This exemption protects information that pertains to an individual "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). Before withholding this information, the public benefit in disclosure was balanced against the individual right to privacy. In such cases, the analysis turns on the nature of the document and its relationship to the "core purpose" of the FOIA, which is to shed light on an agency's mission and the performance of its statutory duties. Information which does not directly reveal the operations of the federal government falls outside the ambit of the public interest that the FOIA was enacted to serve. In this case, since the redacted information involves possible violations of FAA rules and regulations, the individuals referenced have a significant privacy interest in not having their identities disclosed. The courts have consistently held that it is wholly appropriate to withhold information related to the investigation of mid and low-level employees under FOIA Exemption 6. See Stern v FBI, 737 F.2d 84 (D.C. Cir. 1984).

There are no fees associated with this request, because the cost of processing was less than \$10.

Mr. Konstantine Nezer, Jr., Director, ATO Central Service Center, and the undersigned are the officials responsible for this partial denial of your request. You may request reconsideration of this partial denial by writing to the Assistant Administrator for Finance and Management, Federal Aviation Administration, National Headquarters, 800 Independence Avenue, SW, Washington, DC 20591. Your request must be submitted in writing within 30 calendar days from the date of receipt of this partial denial, and must include all information and arguments relied upon. Your letter must state that it is an appeal from a partial denial of a request made under the FOIA. The envelope containing the appeal should be marked "FOIA."

Sincerely,



Teresa A. Bruner
Regional Administrator
Southwest Region

75 Enclosures