

1/2/2015
JH

U.S. Department of Homeland Security
Hartsfield-Jackson Atlanta International Airport
4245 International Parkway
Suite 100
Hapeville, GA 30354



Transportation
Security
Administration

Date: December 31, 2014
To: (b)(6) STSM
Hartsfield-Jackson Atlanta International Airport
From: (b)(6) STSM
Hartsfield-Jackson Atlanta International Airport
Subject: Letter of Counseling – Failure to Exercise Due Diligence
Ref: Case (b)(6)

The purpose of this Letter of Counseling (LOC) is to officially counsel you for Failure to Exercise Due Diligence.

Specifically, on October 3, 2014, EBDO (b)(6) reported to you at approximately 0630 that she didn't have her required BDO notebook to start her shift. It wasn't until approximately 1000 before you attempted to provide EBDO (b)(6) with her notebook and found that her BDO notebook was in fact missing from the locked box. As such, you failed to exercise due diligence.

On October 10, 2014, I met with you to conduct a pre-decisional discussion. During the pre-decisional discussion, you were given the opportunity to respond either orally and/or in writing to the allegations discussed during the pre-decisional. You elected to respond in writing, see attached written statement.

TSA MD 1100.73-5 (Employee Responsibilities and Code of Conduct), dated September 30, 2013, provides in pertinent part, that TSA employees are responsible for behaving in a way that does not bring discredit upon the federal government or TSA, and for observing the following basic on the job rules:

Section 5.A (7): "Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance."

My expectation is that you will fully comply with TSA MD 1100.73-5 (Employee Responsibilities and Code of Conduct) by fully and promptly complying with procedural guidance that are given to you.

This Letter of Counseling is not disciplinary action and is not grievable through the agency grievance procedures. It will not be placed in your electronic Official Personnel File (eOPF); however, I will retain a copy of this letter in my local files for up to five (5) years to document that you have been placed on notice for your unacceptable conduct of Failure to exercise due diligence referenced in this Letter of Counseling.

Please be advised that if you do not correct the misconduct, more severe adverse or disciplinary action, up to and including removal, may be initiated.

Please sign the acknowledgement of receipt below. Your signature does not indicate agreement with this action; it only represents that you received this notice on the date signed.

(b)(6)

12/30/14
Date

Hartsfield-Jackson Atlanta International Airport

Attachment: STSM Lewis Statement

Acknowledgement of Receipt: Letter of Counseling (Failure to Exercise Due Diligence.

I have received a copy of this Letter of Counseling on the date indicated below.

(b)(6)

12/31/2014
Date

STSM

Hartsfield-Jackson Atlanta International Airport

OR

STSM (b)(6) received this Letter of Counseling (Failure to Exercise Due Diligence) but elected **NOT** to acknowledge receipt.

(b)(6)

STSM

Delivery Date/Time

Hartsfield-Jackson Atlanta International Airport

Summary of Pre-Decisional Discussion with Employee

On October 10, 2014 I met with STSM (b)(6)
(Insert date) (Insert employee's name and job title)

to have a Pre- Decisional Discussion. At that time: 13:20

I advised the employee of the following allegations and the possible consequences of the following allegation(s):

Allegation #1: Failure to follow procedures

On October 3, 2014 you failed to follow the practice of TSA Atlanta reporting procedures; that upon notification of missing SSI you are to report it immediately. It was reported to you at 0630 , and you didn't make appropriate notification until 1000.

Allegation #2: Failure to exercise due diligence

On October 3, 2014 you failed to report missing SSI material in a timely manner. You reported that at approximately 1000, MBO (b)(6) contacted you to report the SSI missing. It was identified that the SSI had been reported to you at 0630.

OD-400-18-6C, Para. 2.C.(2), states that TSA personnel must immediately report all SSI incidents to their immediate supervisor and to their designated SSI Coordinator, as detailed in TSA MD 2810.1 and the associated handbook.

I provided the employee an opportunity to respond orally and/or in writing.

The employee responded as follows:

Orally on _____, and stated as follows: _____
(Insert date)

(If more space is needed, attach additional pages.)

x In writing on 10/10/2014, I have attached a copy of the written response.

(Insert date)

Signed: (b)(6)
Name & Title of Manager or Supervisor

10/10/14
Date

Signed: (b)(6)
Name & Title of the Employee

10/10/14
Date

Signed: _____
Name & Title of the Witness

Date



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TSA Employee Statement

In addition to this Statement, a separate Statement is required from each TSA Employee who witnessed or participated in the incident. Reporting Office must review all statements.

(b)(6)	Title: STSM	Duty Location & Shift: BDO/0500 -1330
Location of Incident (Checkpoint, Lane, etc): BDO Office	Date & Time of Incident: 10/3/2014 1000	Your physical position at time of Incident: BDO Office
Who else witnessed or participated in the incident?		

Describe what happened. Write in chronological order. Provide facts, not opinions and conclusions. Did the individual say anything during the incident? If yes, quote their actual words to the best of your ability. Include only what you know/witnessed firsthand. Write clearly and legibly by type. If additional room is required, attach additional sheets.

On October 3, 2014, I received a call from EBDO (b)(6) stating that she did not have her notebook. I informed her that I will bring her notebook to her. At the time that we had a conversation about her notebook, I took the following actions:

I looked into the A.M. shift notebook locked box, and her notebook was not there. Then, I looked into the P.M. shift notebook locked box, and her notebook was not there. I looked at the notebook audit log, and it showed that her notebook was last signed in and accounted for on September 29, 2014, by STSM (b)(6). (b)(6) I called STSM (b)(6) and he did not know the whereabouts of EBDO (b)(6) notebook. I called EBDO (b)(6), and I asked her who she turned her notebook into. She stated that she turned it into me or

(b)(6)

After unable to locate her notebook, I called STSM (b)(6) to inform him of the missing notebook. All of the above mentioned occurred within an estimated 10 minute time frame. There were no long time period between the actual conversation that I and EBDO (b)(6) had reference her notebook. (b)(6)

(b)(6)

(b)(6)

10/14/2014

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TSA-ATL Local Form of TSA Form 414, 11/10 (File: 400.9)



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SENSITIVE SECURITY INFORMATION

TSA Employee Statement		
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(b)(6)	Title: STSM	Duty Location & Shift: BDO/0500 - 1330
Location of Incident (Checkpoint, Lane, etc): BDO OFFICE	Date & Time of Incident: 10/3/2014 1000	Your physical position at time of Incident: BDO Office
Who else witnessed or participated in the incident?		
Describe what happened. Write in chronological order. Provide facts, not opinions and conclusions. Did the individual say anything during the incident? If yes, quote their actual words to the best of your ability. Include only what you know/witnessed firsthand. Write clearly and legibly or type. If additional room is required, attach additional sheets.		
<p>On 10/10/14, I received a Pre-Decisional Discussion from STSM (b)(6) reference two allegations brought upon me.</p> <p>Allegation 1: Failure to follow procedures. It read:</p> <p>On October 3, 2014 you failed to follow the practice of TSA Atlanta reporting procedures; that upon notification of missing SSI you are to report it immediately. It was reported to you at 0630, and you didn't make appropriate notification until 1000.</p> <p>This is not true, and the situation on this particular day is not as straight forward as the allegation alleges. On 10/3/14, it was reported to me by EBDO (b)(6) that she does not have her BDO Notebook. This carries a totally different meaning that a BDO Notebook is missing. It is not unusual that a BDO states that they don't have their BDO Notebook from time to time because in the process of signing officers in at the start of the shift which is at 0500, signing radios for the MI2 BDOs, and getting the MI2 BDO Officers in place at the checkpoint at 0515, sometime we have to bring their notebooks to them. All H-Band BDO managers have experience this process to insure that the MI2 mission at the checkpoints start on time and the mission is accomplished.</p> <p>Also, the checklist (BDO Notebook Audit) that we use to account for the BDO Notebooks reflected that EBDO (b)(6) notebook was accounted for and secured in the BDO Notebook locked box. So, when I told her that I will bring her notebook to her, there was nothing to indicate that her notebook would not be in the locked box. EBDO (b)(6) didn't mention to me during or after the shift briefing that she didn't have her notebook. She went all the way to F Checkpoint to inform me. Previously in a meeting, it was discussed that we can allow officers to help with the notebooks, and I had MBDO (b)(6) to pass out the notebooks. Also, we have had others officers to help. In reference to the time frame, the only thing that I can speak on to that is that my blackberry is not functioning properly. The call log is not capturing calls like it should; calls are going to voice mail instead of my phone ringing. My phone has never malfunction, and all this was occurring without my awareness. Until, it became very apparent that I had problems with my phone on October 7, 2014. My phone had the wrong time, the ringtone on my phone was set to ring loud, but would not ring when someone called, and the date and time were wrong on my phone. I asked STSM Ashley to call me so that I can trouble shoot my phone and he called me setting in the same office, and my phone would not ring. My phone was set to ring loud. I informed STSM Zavodny, and he stated that he was having the same issues with his phone, and he should me what to do in the event that it happens again.</p> <p>Allegation 2: Failure to exercise due diligence. It read:</p> <p>On October 3, 2014 you failed to report missing SSI material in a timely manner. You reported that at approximately 1000, MBDO (b)(6) contacted you to report the SSI missing. It was identified that the SSI had been reported to you at 0630.</p> <p>The allegation states that I reported that MBDO (b)(6) called me to report that SSI is missing. This is not how my statement reads. My statement reads that EBDO Lawler stated that she does not have (not missing) her BDO Notebook. Not having a notebook is a term that multiple officers use as I mention in allegation 1, as managers bring the officers notebook to them from time to time due to MI2 opening 0515.</p>		

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TSA 15-00014 - 008528

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EBDO (b)(6) phone log and my phone log reflect two different things. Again, my phone was not working properly.

At no time that I failed to follow procedures because it was not express that her notebook was missing. Our Notebook Audit log reflected that her notebook was accounted for. There is a concern that I have reference her notebook. On October 2, 2014 all notebooks were signed out to every BDO that was present for duty by a co-manager except EBDO (b)(6) notebook, and the last time her book was signed out/in was September 29, 2014 By the same manager. Also, she stated that she turned her notebook into a manager in the BDO Office. The BDO Office is a secure location. Then, where is the notebook? There are too many issues going on with this particular notebook. *ll*

(b)(6)

(b)(6)

10/11/2014

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TSA Employee Statement		
In addition to this Statement, a separate Statement is required from each TSA Employee who witnessed or participated in the Incident. Reporting Officer must review all statements.		
(b)(6)	Title: STSM	Duty Location & Shift: BDO/0500 - 1330
Location of Incident (Checkpoint, Lane, etc): BDO OFFICE	Date & Time of Incident: 10/3/2014 1000	Your physical position at time of Incident: BDO Office
Who else witnessed or participated in the incident?		
Describe what happened. Write in chronological order. Provide facts, not opinions and conclusions. Did the individual say anything during the incident? If yes, quote their actual words to the best of your ability. Include only what you know/witnessed firsthand. Write clearly and legibly or type. If additional room is required, attach additional sheets.		
<p>On 10/3/14, around 1000 hours, I received a call for EBDO (b)(6) stating that she does not have her BDO Notebook. I informed her that I will get her notebook and bring it to her. As I opened the secured box in which we keep the notebooks for the A.M. shift, I noticed that her notebook was missing. Then, I opened the P.M. shift box, and her notebook was not in the P.M. shift locked box. I called my co-manager STSM Jackson, and he stated that he does not know the whereabouts of her notebook. Also, he stated that he passed the notebook out on 10/2/14. The notebook log does not indicate that EBDO (b)(6) notebook was signed out to her on 10/2/14 or 10/3/14, but she stated that she had it yesterday (10/2/14). Also, I asked EBDO (b)(6) who did she give her not book too on 10/2/14? EBDO (b)(6) stated that she gave it me or Eddie, but she was not sure. The notebooks were passed out by MBDO (b)(6) today (10/3/14). End of Statement. 92</p>		
Printed Name: <u>Lewi's Capeland</u> Signature & Date: <u>Lewi's Capeland 10/3/2014</u>		

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Hartsfield-Jackson Atlanta International Airport
Ben-Epps Athens Airport

CASE NUMBER (ATL/AHN): _____

CASE NUMBER (HQ): _____



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STATEMENT FORM

NAME: (b)(6) ADDRESS: TSA-ATL
TELEPHONE NUMBER: 404-895 (b)(6)

STATEMENT:

On Thursday October 2, 2014 at approximately 0510 TSM (b)(6) gave me my notebook. I was assigned to MCP for the entire day and was utilizing my notebook for the entire duration of my work assignment. Please view cameras for verification specifically TDC area 0600-1000. At 1315 I returned my notebook to TSM (b)(6)

Today October 3, 2014 at approximately 0630 I informed TSM (b)(6) of the whereabouts of my notebook. MBDO (b)(6) passed out the notebooks for the entire shift but I never received my notebook. (b)(6) stated (b)(6) had collected notebooks the day prior and that no one signed my book IN or OUT.

Tanzy Lawler

NAME (Print)

SIGNATURE

DATE

10/03/2014

Michael Johnson

PERSON TAKING STATEMENT (Print Name)

SIGNATURE

DATE

10/3/14

WITNESS (Print Name)

WITNESS (Signature) DATE

Page ____ of ____

FORM ATL TSA 400.18-1 Rev. (9/04)

Hartsfield-Jackson Atlanta International Airport
Ben-Epps Athens Airport

CASE NUMBER (ATL/AHN): _____

CASE NUMBER (HQ): _____



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Administration

STATEMENT FORM

NAME: (b)(6) ADDRESS: TSA-ATL
TELEPHONE NUMBER: 404-324- (b)(6)

STATEMENT:

On Friday October 3, 2014 at approximately 0505 hours STSM (b)(6) asked could I, (b)(6) hand out the BDO notebooks while he conducted the morning shift brief. As I concluded handing out the notebooks I noticed that MBDO (b)(6) (b)(6) did not have her notebook in the box. I then looked at the checklist and in the column with (b)(6) name the check in and out areas for yesterday October 2, 2014 for her had no initials.

End of statement

(b)(6)
NAME (Print)
(b)(6) 10/03/2014
SIGNATURE DATE

WITNESS (Print Name)

WITNESS (Signature) DATE

Page 1 of 1

(b)(6)
PERSON TAKING STATEMENT (Print Name)
(b)(6) 10/3/14
SIGNATURE DATE

FORM ATL TSA 400.18-1 Rev. (9/04)

On 10/3/14 I STSM (b)(6) was notified by STSM (b)(6) around 10:00 that LBDO (b)(6) BDO Notebook was unaccounted for. STSM (b)(6) informed me that he checked both A.M. and P.M. lock box and the BDO's office with no success. End of Statement

(b)(6)