

~~SENSITIVE SECURITY INFORMATION~~

U.S. Department of Homeland Security
33 Airport Center Drive, Ste 101
Stewart International Airport
New Windsor, NY 12553



Transportation
Security
Administration

Date: May 29, 2014
To: (b)(6) FSD, ALB
From: Ms. (b)(6) Transportation Security Manager, SWF
Subject: Appeal for Proposed Removal from Federal Service
Ref: Case File Number: (b)(6)

I am appealing the proposal for my removal from Federal Service. My appeal is based on the attached documentation which will show the claims to be unsubstantiated and will prove that I have been subjected to a biased work environment by AFSD Michael Klusacek. My Appeal is based on the following:

Charge 1: Negligent Performance of Duty

Specification 1: I am being accused of not identifying errors, omissions or discrepancies that were noted by AFSD Klusacek for BDO (b)(6) work summaries. Below is his email request to me on March 17:

I'm trying to tie up a few loose ends regarding the transition of (b)(6) from BDO to TSO which was effective 3/9/2014. I want to make sure we have closed out all of her BDO activities and have all of the required paperwork in place. Please send me copies of (b)(6) BDO Tracking Sheets, the PIMS BDO Playbook Sheets and her notebook entries for pay period 04 (Feb 23 to March 8, 2014).

As you can see by the email, there was no audit requested by AFSD Klusacek. I have attached the email A-1. The attachments that are referenced by the initial proposal are; 20-21-22-23-24. I have also included (b)(6) T&A Data A-4.

Specification 2: The audit completed by AFSD Klusacek showed an entry on the Daily Summary Sheet where BDO (b)(6) made an error and forgot to go back and correct it. He claims

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Appeal for (b)(6)

May 29, 2014

that I failed to identify this submission containing false information. I received an email from AFSD Klusacek on March 18th asking if BDO (b)(6) worked on March 5.

The (b)(6) BDO Notebook stops at 3/4/3014. Are there any notebook entries for 3/5/14; 3/6/2014; 3/7/2014 and 3/8/2014? She worked these days as a BDO.

My response:

No she didn't work those days as a BDO. She left right after training I believe Wed and Thur and then she was off. I will dbl check on Wed, but I had her time sheet from KRONOS and she only had 8 hours that day. I did just check and she only trained.

That minor notation does not constitute false information, it is human error. There should have been no doubt from my reply that she did not work that day and if he had noticed an error he should have told me at which time I could have it corrected. Since there was no BDO coverage at all on that day there would be no reason for me to check the paperwork.

Specification 3: I am accused of not exhibiting managerial duties because on February 26, BDO (b)(6) spent most of the day doing OLC. BDO (b)(6) was instructed to complete OLC courses for the next day's TSO New Hire Training by me and STI Boggess. She could not start the training without the completion of these courses so it was very important they be completed that day. Also on this specification Mr. Klusacek writes, "BDO (b)(6) only performed actual BDO activities for 50 minutes during her 8 hour shift". Referencing the TA sheet (A-4) you will see that BDO (b)(6) only worked 6.5 hrs that day. On AFSD Klusacek's earlier ruling, documenting 8 hours on my proposal instead of the correct 6.5 hours would be considered falsifying information.

Specification 4: AFSD Klusacek falsely documents that I stated I had not reviewed any of the documents prior to sending them. What I actually said was I looked at them, but I did not lay each page, of each day, down, side by side to review them. I did not see any discrepancies that warranted that kind of scrutiny. After looking at the Audit provided by AFSD Klusacek I still agree with that statement. Where AFSD Klusacek claims there are numerous errors I found 1. Unfortunately his lack of candor in his proposal for removal gives me serious doubts regarding his ability to treat me fairly now, or in the future.

Specification 5: Addresses on March 18, BDO (b)(6) left her post at the terminal to work at a job fair type event, not in the airport terminal for 2 hours. She was the only BDO on duty that day. Later towards the end of the proposal in his narrative he states that 2 flights went out during that time and none of these passengers were subjected to BDO observation/screening. This is another false statement. Most of the passengers for the 1136 flight had already passed through the check point since they start boarding at 1100 and BDO (b)(6) didn't leave until 1045. A few of the 1236 flight passengers may have also gone through screening while BDO (b)(6) was on site. I find these accusations to be false and very serious. I directed BDO (b)(6) that she could come to the Job Fair to give me a break and observe appearance and behaviors if things were slow and quiet at the airport. When she arrived at the Job Fair she assured me that it was very quiet at the terminal. After looking at the PMIS report and comparing (b)(6) Daily Shift Summary Reports for her normal daily duties it comes out to approximately 27 passengers went through screening during the time she would normally have been at the checkpoint. The Y2Kids Job Fair was held at the 2nd

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Aviation Hangar Bay at the Stewart Airport and hosted over 2200 people. This is a Secured Area on airport grounds. I believe this claim against me is a false accusation that further goes to prove the harassment I have been made to endure from AFSD Klusacek. AFSD Klusacek makes reference to Section 2.4 (B) that states, "Deploy BDOs on a risk based approach focusing on areas where there is greater opportunity to observe for individuals and to mitigate vulnerabilities within their scope of mission. As I stated earlier this was in a secured area at the airport and hosted over 2200 people.

Specification 6: BDO (b)(6) went into the BDO database on March 12 to make corrections to the Daily Summary Sheet. I was told by AFSD Klusacek that I was not allowed to go into the Daily Summary sheets to make any corrections because he wanted to use any mistakes that the BDOs made as falsifying federal documents. This is exactly what he said to me after our January 8th meeting. I believe fixing these mistakes are part of a manager's duties; knowingly and willingly leaving these mistakes as a permanent record could be considered falsifying federal records. I was trying to assure the record was corrected and accurate. Furthermore, honest mistakes do not constitute "falsifying federal documents". They are mistakes that are corrected and if they are frequent mistakes, then progressive actions might be in order, but not immediate removal from federal service as is proposed for me. I instructed BDO (b)(6) to go in and fix the errors to insure the accuracy of the data. I believe this was the correct procedure. BDO (b)(6) made a mistake in the Daily Summary for March 5th. She was in the middle of TSO New Hire training and had a lot of information she needed to concentrate on and got confused and made a small error. Furthermore, I would like to address AFSD Klusacek's intention of using mistakes BDOs make as 'falsifying federal documents'. In any industry, human beings will err. They are not intended error. AFSD Klusacek 'laying and waiting' for someone to make a mistake so he can remove them from Federal Service is an embarrassment to the agency and unbecoming of a member of the FSD staff.

Charge 2: Leaving your duty station without authorization.

Specification 1: This is in regards to my going to the Job Fair on the airport grounds. I first attended this affair in March of 2013. I have an email showing the only member of the FSD Staff who gave me permission to go last year was our HR Officer Nadine Dederick. AFSD Klusacek was included on this email. In March of 2013 I attended the Job Fair without any reprisal from anyone. I have many emails from Nadine again for the 2014 Job Fair. I believe any reasonable person reading these emails would agree that approval is indicated. If it was ok in 2013 for the only approval to come from HR then there is no reason that I should have thought differently for 2014. I also have an email dated March 18 at 0757 (1 hour before I left) sent to AFSD Klusacek notifying him I would be at the Job Fair. I did not receive a phone call or email telling me not to go. Again he is holding me to standards that he never established. As I stated previously, the Y2Kids Job Fair was held in the 2nd Aviation Hangar Bay at the Stewart Airport and hosted over 2200 people. This is a Secured Area on airport grounds. My office is 1 mile from the Airport Terminal and .4 miles from the 2nd Aviation Hangar, so I was actually closer to respond to the terminal if needed. I believe this is another instance of harassment.

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Charge 3: Failure to follow directions

Specification 1: This states that I was instructed to conduct a comprehensive audit of the BDO activities at SWF from Dec 1st through Dec 14th 2013. AFSD Klusacek did not provide any detailed information or recommended corrective action.

I sent at least 1 email to AFSD Klusacek asking if the format of the audit I sent would be sufficient. I never received a response and I sent another email with a different format asking if he would prefer that one. I also included that I hadn't done an audit like this before and wasn't sure how to do it. I received no response from this email either and no help after asking for assistance. I had no reason to believe at the time I sent these emails; I should keep them to protect myself from such false accusations, so I may not be quoting them word for word. The request for the audit came on Dec 16, 2013. This was the first day that AFSD Klusacek became the SPOT Coordinator. In past occasions during my tenure with the Transportation Security Administration, State of Corrections, and the United States Navy, whenever someone new took over a position or I started a new position within an organization, I always had a one-on-one meeting with my boss. During that meeting we would discuss my job and what was expected of me, reviewing the job description and things of this nature. I never had this type of conversation in person, via email or over the phone. AFSD Klusacek is holding me to standards that he never established. I did ask for help and I have to wonder why, if he was not satisfied with my report, he didn't meet with me to explain what he wanted and ask me to redo it. Or even just tell me to redo it, that it wasn't satisfactory. I know if I directed a subordinate to do a report and I wasn't pleased with it I would note what I wanted fixed and have them do it again. I wouldn't fire them for it. This is the first time that I'm hearing that the audit wasn't good enough; and not just that it wasn't good enough, but it was so bad that it's being used as grounds for termination!

Jan 8, 2014 was our first meeting. AFSD Klusacek noted that I didn't have a paper or pen for the meeting on the top of his notes that he produced for this proposal. He forgot to mention that he, TSM (b)(6) and TSM (b)(6) were in the conference room a good 10 minutes before calling me into the room. As I was walking out the front door on my way to the terminal, AFSD Klusacek called out for me to join them. I was never informed we were having a meeting and was on my way to perform operational duties at the terminal. All the other times Klusacek came down to Stewart he sat in TSM (b)(6) office and they told me I could join them if I wanted, which I never chose to do and they never urged me to. Jan 8th was the first in person meeting we had and TSM (b)(6) and TSM (b)(6) were there. AFSD Klusacek spent the entire meeting berating me. He even went as far as to say that (b)(6) had claimed I was falsifying Time Cards - Payroll Records and that he and (b)(6) would be down the next week to do a very thorough audit. Ray never came and I never heard another word about that. This was another false statement made by Klusacek. Recently I contacted (b)(6) and he does not remember any such request. AFSD Klusacek has also included his and TSM (b)(6) notes from the meeting. No one took notes during the meeting and after the meeting TSM (b)(6) was off for 3 days. The delayed documentation of (b)(6) notes caused there to be a lot of things missing that were spoken about that day. I was being badgered and harassed the entire meeting in front of co-workers that

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Appeal for

(b)(6)

May 29, 2014

shouldn't have been there, a violation of my rights and TSA confidentiality rules. This was my first meeting with Klusacek as the SPOT Coordinator. If it was intended to be a chastising meeting, TSM's (b)(6) and TSM (b)(6) should not have been there. At no time should AFSD Klusacek have allowed my colleagues to sit in a meeting where I am being demeaned. I was humiliated and embarrassed.

Specification 2: States that Jan 8th 2014 I was told to transition non-BDO duties to TSMs (b)(6) & (b)(6). These tasks were appointed to me by the FSD, AFSD, and AO. I explained that until others were officially assigned I would still be getting the phone calls and emails directing me by FSD staff to complete these duties and I had no right to refuse. I did not have the authority to make these changes and I explained this, which is acknowledged by the April 13, 2014 email to the AO Ray Stevens from AFSD Klusacek asking to assign these duties to others. I was uncomfortable with not performing MCOP tasks that were assigned to me until I knew they were appropriately reassigned. Simply not doing assigned tasks would have been irresponsible on my part and would have caused further scrutiny. I have the designation letters attached along with an email from AFSD Klusacek informing the AO of these changes on April 13 2014, well after the Jan meeting.

Specification 3: States that on Feb 28th 2014 I was again instructed to pass these duties on. I again stated that it needed to be done officially; I didn't have that authority. The attachments from Specification 2 cover this specification also and as I noted above he did not send out the official notices to have someone else assigned to these tasks until April.

Specification 4: Refers back to the email I sent to AFSD Klusacek and FSD Johansson on March 28th 2014. It states that I said, 'I continue to perform 28 duties beyond my primary duties as the SPOT/BDO Manager'. More accurately, it said "these are the duties I have been carrying since I've come to Stewart". I believe this was purposely misinterpreted by AFSD Klusacek. My intention was to show how much I actually do since coming to Stewart in Oct of 2012. I believe any reasonable person who read the email would understand that. As of March 28th no one on the FSD Staff had been notified to release me of these duties.

Specification 5: This is regarding an email from AFSD Klusacek directing me to place a blank Daily Summary Sheet at the STSO Podium for the BDOs to fill out by hand during the day. The email states I had not instituted the tracking sheet. This is false; I did start the tracking sheet at the STSO podium (Daily Summary Report). Retaining the handwritten daily Summary Sheet seemed excessive; I considered it notes to be shredded after the electronic copy was completed and saved. I did not realize AFSD Klusacek wanted the hand-written documents retained after PMIS was entered. Shredding hand-written field notes is standard practice throughout TSA under the General Records Schedule (GRS)20. You cannot keep and file everything. On December 10th 2013, I was designated the SPOT Coordinator per AFSD Klusacek, which is why I understood it to be a suggestion to keep the field notes. I have attached an email dated December 16th 2014, where I acknowledged my mistake to AFSD Klusacek and the BDOs directing them to keep the handwritten sheets from then on. This email along with the email dated August 13, 2013 from AFSD Klusacek stating he was not the SPOT Coordinator; I was. I also have included the email where he states as of December 16, 2013, he is the SPOT Coordinator. I was surprised that I didn't

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Appeal for (b)(6)

May 29, 2014

receive an email from the FSD Office announcing this since this is the normal way of operating and communication at our airport.

Charge 4: Inappropriate Conduct

Specification 1: States that I sent out an inappropriate email to the STSO's, BDO's and TSM (b)(6). This email was sent out August 5, 2013. This incident occurred 8 months ago yet it is just being brought to my attention by this termination proposal. If it was such a heinous act, why am I just hearing about it? It was pointed out that the message was marked High importance. I obviously did not notice that or I would have changed it and yes it was not related to any TSA process. It was only for humor. This did not take away from my TSA duties as it only took a minute to view and pass on. At most, I would consider this a counseling issue, not a terminating issue.

Specification 2: This describes another humorous email I sent out to the entire staff at SWF. The specification states, 'this email contained a joke or something to that effect'. I am dismayed that AFSD Klusacek could read this email and not consider it to be a joke. The morale at Stewart Airport is the worst I have seen in my TSA career. If you talk to any of the employees here they all say that they are walking on egg shells and that if you get on the wrong side of AFSD Klusacek or TSM (b)(6) they will use anything they can find to get rid of you; and if they can't find anything they will make it up. Reference (TOP) E1 A recent example would be the harassment of BDO (b)(6). When the investigation of TSM (b)(6) was on-going, (b)(6) was held in high regard. As recently as October 7, 2013, when AFSD Klusacek and BDO (b)(6) were both in my office to sign TOPs documents, AFSD Klusacek said very loudly 5 times to BDO (b)(6), 'You are so pretty, isn't she pretty. (b)(6) don't you think she's pretty, you are so pretty, isn't she pretty?!' I found this terribly unprofessional and when I asked BDO (b)(6) about it later she informed me "he does that all the time, I just ignore him". I believe this inappropriateness on the part of AFSD Klusacek has made him realize that he was way out of line. I witnessed Klusacek's comments to BDO (b)(6) and deemed them inappropriate, which is one of the reasons I believe I have come under fire with this unwarranted proposal for termination. Of further concern is TSM (b)(6) who had had an issue with BDO (b)(6). Since that day I have been directed to explain what BDO (b)(6) and I are doing every minute of the day. I have emails showing this harassment and discrimination that BDO (b)(6) and I have been under.

The Table of Penalties recommends for inappropriate comments of a sexual nature such as were made by AFSD Klusacek regarding BDO (b)(6) a 3-14 Day Suspension. Table of Penalties (TOP) B3

AFSD Klusacek inviting my peers to witness as he chided me on multiple issues was a misuse of his position and inappropriate conduct. His choice to use peers as a 'witness' was unbecoming, inappropriate, premeditated and unconscionable. Because of his attempt on March 28th and again on March 31st to make a deal with me by offering me an alternative to self-demote in return for all of these false accusations going away and the retaliation I have witnessed on others. I am concerned about future retaliation by AFSD Klusacek as a result of this action, and the ongoing investigation.

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Appeal for (b)(6)

May 29, 2014

I believe this proposal for removal is unfounded based on the Table of Penalties (TOP) dated 5-15-2014:

I have no prior discipline during my employment with TSA, I have received good performance evaluations, and I have gone above and beyond regarding collateral duties required to date.

I believe I have provided enough proof to warrant an investigation into the false claims against me by AFSD Klusacek. Based on the Table of Penalties (TOP) E1; Making misstatement or misrepresentation with the intent to mislead including material and/or intentional falsification, concealment, omission of fact; forgery. The recommended penalty is Removal.

Thank you for giving me this time to meet with you and plead my case. I remain available to discuss with you any further questions or concerns you may have. I believe with the documentation I have provided, you will agree with me that this proposal was unwarranted and fabricated. I look forward to your reply.

Sincerely,

(b)(6)

Stewart International Airport (SWF)

Office 845-220-(b)(6)

W Cell 845-422-

(b)(6)

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April 30, 2014

PMIS + Daily Report for the items you reviewed. You then marked "Ok" for specific days. You did not provide any detailed information as instructed, nor did you identify errors; omissions or discrepancies; or provide any reference to rules, policies, or procedures violated. As a result of the "audit responses" you submitted, AFSD Klusacek requested you provide him with photocopies of the documents you reviewed.

Upon receipt of this documentation, AFSD Klusacek conducted an in-depth analysis of the material -- which you stated you had already reviewed. This document examination revealed evidence that official records submitted by the SWF BDOs were either inaccurate, or contradictory to the information memorialized in their BDO notebooks. A side-by-side comparison of the Daily BDO Tracking Sheets; the PMIS Playbook Sheets, and the BDO Notebooks indicated that document falsification was occurring.

On January 8, 2014, AFSD Klusacek met with you; Transportation Security Manager (TSM) Jack Engelhardt and TSM Anthony Duarte at the SWF Administrative Offices regarding the audit and the apparent falsified information identified. It was determined that additional Closed Circuit Television Video (CCTV) footage covering time periods where discrepancies existed between official documents should be reviewed. This additional information gathering resulted in conclusively, by a preponderance of the evidence, that the Officers involved had submitted false reports relative to their BDO activities during the period of December 1, 2013, through December 14, 2013.

A secondary audit was conducted by AFSD Klusacek for BDO (b)(6) encompassing the timeframe from February 23, 2014 through March 8, 2014 (Pay P-04-2014). The same types of apparent false entries and false documents were identified as being submitted. The results of these audits exposed your failure to ensure employee compliance with TSA policies and procedures or provide proper managerial oversight of the BDO program activities at Stewart International Airport (SWF).

Charge 1: Negligent Performance of Duty

Specification 1: On March 17, 2014 AFSD Klusacek directed you to provide the Pay Period (PP) 04-2014 BDO notebook, BDO Daily Tracking sheets, and PMIS Playbook sheets for BDO (b)(6). An audit of these documents conducted by AFSD Klusacek disclosed numerous errors and conflicting documentation. You failed to identify any of the errors; omissions or discrepancies noted by AFSD Klusacek.

Specification 2: The referenced audit of BDO Kelly's records for PP-04-2014 conducted by AFSD Klusacek disclosed a BDO Tracking Sheet - listing BDO (b)(6) name- for March 5, 2014, documenting 3.5 hours of BDO activity during the timeframe from 1630 - 2000 hours. BDO (b)(6) did not work during this period and had departed work at 1600 hours on the date in question. You failed to identify this document submission containing false information.

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Notice of Proposed Removal:

(b)(6)

April 30, 2014

Specification 3: On February 26, 2014 BDO (b)(6) listed OLC activities for the majority of her shift. BDO (b)(6) only performed actual BDO activities for 50 minutes during her 8 hour shift. You failed to identify this non-performance of BDO duties and did not exhibit any managerial function in addressing the failure of BDO (b)(6) to perform her required BDO duties.

Specification 4: During a meeting with AFSD Michael Klusacek on Monday, March 31, 2014 you were asked if you had reviewed the PP-04-2014 BDO notebook; BDO Daily tracking sheets and PMIS Playbook sheets for BDO (b)(6) prior to sending them to AFSD Klusacek. You stated you had not reviewed any of the documents prior to sending them. Not true

Specification 5: On March 18, 2014, you had BDO (b)(6) leave her post at the airport passenger terminal and work at a job fair type event, not in the airport terminal, during the period of approximately 10:30 -- 12:30 hours. BDO (b)(6) was the only BDO on duty at SWF airport at the time, and was performing SPOT duties prior to you having her leave the passenger terminal.

Specification 6: On February 27, 2014 AFSD Michael Klusacek sent an email to you and the TSMs at SWF advising them BDO (b)(6)'s self-demotion was effective March 9, 2014, and she was not to perform BDO duties after March 8, 2014. On March 12, 2014 at 11:32 hours former BDO (b)(6) accessed the SWF BDO Daily Summary database. You failed to identify her actions or address this improper accessing of the BDO database by the former BDO.

Your actions are in violation of the Behavior Detection and Analysis Transportation Security Manager Handbook section 3.3 that states in part, "STSMs must ensure that BDOs conduct SPOT operations in accordance with the SPOT SOP and all applicable DHS/TSA directives." and section 4.1, subsection A, that states in part, "STSM must also conduct audits of the BDO Notebooks for accuracy and note taking techniques and to verify BDOs maintain a daily log of activities to include, but not limited to, movement from one location to another and start and stop times associated with each location."

Your actions are also in violation of the BDO SOP, Rev.3, Section 2.3 (B) that states,

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49
U.S.C. §
114(r)

(b)(3) 49 U.S.C. § 114(r)

s"; and section 2.4 (F) that states, "In addition to othe

(b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

note taking techniques,

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A-1

(b)(6)

From: Klusacek, Michael
Sent: Monday, March 17, 2014 7:13 AM
To: (b)(6)
Cc:
Subject:

Doreen:

I'm trying to tie up a few loose ends regarding the transition of (b)(6) from BDO to TSO which was effective 3/9/2014. I want to make sure we have closed out all of her BDO activities and have all of the required paperwork in place.

Please send me copies of (b)(6) BDO Tracking Sheets; the PIMS BDO Playbook Sheets and her notebook entries for pay period 04 (Feb 23 to March 8, 2014).

Thank you.

Mike Klusacek

change
Spec 1

A-2

24

(b)(6) self-demoted from BDO to TSO effective COB 3/8/2014. She was provide with NHT 2/25 - 3/6/2014. She was on RDO 3/7 & 3/8/2014. The STSO noted she was not preparing any BDO paperwork from 2/28 - 3/4/2014. The information below represents what was recorded.

NOTE BOOK ENTRIES -

2/23/2014

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

(b)(3); 49 U.S.C. § 114(n)

NoteBook Entries - 2/24

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

(b)(3); 49 U.S.C. § 114(n)

Feb 24

MON

(b)(3) 49 U.S.C. § 114(r)

NoteBook Entries - 2/25/14

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

TUG

(b)(3) 49 U.S.C. § 114(r)

NoteBook Entries - 2/26/14

BDO Daily Tracking Sheet

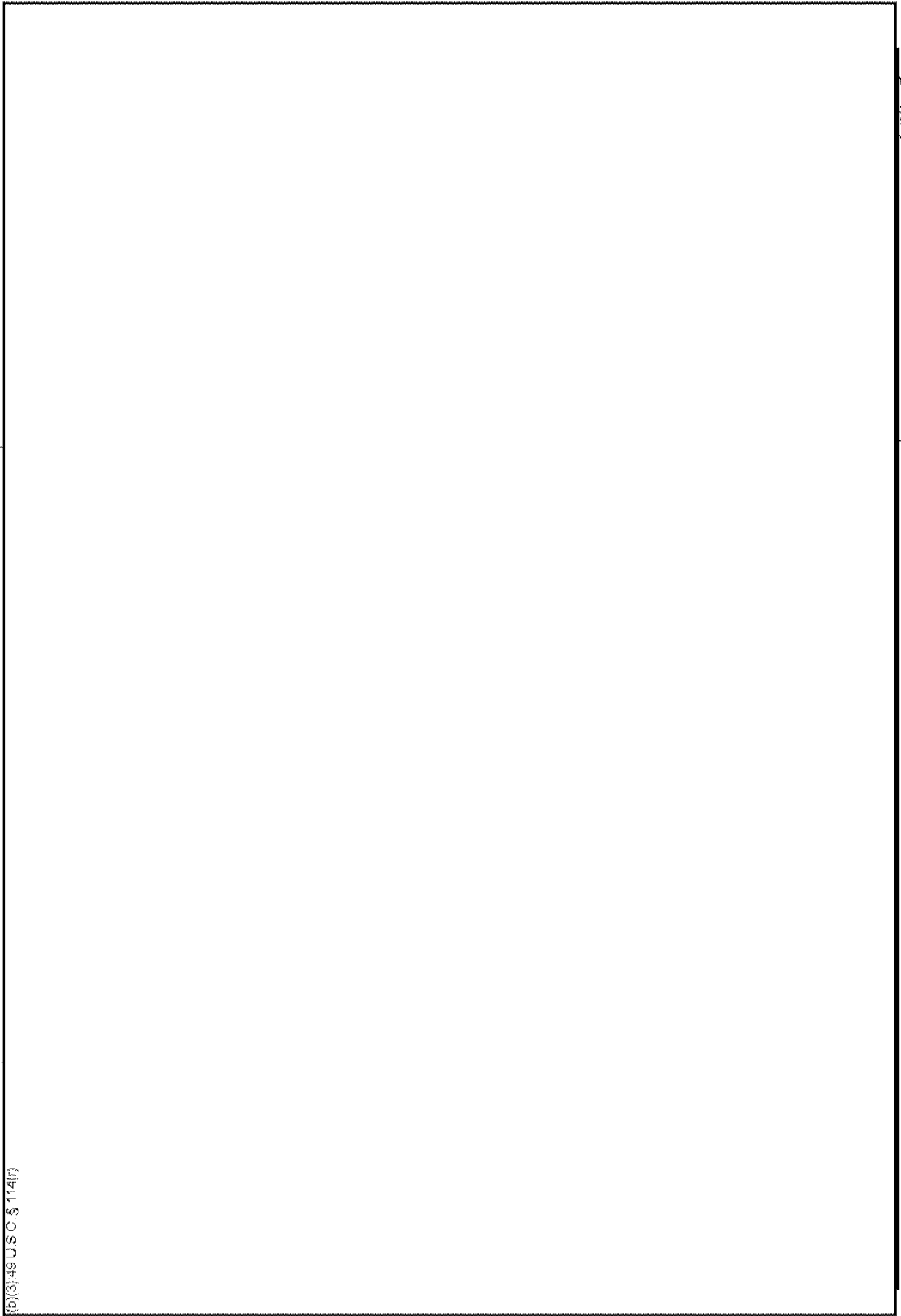
PMIS Sheet

Conflicts Noted

2 of 5

Feb 26

(b)(3) USC § 114(f)



1945 - 2000 - Admin

19:45 - 20:00 - Admin

NoteBook Entries - 3/1/14	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3), 49 U.S.C. § 114(r)			

NoteBook Entries - 3/2/14	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3), 49 U.S.C. § 114(r)			

NoteBook Entries - 3/3/14	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3), 49 U.S.C. § 114(r)			

NoteBook Entries - 3/4/14	BDO Daily Tracking Sheet	PMIS Sheet	Conflicts Noted
(b)(3), 49 U.S.C. § 114(r)			

(b)(3);49 U.S.C. § 114(r)

NoteBook Entries - 3/5/14

BDO Daily Tracking Sheet

PMIS Sheet

Conflicts Noted

(b)(3);49 U.S.C. § 114(r)

(b)(6)

Numerous crosses
suspect activities?

(b)(3) 49 U.S.C. § 114(n)

(b)(3) 49 U.S.C. § 114(r)

A-3

Date	Type	Start Time	End Time	Location	Officer	IS	AF	Price
2/23/2014	SWF	(b)(3); 49 U.S.C. § 114(i)				0	0	0
2/23/2014	SWF					0	0	0
2/23/2014	SWF					0	0	0
2/23/2014	SWF					0	0	0
2/23/2014	SWF					0	0	0
2/23/2014	SWF					0	0	0
2/24/2014	SWF					0	0	0
2/24/2014	SWF					0	0	0
2/24/2014	SWF					0	0	0
2/24/2014	SWF					0	0	0
2/24/2014	SWF					0	0	0
2/25/2014	SWF					0	0	0
2/25/2014	SWF					0	0	0
2/25/2014	SWF					0	0	0
2/25/2014	SWF					0	0	0
2/25/2014	SWF					0	0	0
2/26/2014	SWF					0	0	0
2/26/2014	SWF					0	0	0
2/27/2014	SWF					0	0	0
2/27/2014	SWF					0	0	0
2/27/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
2/28/2014	SWF					0	0	0
3/1/2014	SWF					0	0	0
3/1/2014	SWF					0	0	0
3/1/2014	SWF					0	0	0
3/1/2014	SWF					0	0	0

T50 800

3/1/2014	SWF	(b)(3) 49 U.S.C. § 114(r)	0	0	0	0
3/1/2014	SWF		0	0	0	0
3/1/2014	SWF		0	0	0	0
3/2/2014	SWF		0	0	0	0
3/2/2014	SWF		0	0	0	0
3/3/2014	SWF		0	0	0	0
3/3/2014	SWF		0	0	0	0
3/3/2014	SWF		0	0	0	0
3/3/2014	SWF		0	0	0	0
3/3/2014	SWF		0	0	0	0
3/4/2014	SWF		0	0	0	0
3/4/2014	SWF		0	0	0	0
3/4/2014	SWF		0	0	0	0
3/5/2014	SWF		0	0	0	0
3/5/2014	SWF		0	0	0	0
3/6/2014	SWF		0	0	0	0
3/6/2014	SWF		0	0	0	0
3/7/2014	SWF		0	0	0	0
3/7/2014	SWF		0	0	0	0
3/7/2014	SWF		0	0	0	0
3/7/2014	SWF		0	0	0	0
3/7/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
3/8/2014	SWF		0	0	0	0
Totals:			0	0	0	0

BDO DEPLOYMENTS / ASSIGNMENTS / PLAY BOOK ACTIVITY										
Deployment Area	BDO	8DO	BDO	BDO	BDO	BDO	Start	End	PLAYBOOK ACTIVITY CODE	Hours

(b)(3);49 U.S.C. § 114(r),(b)(6)

Charge 1 Spec 2

(b)(6)

From: Klusacek, Michael
Sent: Tuesday, March 18, 2014 7:49 AM
To: (b)(6)
Subject: RE: E-mailing (b)(6) PP 4.zip

(b)(6)

Understand. Thank you. I'm sure I will be asking for additional information as I review the documents you sent me yesterday.

Mike Klusacek

From: (b)(6)
Sent: Tuesday, March 18, 2014 7:26 AM
To: Klusacek, Michael
Subject: RE: E-mailing: (b)(6) PP 4.zip

No she didn't work those days as a BDO. She left right after training I believe Wed and Thur and then she was off. I will dbl check on Wed, but I had her time sheet from KRONOS and she only had 8 hours that day. I did just check and she only trained.

From: Klusacek, Michael
Sent: Tuesday, March 18, 2014 6:44 AM
To: (b)(6)
Subject: RE: E-mailing: (b)(6) PP 4.zip

(b)(6)

The (b)(6) Notebook stops at 3/4/2014. Are there any notebook entries for 3/5/14; 3/6/2014; 3/7/2014 and 3/8/2014? She worked these days as a BDO.

Thank you.

Mike Klusacek

From: (b)(6)
Sent: Monday, March 17, 2014 2:35 PM
To: Klusacek, Michael
Subject: E-mailing: Kelly NB PP 4.zip

Nat'l PW

(b)(6)

change 1 Spec 2

(b)(6)

From: Boggess, Daniel
Sent: Monday, May 05, 2014 8:38 AM
To: (b)(6)
Subject: OLC completion report 2-26-14
Attachments: (b)(6) completion report 2-26-14.xlsx

(b)(6)

On 2-25-14, I instructed then BDO (b)(6) to complete the NHTP Web Based Training 2-26-14 in preparation for her NHTP training which started 2-27-14. The attachment shows the NHTP modules she completed 2-26-14. Current PW to open.

Respectfully,

Daniel Boggess

Security Training Instructor | Transportation Security Administration

Stewart International Airport | 33 Airport Center Drive | New Windsor, NY 12553 | 845 220-3011

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Change 1
Spec 3

Description	Last Name First Name	Completion Status	Completion Date
Checked Baggage SOP Revision 5 - Summary of Changes/Clarifications (SOCC)	(b)(6)	Briefing Completed	2/26/2014 02:09 PM America/New York
Checked Baggage SOP Revision 5 Change 2 - Summary of Changes/Clarifications (SOCC)	(b)(6)	Briefing Completed	2/26/2014 03:10 PM America/New York
Checked Baggage SOP Revision 5 Change 3 - Summary of Changes/Clarifications (SOCC)	(b)(6)	Briefing Completed	2/26/2014 03:19 PM America/New York
Security Tamper-Evident Bags (STEB) - Standard Operating Procedures Review - Shift Brief	(b)(6)	Briefing Completed	2/26/2014 10:24 AM America/New York
Security Tamper-Evident Bags (STEB) - Standard Operating Procedures Review - Online WBT	(b)(6)	Briefing Completed	2/26/2014 10:24 AM America/New York
New Hire Training Program (NHTP) Airport Overview	(b)(6)	Course Pass	2/26/2014 02:00 PM America/New York
New Hire Training Program (NHTP) Checkpoint and Checked Baggage	(b)(6)	Course Pass	2/26/2014 01:49 PM America/New York
New Hire Training Program (NHTP) Customer Focused Security	(b)(6)	Course Pass	2/26/2014 01:12 PM America/New York
New Hire Training Program (NHTP) Professional TSO	(b)(6)	Course Pass	2/26/2014 12:28 PM America/New York
New Hire Training Program (NHTP) TSO Safety and Awareness	(b)(6)	Course Pass	2/26/2014 10:19 AM America/New York
New Hire Training Program (NHTP) Specialized Screening	(b)(6)	Course Pass	2/26/2014 11:25 AM America/New York
New Hire Training Program (NHTP) TSA Overview	(b)(6)	Course Pass	2/26/2014 10:50 AM America/New York
New Hire Training Program (NHTP) Welcome and Introduction	(b)(6)	Course Pass	2/26/2014 10:07 AM America/New York
Colorimetric Test Kit	(b)(6)	Course Pass	2/26/2014 03:37 PM America/New York
Active Shooter Response Training	(b)(6)	Course Pass	2/26/2014 03:56 PM America/New York
Checked Baggage SOP Revision 5 - Summary of Changes/Clarifications (SOCC) Job Aid	(b)(6)	Reading Complete	2/26/2014 03:09 PM America/New York
ETD of Gloves Job Aid	(b)(6)	Reading Complete	2/26/2014 02:03 PM America/New York
Medical Notification Card - Job Aid	(b)(6)	Reading Complete	2/26/2014 02:02 PM America/New York

A-4

T & A Data

Time Period: Previous Pay Period
 Query: Previously Selected Employee(s)
 Executed on: 2/13/2014 12:03:45 PM

(b)(6) Pay Rule: FT-REG Report Period: 02/23/2014 to 03/08/2014

Work Time	SWFA/BDO	6:00	8:00		6:30	8:00	8:00	8:00	9:30	11:30	11:30	11:30	11:30	8:00	8:00		50:30	112:00
OT40	SWFA/BDO	6:00	8:00		1:30	1:30	1:30	16:30	1:30	1:30	1:30					4:30	21:00	
OT40+ND	SWFA/BDO	2:00	2:00		2:00	2:00		8:00	2:00	2:00	2:00					6:00	14:00	
REG+SUN	SWFA/BDO								8:00							8:00	8:00	
REGULAR	SWFA/BDO			6:30	6:30	8:00	8:00	8:00	37:00		8:00	8:00	8:00	8:00		32:00	69:00	
Work Time Total:		6:00	8:00	6:30	6:30	11:30	11:30	9:30	61:30	11:30	11:30	11:30	8:00	8:00		50:30	112:00	
Leave and Other Time																		
ANNUAL	SWFA/BDO			1:30	1:30				3:00								3:00	
Leave and Other Time Total:				1:30	1:30				3:00								3:00	
Daily Totals:		8:00	8:00	8:00	8:00	11:30	11:30	9:30	64:30	11:30	11:30	11:30	8:00	8:00		50:30	115:00	
Employee:	Date: Supervisor: Date:																	

Change 1
 Spec 3

18/

Klusacek, Michael

From: Klusacek, Michael
Sent: Friday, February 28, 2014 11:47 AM
To: Klusacek, Michael
Subject: RE: Vacation

2 separate issues

Memo to file:

I called STSM (b)(6) at approximately 10:20 AM after I received the below email. She asked me if we could talk and I answered in the affirmative. She said "Hold on a minute I want to close the door." I heard her close the door as she had me on speaker and she returned to the conversation. She stated words to the effect "I thought we were going to talk about this whole BDO thing and we haven't been able to sit down so that's why I called. I answered that the matter has not yet run its course and we would be talking once the last BDO - (b)(6) issues had been addressed.

(b)(6) "Are you going to be issuing me a proposal for termination?" I answered that at this point in time I had no intention of preparing a termination proposal however her role as the Manager did have to be reviewed and addressed. (b)(6) said words to the effect "well you know I have been doing a lot of Manager's duties and I have been tied up with other things." I answered that I knew she had and when we met in January I acknowledged that and I also said she needed to focus on her BDO duties. (b)(6) state that Tony (Duarte) had told her to give the tasks to him and he would take them over as a Manager. (b)(6) said she will be doing that so she can spend more time at the terminal.

Dec 1 - 19 2013

I went back to the audit and the act that she did not identify anything wrong even though I had instructed her what to do. I spoke about the side-by-side comparisons I had done and that certain things just jumped off the page at me. I used the example of (b)(6) listing "OLC" for each day and a simple check showed he hadn't even signed on. I also spoke of the 12/9/2013 records Marcelly prepared showing he performed BDO screening duties when in fact he was at the CP speaking with (b)(6) and didn't perform any BDO tasks for over an hour. I add that the CCTV Video review was a plus and added to our evidence but there was sufficient information present in the notebooks; tracking sheets and PMIS playbook sheets to show the discrepancies. I add that she did not identify any of these issues and as the Manager she was responsible. I asked her if she had reviewed the Excel spreadsheets I had sent to TSM Engelhardt so she could see the side-by-side comparisons I had done for each BDO. She stated she had not and she only had the information from our meeting. I told (b)(6) would send an email to TSM Engelhardt and have him share the spreadsheets with her so she could review them. *well wouldn't let me see them no email was sent*

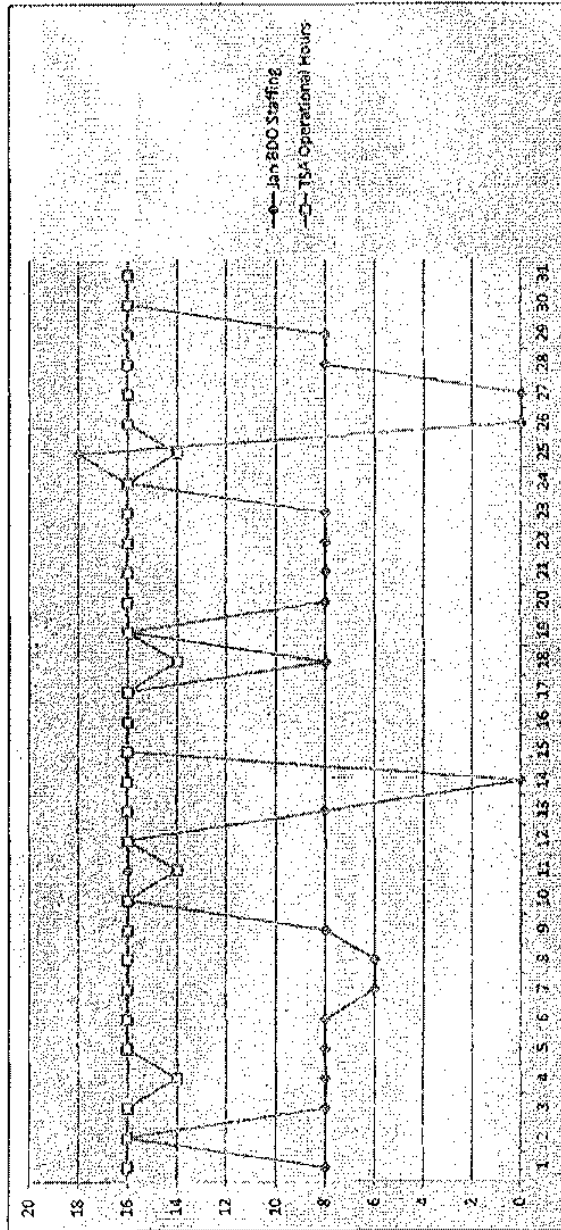
(b)(6) stated she thought she did identify some things but admitted she had not done a side-by-side comparison of the notebooks; tracking sheets and PMIS playbook sheets. She also stated that this was the first time she had ever been tasked with doing an audit and was not sure what she was supposed to have done. I emphasized that I understood that and part of my job was to provide that guidance to her. I stated that once all of the BDO issues were completed then I would be reviewing everything that was developed with the PSD to determine what actions I would be taking regarding her performance. I again stated that at this point in time I did not plan on terminating her. Doreen stated that made her feel much better that she wasn't losing her job.

I asked (b)(6) if there was anything else she wanted to talk about and she answered No and wished me a good vacation.

Call ended at approximately 10:40 a.m.

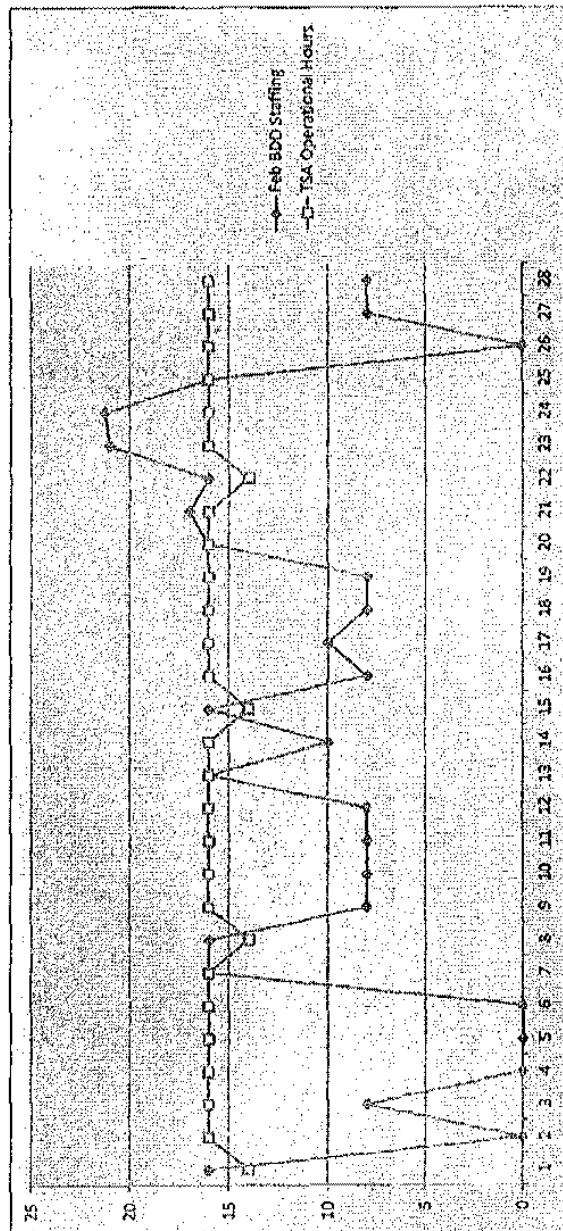
This statement was for (b)(6) audit
Feb 23 - March 8th incorrect copy & post, sloppy
change 1
Spec 4

January 2014
Total Hours of TSA Operations
488
Total Hours of BDO Coverage
318
Total Days W/Out BDO Coverage
3

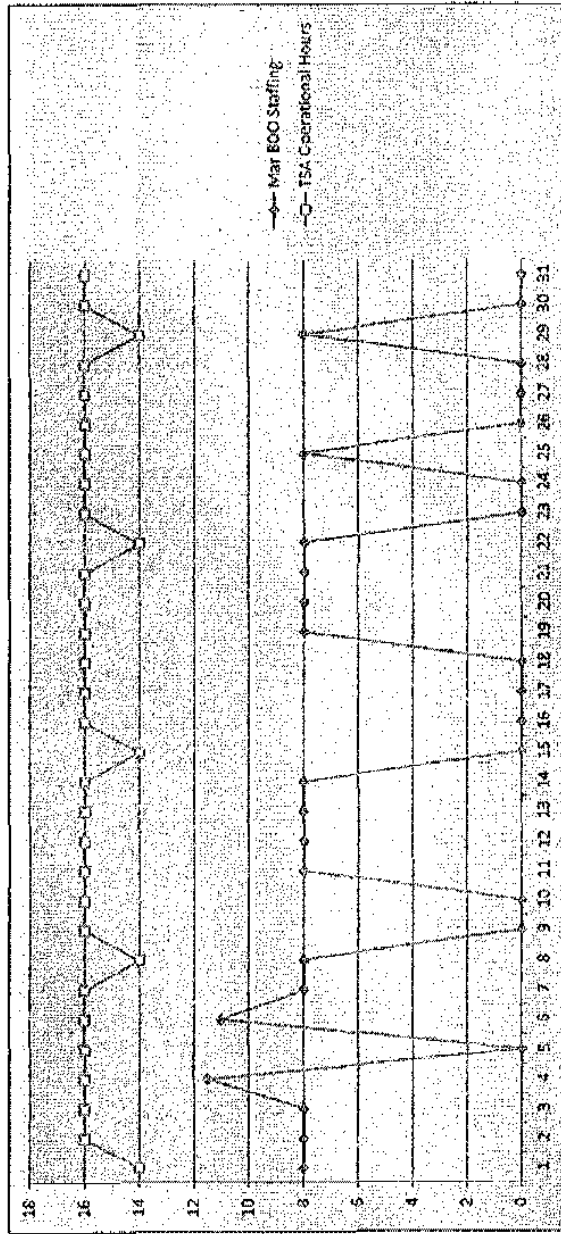


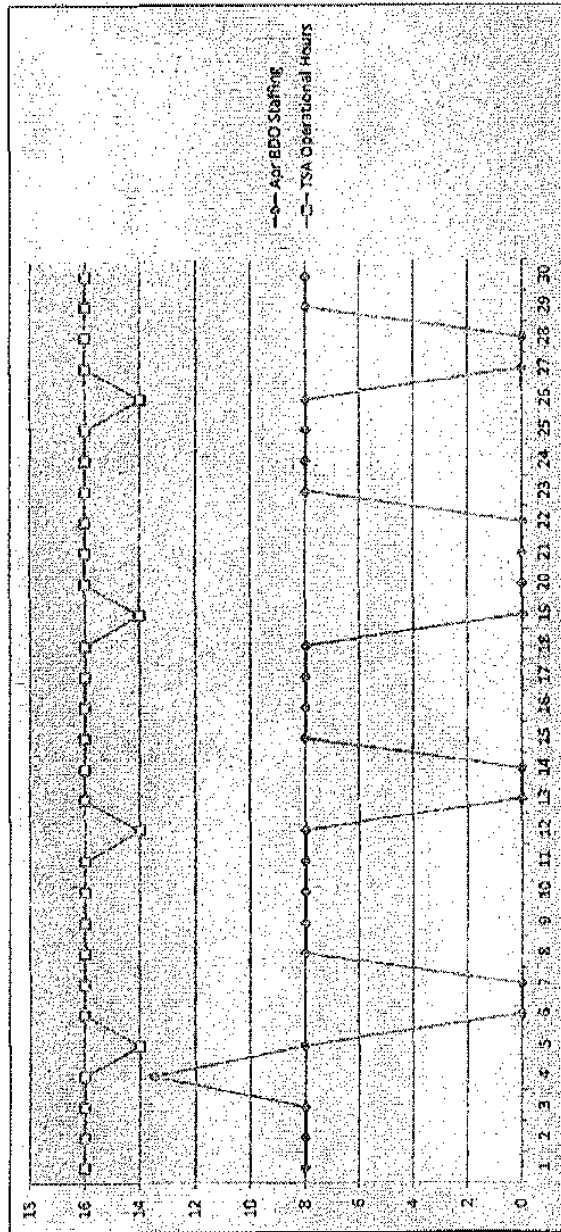
Charge
 1
 Spec 5

February 2014
 Total Hours of TSA Operations
 440
 Total Hours of BDO Coverage
 367.25
 Total Days W/Out BDO Coverage
 5



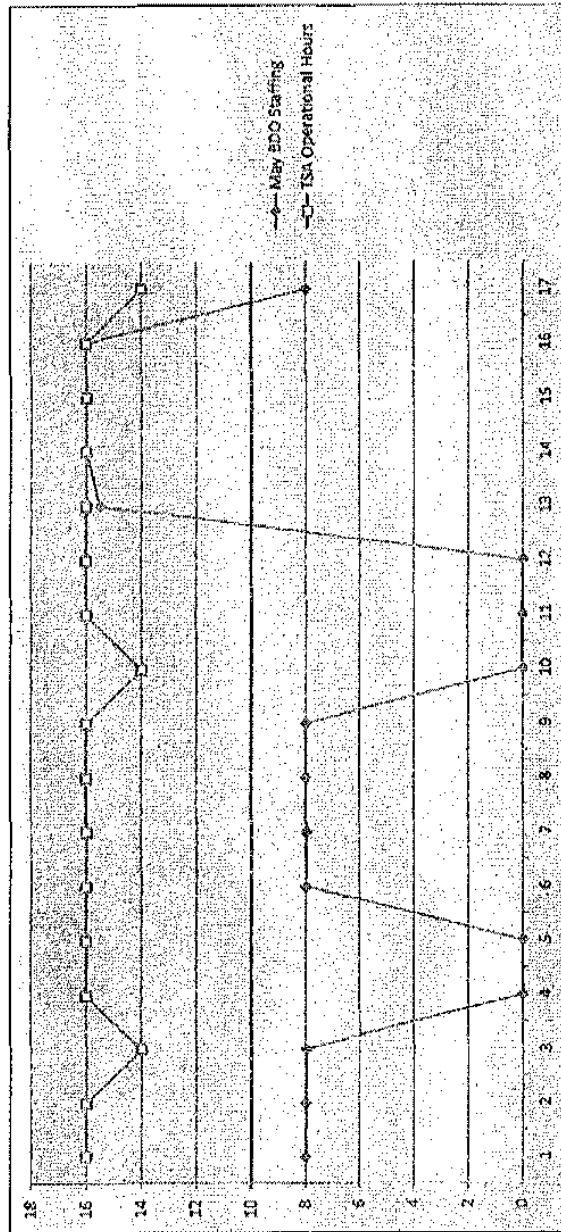
March 2014
 Total Hours of TSA Operations 486
 Total Hours of BDO Coverage 143.3
 Total Days W/Our BDO Coverage 14





April 2014
 Total Hours of TSA Operations
 472
 Total Hours of BDO Coverage
 165.5
 Total Days w/Out BDO Coverage
 10

May 2014
 Total Hours of TSA Operations
 265
 Total Hours of BDO Coverage
 127.5
 Total Days W/Out BDO Coverage
 5



Customer Throughput Submission

Date: 3/18/2014 Checkpoint: Main Checkpoint Shift: N/A

Customer Throughput	Main					
	SWF AIT #1		CEIA WTMD		Heimann X-Ray 7555 Lane 2	Heimann X-Ray 6040 Lane 1
					Integrated	Integrated
	AIT		WTMD		X-Ray	X-Ray
Hour	PAX	Minutes Opened	PAX	Minutes Opened	Minutes Opened	Minutes Opened
0:00 - 1:00						
1:00 - 2:00						
2:00 - 3:00						
3:00 - 4:00						
4:00 - 5:00	24	60	16	60	60	60
5:00 - 6:00	67	60	42	60	60	60
6:00 - 7:00	27	60	22	60	60	60
7:00 - 8:00	0	60	0	60	60	60
8:00 - 9:00	0	60	2	60	60	60
9:00 - 10:00	9	60	7	60	60	60
10:00 - 11:00	29	60	13	60	60	60
11:00 - 12:00	25	60	13	60	60	60
12:00 - 13:00	2	60	4	60	60	60
13:00 - 14:00	27	60	24	60	60	60
14:00 - 15:00	45	60	36	60	60	60
15:00 - 16:00	22	60	7	60	60	60
16:00 - 17:00	7	60	4	60	60	60
17:00 - 18:00	0	60	0	60	60	60
18:00 - 19:00	0	60	0	60	60	60
19:00 - 20:00	0	60	0	60	60	60
20:00 - 21:00						
21:00 - 22:00						
22:00 - 23:00						

1045-1130 Approx 27 pax 2200 @ 2nd Aviation Hangar

https://tsaweb.tsa.dhs.gov/pmis/submissions/customer_throughput/ThroughputSubEdit.aspx... 5/9/2014

Notice of Proposed Removal:

(b)(6)

April 30, 2014

- (a) *Employees are prohibited from sending e-mail or enclosures that are obscene, hateful, harmful, malicious, hostile, threatening, abusive, vulgar, defamatory, profane, or racially, sexually, or ethnically objectionable...*
- (b) *Email shall not contain any inappropriate messages that ridicule, or that may be offensive to others based on race, religion...color, sex, age, disability, national origin, sexual orientation, marital or parental status, or genetic information."*

Your actions also violated Section 6.E. of TSA MD 1100.73-5: *Employee Responsibilities and Code of Conduct* that states in part: "While on or off-duty, employees are expected to conduct themselves in a manner that does not...cause...TSA to question the employee's reliability, judgment or trustworthiness".

I considered a number of factors in determining to propose your removal from service for the misconduct cited above. I considered the nature and seriousness of your misconduct and its relationship to your duties. As a Manager you are held to a higher standard of conduct than subordinate employees as you are responsible for setting the example for others to follow. You have failed to demonstrate appropriate leadership or stewardship of the BDO program at SWF. By failing to properly ensure the BDO program was functioning in compliance with all required procedures and policies, you compromised the TSA security mission and jeopardized the safety of the traveling public. Your failure to review and verify the daily reports submitted by the SWF BDOs enabled documentation containing false information to be retained as official records. You failed to identify numerous acts of misconduct by your subordinate employees whom you directly supervised. Throughout this entire review process you lacked domain awareness; objectivity; critical thinking and did not exercise good judgment. In short, you were not paying attention to what was occurring on a daily basis. I find the misconduct described in Charge 1 and associated specifications so serious that I would have proposed your removal for this charge alone and absent the remaining charges. The BDO Manager position has a critical impact on the effectiveness of the airports layered security system. Your negligent performance of duties created vulnerability in our security posture at SWF.

Concerning Charge 2, leaving your assigned duty position as the SPOT TSM on March 18, 2014 without authorization to attend a Non-TSA event, without approval from anyone higher in authority (FSD/ AFSD), is a very serious matter. During the timeframe you were away from your duty station without authorization, you did not provide any oversight of the BDO program nor did you perform any BDO related activities including "walk-the-line"; training of the BDO on duty, or any BDO program administration. You did not consider a Risk Based Deployment; created vulnerability in the security program and failed to properly deploy personnel. The incident is aggravated by your decision to have the only BDO on duty at the airport join you in this endeavor - totally removing a layer of security from security screening operations. During BDO (b)(6) absence from the airport, while accompanying you at the job fair, a US Air flight departed at 11:35 hours and a Delta flight departed at 12:36. None of the passengers on these two flights were subjected to BDO observation / screening as you had

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