

U.S. Department of Homeland Security
Los Angeles International Airport
8767 W. Century Blvd, Suite 300
Los Angeles, CA 90045



Transportation
Security
Administration

Date: July 2, 2012

To:

(b)(6)

Master Behavior Detection Officer
Los Angeles International Airport

From:

Jason Pantages
Assistant Federal Security Director for Screening
Los Angeles International Airport

Subject:

Notice of Decision on Proposed Fourteen (14) Calendar Day Suspension and
Issuance of Formal Letter of Reprimand

Reference:

(b)(6)

You are hereby notified that I have decided not to suspend you for fourteen (14) calendar days. Based in part on your lack of previous discipline, and your assumption of responsibility for your actions, I have decided not to uphold the proposed fourteen (14) calendar day suspension. Instead, I am issuing you a formal Letter of Reprimand. This decision is based on the following to promote the efficiency of the service:

Charge: Unprofessional Conduct

Specification: On April 27, 2012, at approximately 0805 hours, a Jet Blue Airlines manager notified TSA/LAX management that a passenger reported you appeared to be sleeping, while in full uniform, at Gate 33 in Terminal 3. The unidentified passenger took a photograph of you, and stated they were going to post the picture online for the public to view.

Your conduct is in violation of TSA Management Directive 1100.73-5: Employee Responsibilities and Conduct; Section 5 – Employee Responsibilities; Section 6 – Policy: 6.B and 6.C. Your conduct is also in violation of TSA Management Directive 1100.73-2: TSO Dress and Appearance Responsibilities; Section 6 – Policy: 6.E.

On May 18, 2012, you were issued a written Notice of Proposed Seven (7) Calendar Day Suspension from Deputy Assistant Federal Security Director for Screening Daniel Wyllie, for your unprofessional conduct. That written notice also advised you of your right to make an oral and/or written reply. You submitted a held an oral reply on May 31, 2012.

During your oral reply, you accepted full responsibility for your actions and stated you will not engage in this type of misconduct again. As a point of clarification, you stated you were not asleep at the time of incident.

After carefully considering all the available information, including your oral response, I find the evidence of record supports you engaged in unprofessional behavior. I note, however, you have taken full responsibility for your actions and have no prior discipline which I find mitigating. Therefore, it is my decision not to uphold the proposed penalty, but to issue you a formal Letter of Reprimand for your misconduct. This decision is within the recommended penalty range on the TSA Table of Offenses and Penalties.

By this formal Letter of Reprimand, you are reminded that as a Master Behavior Detection Officer, you are expected to follow the guidelines set forth in the TSA Management Directives, and all guidance given to you. You serve in a critical security position that requires the highest standards of professionalism when interacting with fellow workers, supervisors, contract personnel and the public. Your unprofessional behavior was disruptive and adversely affected the operations of the terminal. Your actions also had a negative impact on your supervisor's confidence in you to perform your duties as a BDO.

I expect that, in the future, you will conduct yourself in a manner that does not adversely reflect on the TSA or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question your reliability, judgment, or trustworthiness. It is hoped that this Letter of Reprimand will impress upon you the seriousness of your actions and that future discipline will not be necessary. Future conduct and/or related issues may lead to further and more severe disciplinary action, up to and including, termination of your TSA employment.

This Letter of Reprimand will be placed in your Official Personnel Folder (OPF) for up to a two-year period, during which time it may be cited as a prior formal disciplinary action in any future corrective or disciplinary matter. Your supervisor may decide to remove the letter prior to the expiration of the two-year period. Once it is removed from your OPF, your supervisor may retain a copy of the letter indefinitely as evidence that you were on notice about the performance or conduct in question, or to rebut a claim that you had no prior history of conduct or performance problems.

This is a final decision. You may seek review of this Letter of Reprimand under the TSA Grievance Procedures or Peer Review, but not both.

If you elect to grieve this matter under the TSA Management Directive (MD) No. 1100.77-2, Grievance Procedures, your grievance must be submitted in writing to me within fifteen (15) calendar days of receipt of this decision letter. A copy of TSA MD No. 1100.77-2, Grievance Procedures, is attached.

If you elect Peer Review under the procedures outlined within the HCM 771-3, your request for Peer Review must be filed within fifteen (15) calendar days of receipt of this decision letter. Your request must be in writing and must include a copy of this decision letter. You may submit your request via facsimile to 571-227-2591. If you would like to file your request electronically or by mail, please contact the Peer Review Support Office at 571-227-5065 for additional filing information.

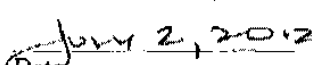
If you would like to explore the possibility of engaging in mediation with management, you should contact the Peer Review Support Office at 571-227-5065 within fifteen (15) calendar days of receipt of this letter.

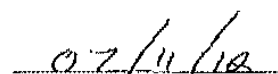
If you believe you need assistance in dealing with any personal matters, please be advised that the **Employee Assistance Program** is available to provide confidential counseling services and can be reached by calling **1-800-222-0364**.

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

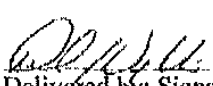

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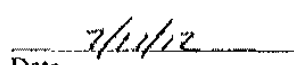
Acknowledgement of Receipt
(b)(6)



Date July 2, 2012


Date 07/11/12

Delivery Information:


Delivered by: Signature


Date 7/11/12