

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36, and 39.)

1. Action Requested Suspension NTE (Date) 5/17/2014	2. Request Number (b)(6)
3. For Additional Information Call (Name and Telephone Number) (b)(6) 310-242 (b)(6)	4. Proposed Effective Date 05/13/2014
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Cossie Conley 05/06/2014	6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) (b)(6) 05/06/2014

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month/day/year order.)

1. Name (Last, First, Middle) (b)(6)	2. Social Security Number (b)(6)	3. Date of Birth (b)(6)	4. Effective Date 05/13/2014
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FIRST ACTION

5-A. Code 450	5-B. Nature of Action Suspension NTE (Date)
5-C. Code (b)(6)	5-D. Legal Authority
5-E. Code (b)(6)	5-F. Legal Authority

SECOND ACTION

6-A. Code (b)(6)	6-B. Nature of Action
6-C. Code (b)(6)	6-D. Legal Authority
6-E. Code (b)(6)	6-F. Legal Authority

7. FROM: Position Title and Number

MST TRANSPORT SECURITY OFFICER (BDO)

030870 90352060

8. Pay Plan SV	9. Occ. Code 1802	10. Grade or Level F	11. Step or Rate 0	12. Total Salary \$46,735.00	13. Pay Basis (b)(6)
12A. Basic Pay \$36,753.00	12B. Locality Adj. \$9,982.00	12C. Adj. Basic Pay \$46,735.00	12D. Other Pay		

15. TO: Position Title and Number

16. Pay Plan SV	17. Occ. Code (b)(6)	18. Grade or Level (b)(6)	19. Step or Rate (b)(6)	20. Total Salary/Award (b)(6)	21. Pay Basis (b)(6)
20A. Basic Pay (b)(6)	20B. Locality Adj. (b)(6)	20C. Adj. Basic Pay (b)(6)	20D. Other Pay (b)(6)		

14. Name and Location of Position's Organization

SECURITY OPERATIONS
WESTERN AREA
LAX - LOS ANGELES INTERNATIONAL

22. Name and Location of Position's Organization

TA5904108900000000

EMPLOYEE DATA

23. Veterans Preference 1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%	24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use (b)(6)	26. Veterans Prof for RIF YES NO
27. FEGLI (b)(6)	28. Annuity Indicator (b)(6)	29. Pay Rate Determinant (b)(6)	
30. Retirement Plan (b)(6)	31. Service Comp. Date (Year) (b)(6)	32. Work Schedule F	33. Part-Time Hours Per Biweekly Pay Period (b)(6)

POSITION DATA

34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career	35. FLSA Category E - Exempt H - Nonexempt	36. Appropriation Code PACSRC	37. Bargaining Unit Status (b)(6)
38. Duty Station Code 061980037	39. Duty Station (City - County - State or Overseas Location) LOS ANGELES - LOS ANGELES - CA		

40. Agency Data (b)(6)	41. (b)(6)	42. (b)(6)	43. (b)(6)	44. (b)(6)		
45. Educational Level (b)(6)	46. Year Degree Attained (b)(6)	47. Academic Discipline (b)(6)	48. Functional Class (b)(6)	49. Citizenship 1 - USA 8 - Other	50. Veterans Status (b)(6)	51. Supervisory Status (b)(6)

PART C - Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature

Approval Date

CONTINUED ON REVERSE SIDE
62-118

OVER

Editions Prior to 7/91 Are Not Usable After 6/30/93
NSN 7640-01-333-6239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?

If "YES", please state these facts on a separate sheet and attach to SF 50.)

☐ YES ☐ NO

5 Day issued on May 13, 2014 through May 17, 2014. RTD May 18, 2014. Reference

(b)(6)

PART E - Employee Resignation/Retirement**Privacy Act Statement**

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8508 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM

and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8508 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)
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PART F - Remarks for SF 50

REQUEST FOR PERSONNEL ACTION

PART A: Requesting Office (Also complete Part B, Items 1, 7, 22, 32, 33, 36, and 39.)

1. Actions Requested Return To Duty (Suspension NTE)	2. Request Number (b)(6)
3. For Additional Information Call (Name and Telephone Number) (b)(6) 310-242-(b)(6)	4. Proposed Effective Date 05/18/2014
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Cossie Conloy 05/06/2014	6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) Mary Young 05/06/2014

PART B: For Preparation of SF 50 (Use only codes in FPM Supplement 292.1. Show all dates in month/day/year order.)

1. Name (Last, First, Middle) (b)(6)	2. Social Security Number (b)(6)	3. Date of Birth (b)(6)	4. Effective Date 05/18/2014
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FIRST ACTION

6-A. Code 292	6-B. Nature of Action Return To Duty (Suspension NTE)
6-C. Code	6-D. Legal Authority
6-E. Code	6-F. Legal Authority

SECOND ACTION

6-A. Code	6-B. Nature of Action
6-C. Code	6-D. Legal Authority
6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number

MST TRANSPORT SECURITY OFFICER (BDO)

030870 90352080

8. Pay Plan SV	9. Occ. Code 1802	10. Grade or Level F	11. Step or Rate 0	12. Total Salary \$46,735.00	13. Pay Basis
12A. Basic Pay \$36,753.00	12B. Locality Adj. \$9,982.00	12C. Adj. Basic Pay \$46,735.00	12D. Other Pay		

14. Name and Location of Position's Organization

**SECURITY OPERATIONS
WESTERN AREA
LAX - LOS ANGELES INTERNATIONAL**

15. TO: Position Title and Number

16. Pay Plan SV	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis
20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay		

22. Name and Location of Position's Organization

TA5904108900000000

EMPLOYEE DATA

23. Veterans Preference 1 - None 2 - 5 Point 3 - 10 Point/Disability 4 - 10 Point/Compensable 5 - 10 Point/Other 6 - 10 Point/Compensable/30%	24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Pref for RIF YES NO
27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant	
30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule F	33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career	35. FLSA Category E - Exempt N - Nonexempt	36. Appropriation Code PACSCR	37. Bargaining Unit Status
38. Duty Station Code 061980037	39. Duty Station (City - County - State or Overseas Location) LOS ANGELES - LOS ANGELES - CA		

40. Agency Data	41.	42.	43.	44.		
45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship 1 - USA 2 - Other	50. Veterans Status	51. Supervisory Status

PART C: Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approvals: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

CONTINUED ON REVERSE SIDE OVER Editions Prior to 7/91 Are Not Usable After 8/30/93 NSN 7540-01-333-0239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?
If "YES", please state these facts on a separate sheet and attach to SF 62.)

☐ YES ☐ NO

5 Day issued on May 13, 2014 through May 17, 2014. RTD May 18, 2014. Reference

(b)(6)

PART E - Employee Resignation/Retirement**Privacy Act Statement**

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM

and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (Number, Street, City, State, ZIP Code)

PART F - Remarks for SF 60

U.S. Department of Homeland Security
Los Angeles International Airport
8367 W. Century Blvd., Suite 3000
Los Angeles, CA 90045



Transportation
Security
Administration

Date: May 5, 2014

To: (b)(6)
Behavior Detection Officer
Los Angeles International Airport

From: Brian Bondoc
Assistant Federal Security Director for Screening
Los Angeles International Airport

Subject: Notice of Decision on Proposed Fourteen (14) Calendar Day Suspension

Reference: (b)(6)

You are hereby notified that I have decided not to suspend you for fourteen (14) calendar days. Instead, I have decided to suspend you without pay for five (5) calendar days, on the following dates:

May 13, 2014 Through May 17, 2014

The effective date of your return to duty is: May 18, 2014

Your next scheduled regular workday is: May 18, 2014

This Notice of Decision is based on the following to promote the efficiency of the service:

Charge: Failure to Follow Security Procedures

Specification 1: On February 9, 2014 at 1400, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. While on duty, between 1800 and 1900 hours, you discovered your BDO notebook was missing from your possession. Throughout your shift, you continued to conduct SPOT without a BDO notebook in your possession. You failed to follow security procedures when you continued to conduct SPOT without a BDO notebook to maintain a daily log of activities.

Specification 2: On February 9, 2014 at 1400, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. While on duty, between 1800 and 1900 hours, you discovered your BDO notebook was missing from your possession. You failed to follow security procedures when you did not immediately report to a manager that your BDO notebook was missing from your control and reported the notebook missing to STSM (b)(6) on February 10, 2014.

Your conduct is in violation of TSA Management Directive (MD) 1100.73-5: Employee Responsibilities and Code of Conduct (with attached Handbook): Section 5 – Responsibilities: 5.A, 5.A (2), 5.A (5) and 5.A (7); and Section 6 -- Policy: 6.B.; TSA MD 2810.1. SSI Program: 28101.1.5; TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3: Chapter 2, BDO Duties: 2.5 H and I; DHS MD 11056.1.1 Sensitive Security Information.

On March 19, 2014, Deputy Assistant Federal Security Director for Screening (DAFSD-S) Christine Pope issued you a written Notice of Proposed Fourteen (14) Calendar Day Suspension for your failure to follow security procedures. This written notice advised you of your right to make an oral and/or written reply. You submitted a written response dated April 1, 2014, and provided an oral reply on April 10, 2014.

In your written response, you deny that you violated any TSA management directive. You also contend that your actions did not undermine security and do not warrant suspension. You further raised several procedural arguments. You conclude by stating that no disciplinary action be taken. If disciplinary action is warranted, then you request that the proposed penalty be mitigated to a lesser penalty.

In your oral reply, you stated that you did nothing wrong by not reporting your notebook missing because you believed you knew where it was located. You further stated that it did not contain any Sensitive Security Information (SSI). You stated that you delayed reporting the notebook missing because you wanted to make sure it really had gone astray. When I asked you if you had found the notebook, you stated that you had not. You also believed that the penalty should be reduced to a Letter of Counseling.

After carefully considering all the available information, I find the evidence of record supports you failed to follow security procedures. Therefore, it is my decision to uphold the Charge and its Specifications.

In determining the appropriateness of the penalty, I considered a number of factors. I find your satisfactory job performance and your length of service of over twelve (12) years to be mitigating. I find that the seriousness of your misconduct, however, outweighs the mitigating factors.

I also note that on March 17, 2013, you received a Notice of Decision on Proposed Ten (10) Calendar Day Suspension which was mitigated to a Letter of Reprimand for your unprofessional conduct. I consider this discipline to be aggravating. Through this action, you were adequately placed on notice that future incidents of misconduct could result in more serious disciplinary action, including your removal from Federal service.

In addition, you have received corrective actions for your unacceptable attendance which placed you on notice that future misconduct could result in disciplinary action, up to and including, your removal from Federal service. On May 15, 2012, you received a Memorandum of Counseling

for excessive tardies and sick leave. On January 18, 2012, you received a Letter of Counseling for your excessive tardiness.

As a BDO, your failure to follow security procedures had a negative impact on your supervisor's confidence in you to assist in meeting the Agency's mission. As an employee in a position of trust, you are expected to meet high standards of conduct. Your actions have failed to uphold those standards.

I also considered that you have taken full responsibility for your actions which I find mitigating. I also considered progressive discipline and thus, I believe a lesser penalty can impress upon you the seriousness of your actions. I have decided to suspend you for five (5) calendar days. This decision is within the recommended penalty range on the TSA Table of Offenses and Penalties.

It is hoped that this suspension will impress upon you the seriousness of your actions and that future discipline will not be necessary. Please be advised, however, that any further misconduct on your behalf may lead to more severe disciplinary actions, up to and including, termination of your TSA employment.

This is a final decision. If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook, your grievance must be submitted in writing to the National Resolution Center (NRC) within fifteen (15) calendar days of receipt of this letter. The written grievance can be filed by email at resolutioncenter@tsa.dhs.gov, or facsimile at (703) 603-4057 by using TSA form 1115, Grievance Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated Grievance Official (DGO) is Deputy Federal Security Director for Security (DFSD-S) Martin Elam, at 5767 W. Century Boulevard, Suite 3000, Los Angeles, CA 90045, (310) 242-(b)(6).

If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the National Resolution Center at (571) 227-5097 or emailing Resolutioncenter@tsa.dhs.gov to discuss whether your case is eligible for mediation. You should not file a written request for mediation with the NRC until after this discussion has occurred.

The Employee Assistance Program (EAP) is available to you to provide counseling services and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

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

Attachments:

1. HCM 771-4, National Resolution Center and Handbook (Part 2, Section E)
2. TSA Form 1115-1

(b)(6)

5-5-2014
Date

Assistant Federal Security Director for Screening

(b)(6)

5-5-14
Date

Acknowledgement of Receipt

(b)(6)

Delivery Information:

(b)(6)

5-5-2014
Date

Delivered by: Print Name

(b)(6)

U.S. Department of Homeland Security
Los Angeles International Airport
5767 W. Century Blvd., Suite 3000
Los Angeles, CA 90045



Transportation
Security
Administration

Date: April 17, 2014
To: LAX Human Resources Department
From: Brian Bondoc
Assistant Federal Security Director for Screening
Subject: MBDO (b)(6)
Reference: (b)(6)

I have considered the relevant facts with respect to (b)(6)
Specifically, MBDO (b)(6) written response and oral reply.

My decision is to mitigate the proposing official's recommendation of a Fourteen (14) Calendar Day Suspension to a Five (5) Calendar Day Suspension. After a review of all the supporting documentation and MBDO (b)(6) reply, I found two mitigating factors. I found that MBDO (b)(6) willingness to take responsibility for her actions as a mitigating factor. In addition, taking into account progressive discipline, I feel the penalty is the minimum action that can be taken to impress upon MBDO (b)(6) and the seriousness of her actions. This decision is consistent with similar offenses and is within agency guidelines.


Brian Bondoc
Assistant Federal Security Director

4-17-2014
Date



Transportation
Security
Administration

MEMORANDUM

DATE: April 10, 2014

FROM: STSO (b)(6)

RE: Oral Reply -MBDO (b)(6)

Participants: AFSD Brian Bondoc, MBDO (b)(6) TSO (b)(6) and STSO (b)(6)

On Thursday, April 10, 2014, 1615, I sat in on an Oral Reply with AFSD Brian Bondoc and MBDO (b)(6) for a proposed discipline case for a Failure to Follow Security Procedures charge. MBDO (b)(6) did submit a written reply; she had TSO (b)(6) as her representative.

TSO (b)(6) began by review the charges against MBDO (b)(6). TSO (b)(6) stated that MBDO (b)(6) did nothing wrong by not reporting her book missing, due her feeling as though she knew where it was. TSO (b)(6) stated that she did not have any SSI in her book, for the simple reason of items possibly being lost. MBDO (b)(6) stated that she did not put names of referred individuals, just initials. She went on to state that she used her memory to account for information at the end of the night when creating her reports. MBDO (b)(6) went on to state that she did put behaviors of individuals; however, that would not be considered SSI. AFSD Bondoc asked MBDO (b)(6) if she brought her log book home with her that the end of the shift. MBDO (b)(6) stated, no, it was logged in at the end of every night. MBDO (b)(6) stated she lost it around 1830 and 1930 and added she was not on her game that day. AFSD Bondoc asked why she waited to report it. MBDO (b)(6) stated she thought she knew where it was and wanted to truly make certain it was in fact missing before she reported it. TSO (b)(6) stated that the day the item was lost TSM Roger Michel verified that all log books were returned that night, failing to realize that MBDO (b)(6) was missing. TSO (b)(6) added that since the incident, they have changed the log to ensure that items are properly accounted for.

TSO (b)(6) stated that he was looking to get the penalty reduced to a Letter of Counseling (LOC). AFSD Bondoc asked if the notebook was ever found. MBDO (b)(6) stated it was not.

Nothing further to report.

(b)(6)

~~Sensitive Security Information~~

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

Cover Sheet and/or End Sheet to Document and Attachment(s)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons with-out a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

**This Response also contains Confidential information that may be
Privacy Act protected**

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons with-out a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Warning: These documents contain information subject to the Privacy Act of 1974, 5 U.S.C. 552a, as amended. Please ensure appropriate measures are taken to safeguard these records.

~~Sensitive Security Information~~

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

April 1, 2014

Brian Bondoc, Assistant Federal Security Director for Screening (AFSD-S)/Deciding Official
Los Angeles International Airport, Transportation Security Administration
U.S. Department of Homeland Security
5767 West Century Boulevard, Suite 300
Los Angeles, California 90045

AFSD-S Bondoc,

This letter constitutes the Written Reply of MBDO (b)(6) ("Respondent") to the Notice of Proposed Fourteen (14) Calendar Day Suspension ("Notice") issued to her on or about March 18, 2014 and re-issued to her on March 19, 2014 by Deputy Assistant Federal Security Director for Screening (DAFSD-S) Christine Pope ("Proposing Official").

On March 19, 2014 you approved via email (sent at 9:25 a.m.) the reasonable request for an extension of time for the Written and Oral Replies. You confirmed that the new deadline was April 1, 2014 for the Written Reply. Thank you for the extension of time.

In that March 19, 2014 email you also confirmed that DAFSD-S Pope would be re-issuing the Notice with corrected and missing material(s) relied upon. DAFSD-S Pope also noted in her email dated the same day sent at approximately 7:11 a.m. The corrected Notice and materials relied upon were provided by DAFSD-S Pope on March 19, 2014 to the Respondent.

On March 24, 2014 the Respondent's personal representative sent an email at or around 3:27 p.m. requesting that two (2) of the charges against the Respondent were in error and needed to be typed out correctly and/or completely. On March 25, 2014 at or around 2:51 p.m. DAFSD-S Pope replied with the corrected charges via email. Those corrections were received by the Respondent's personal representative on March 26, 2014 and are correctly reflected in this response, but not in the Notice.

North Complex Administrative Supervisory Transportation Security Officer (STSO) for LAX, (b)(6) has provided prior instruction to Cc her when the written reply is submitted so that Oral Reply can be scheduled. STSO (b)(6) is Cc'd on this Written Reply submission and the Respondent and her personal representative look forward to being scheduled for the Oral Reply.

I would like to take this opportunity to inform you that I am a (b)(6)
(b)(6)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1620. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1620, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1620.

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Sensitive Security Information

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

For the reasons set forth more fully below, Respondent contends that the proposing official failed to establish by a preponderance of evidence the charges and specifications described in the Notice. Even assuming arguendo that the Proposing Official has established the alleged misconduct by a preponderance of evidence (and she has not), respondent submits that the proposed penalty of fourteen (14) calendar day suspension from Federal Service ("Proposed Penalty") is excessive and a lesser penalty, if any, should be imposed in this case.

CHARGE: RESPONDENT DENIES THE CHARGE OF "FAILURE TO FOLLOW SECURITY PROCEDURES".

The Notice alleges that respondent should be suspended from federal service to "...promote the efficiency of the Federal service..." In support of this charge, the proposing official offers the following specification(s):

"Specification 1: On February 9, 2014, at 1400, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. While on duty, between 1800 and 1900 hours, you discovered your BDO notebook was missing from your possession. Throughout your shift, you continued to conduct SPOT without a BDO notebook in your possession. You failed to follow security procedures when you continued to conduct SPOT without a BDO notebook to maintain a daily log of activities."

The Notice goes on to allege that because of the charge and specification described above, "[respondent's] conduct is in violation of TSA Management Directive No. 1100.73-5: Employee Responsibilities and Code of Conduct:

- Section 5 – Responsibilities: 5.A., 5.A.(2), 5.A.(5) and 5.A.(7)
- Section 6 – Policy: 6.E.

The Notice goes on to allege that because of the charge and specification described above, "[respondent] [is] also in violation of:

- TSA MD 2810.1. SSI Program: 2810[.11.[§] 5. [Responsibilities: A. All TSA personnel are responsible for: paragraphs (2) and (8)];
- TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3: Chapter 2, BDO Duties: 2.5 H and I

~~WARNING: This record contains Sensitive Security Information that is controlled under 48 CFR parts 15 and 1620. No part of this record may be disclosed to persons without a "need to know", as defined in 48 CFR parts 15 and 1620, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 48 CFR parts 15 and 1620.~~

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Sensitive Security Information

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

- DHS MD 11056.1. Sensitive Security Information, [VI. Policy] I. [Storage and Handling]

For the reasons set forth below, respondent submits that she did not violate any of the provisions described above.

A. Respondent Did Not Violate TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 5.A.

Respondent disagrees that she violated TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 5.A, for three (3) separate and distinct reasons.

First, TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A is not a substantive provision that can be violated because TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A is simply an introductory statement prefacing specific employee responsibilities.

Second, even assuming arguendo that TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A is a substantive provision that can be violated, there is absolutely no evidence attached to the Notice that proves that the allegation(s) regarding the respondent's alleged actions brought discredit upon the Federal Government or TSA. The proposing official cannot simply allege that the Federal Government or TSA has been discredited; she must prove it by a preponderance of evidence. The proposing official has failed in her burden of production.

Third, an example of discredit upon the Federal Government or TSA is the fact that Transportation Security Manager (TSM) (b)(6) did not know what was acceptable ID at TDC and by refusing to accept the acceptable ID TSM (b)(6) was failing to follow security procedures. That complaint by a frequent flyer can be seen at the following: <http://www.flyertalk.com/forum/practical-travel-safety-issues/1050928-lax-tsa-refuses-accept-nexus-id-fter-misses-flight-6.html>. The Flyertalk Thread #79 dated Feb 14, [20]10, 4:39 p.m. and posted by R Dubl. The thread ultimately had 143 replies and 13,105 views with the last post. The thread started 2/11/2010 to 7/8/2010 at 3:53 p.m., specifically:

"First off, just wanna say to N1120A: I love you man. You are awesome in my book, and after being held up at TSA at LAX yesterday because I was using my SENTRI card, YOUR posts echoed my sentiments EXACTLY. I couldn't have said it better.

¹ TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), effective September 30, 2013; § 5.A. states: "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:"(sic)

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April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
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Reference: (b)(6) issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

At first, I wondered if I was being silly, by not just pulling out my DL--but as you and others did, I stuck to my guns and insisted the mistake was THEIRS, not mine. One TSA employee even *lied* to me and said "We used to accept these, but we don't anymore." I told them because THEIR website says that they DO accept Senti cards TODAY, it was THEIR problem, not mine. He just didn't get it. Even LAX's TSA director (Corpuz was his last name) didn't know.

I made my flight with literally 30 seconds to spare.

Anyway, THANK YOU. I'm glad there are people out there like you, demanding accountability.

The whole thing must have been so embarrassing for them." (sic)

B. Respondent Did Not Violate TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 5.A.(2).²

Respondent disagrees that she violated TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(2) for:

Specification 1:

First, because there is neither any specific "law, rule, regulation, or other authoritative policy and guidance" with which Respondent is required to have a BDO notebook in her possession while conducting Screening of Passengers by Observation Technique (SPOT) in the Notice. Respondent is ONLY required to under SPOT SOP Chapter 2 BDO Duties 2.5. I, to ". (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r)

The SPOT SOP only requires that a daily log be kept of activities, which can be recapped and logged at the end of Respondent's shift.

Second, assuming arguendo that Respondent is required to have possession of a BDO notebook when conducting SPOT, the Respondent reported the loss of her BDO notebook on February 10, 2014 to TSM (b)(6) at or around 1412 hours. After submitting an incident report(s), Respondent was instructed by BDO management to return to/continue/resume SPOT screening activities, and was NOT issued a replacement BDO notebook until February 11, 2014 sometime after 2100 hours. Therefore, TSM

² TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), effective September 30, 2013; § 5.A.(2) states that a TSA employee must: "Responding promptly to and fully complying with directions and instructions received from their supervisor or other management officials." (sic)

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Sensitive Security Information

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(b)(6) TSM (b)(6) and TSM (b)(6) ALL were aware, per their statements, that the Respondent did not have a BDO notebook and ALL failed to re-issue Respondent a BDO notebook approximately over 20 hours after Respondent was instructed to return to/continue/resume BDO screening duties. Therefore, Respondent submits that by the actions of TSM (b)(6), TSM (b)(6) and TSM (b)(6) Respondent is NOT required to have a BDO notebook in her possession when conducting SPOT screening, otherwise the proposing official would have proposed discipline for TSM (b)(6), TSM (b)(6) and TSM Hamara for failing to re-issue a BDO notebook prior to instructing the Respondent to return to/continue/resume SPOT screening and delaying the re-issue of a BDO notebook to the Respondent until February 11, 2014 after 2100 hours.

Specification 2:

First, because there is neither any specific "law, rule, regulation, or other authoritative policy and guidance" with which Respondent is required to report that her notebook was missing from her control, when it did NOT contain any SSI. In fact Respondent is NOT required to put SSI in her BDO notebook per the Screening of Passengers by Observation Technique (SPOT) in the Notice. Respondent is ONLY required to under SPOT SOP Chapter 2 BDO Duties 2.5. I. to " (b)(3) 49 U.S.C. § 114(r)

(b)(3) 49 U.S.C. § 114(r) (b)(3) (b)(3)
The SPOT SOP only requires that a diary log be kept of activities, which can be recapped and logged at the end of Respondent's shift, not SSI information. The information required in the BDO notebook is for the accountability of the whereabouts of the BDO officer; not details of the plays or point values are used to evaluate a passenger or person's behaviors, when submitted for referral. Respondent does put the label of the play in her books which are NOT SSI, but NOT the details which may be SSI. Respondent does put behaviors in her books, which are NOT SSI, but Respondent does NOT put the point values which are SSI. Therefore, Respondent submits that she correctly abridges the information in her BDO notebook(s). Respondent uses initials and titles or first names, but not complete names.

Second, assuming arguendo that Respondent is required to have reported when her BDO notebook was not under her direct control, the Respondent reported the loss of her BDO notebook on February 10, 2014 to TSM (b)(6) at or around 1412 hours. Respondent submits that while the SSI sticker is on the back of the BDO notebook, Respondent did not have SSI or information that would embarrass or jeopardize the security of the airport. Per the instant Notice, Respondent is required to report the loss or alleged "lack of control" of SSI materials, not personal notes that are abridged.

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C. Respondent Did Not Violate TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 5.A.(5).³

Respondent disagrees that she violated TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(5) because Respondent submits that she does not put classified information, SSI, FOUO/SBU information, or Sensitive PII in her BDO notebook, because it is not required and to also prevent unauthorized disclosure to persons not having a need to know the information consistent with applicable law and policies. Therefore, just as TSA has forms that have SSI markings, the forms are NOT SSI unless filled in. In the instant Notice, the BDO notebook does have an SSI sticker on the back of the book, but the information placed in the book by the Respondent is NOT classified information, SSI, FOUO/SBU information, or Sensitive PII, therefore there is no issue of safeguarding classified information, SSI, FOUO/SBU information, or Sensitive PII, as there was no such information in the book.

D. Respondent Did Not Violate TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 5.A.(7).⁴

Respondent disagrees that she violated TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(7) because there is neither any specific "law, rule, regulation, or other authoritative policy and guidance" with which Respondent is accused of failing to comply nor was any particular charge incorporated by reference into this particular charge, leaving Respondent to question what "law, rule, regulation, or other authoritative policy and guidance" she has allegedly violated and how to respond to these accusations. The problem is that TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(7) is not a substantive charge. It does not have any elements or other attributes of a specific charge.

The Fifth Amendment to the United States Constitution also requires a federal employee to receive adequate notice of charges alleged and adequate hearing on that charge before being subject to discipline that affects his/her property interest. As it relates to the TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(7) charge, Respondent is clearly being denied adequate notice of charges. The TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(7) charge is simply too vague, ambiguous, and/or overbroad.

³ TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), effective September 30, 2013; § 5.A.(5) states that a TSA employee must: "Safeguarding and appropriately handling all classified information, SSI, FOUO/SBU information, and Sensitive PII to prevent unauthorized disclosure to persons not having a need to know the information consistent with applicable law and policy, to include, but not limited to, TSA MD 3700.4 Handling Sensitive Personally Identifiable Information, DHS MD 11056.1 Sensitive Security Information; DHS MD 11042.1 Safeguarding Sensitive but Unclassified (For Official Use Only) Information; TSA MD 2810.1, SSI Program, and SSI Policies and Procedures Handbook." (sic)

⁴ TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), effective September 30, 2013; § 5.A.(7) states that a TSA employee must: "Observing and abiding by all laws, rules, regulations and other authoritative policies and guidance." (sic)

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If, however, the TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 5.A.(7) charge is not too vague, ambiguous, and/or overbroad it is certainly cumulative because Respondent is charged with other more specific charges contained in the Notice.

E. Respondent Did Not Violate TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), § 6.E.⁵

Respondent disagrees that she violated TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), § 6.E. because Respondent submits that she has conducted herself in a manner that does not adversely reflect on TSA, nor negatively impact its ability to discharge its mission. Respondent did not cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness.

Examples of employee(s) causing TSA to question the employees' reliability, judgment or trustworthiness:

- 1) TSM (b)(6) TSM (b)(6) and TSM (b)(6) failed or refused to re-issue a BDO notebook prior to instructing the Respondent to return to/continue/resume SPOT screening and delayed the re-issue of a BDO notebook to the Respondent until February 11, 2014 after 2100 hours. More than 20 hours AFTER the respondent informed them that her BDO notebook was lost and AFTER submitting Respondent's report on the loss of her BDO notebook. TSM (b)(6) and DAFSD (b)(6) submitted in writing that they believe that their interpretation of the SPOT SOP (which the Respondent disagrees with) is that a BDO MUST have a BDO notebook on in their possession while conducting SPOT activities. By the materials relied upon, submissions of the Respondent and supporting documentation provided by the Respondent, TSM (b)(6) TSM (b)(6) and TSM (b)(6) are in violation of their interpretation of SPOT SOP and this charge TSA MD 1100.73-5 section 6.E. by negatively impacting the Respondent's ability to discharge the mission of TSA BDO program. Respondent submits that DAFSD (b)(6) would need to also propose discipline for TSM (b)(6) TSM (b)(6) and TSM (b)(6) if she really believes in her interpretation of the SPOT SOP, since ONLY a BDO manager can issue a BDO notebook. By DAFSD (b) NOT proposing discipline of TSM (b)(6) TSM (b)(6) and TSM (b)(6) would question her judgment or trustworthiness since she could not be relied upon to treat the Respondent the same as TSM (b)(6) TSM (b)(6) and TSM (b)(6) for failing to follow

⁵ TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Code of Conduct), effective September 30, 2013; § 6.E. states: "While on or off duty, employees are expected to conduct themselves in a manner that does not adversely reflect on TSA, or negatively impact its ability to discharge its mission, cause embarrassment to the agency, or cause the public and/or TSA to question the employee's reliability, judgment or trustworthiness." (sic)

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Sensitive Security Information

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security procedures to a) ensure that the Respondent had a BDO notebook while conducting SPOT activities and b) in failing to issue the Respondent a BDO notebook when sending the Respondent out to do SPOT screening.

- 2) TSM (b)(6) statement in the materials relied upon lacks candor. TSM (b)(6) "MEMO to FILE" dated February 10, 2014, TSM (b)(6) states: "...I asked her to unlock and open the SSI pelican box as I needed to complete my SSI verification and sign off for the day." (Emphasis added). The spreadsheet "BDO ALL SHIFTS WEST COMPLEX: RADIO/CELJ. PHONE/NOTEBOOK LOG" for February 9, 2014 does NOT have TSM (b)(6) signature. Therefore TSM (b)(6) statement lacks candor, as he did NOT verify and sign off for the SSI Notebooks. Had TSM (b)(6) done so, he would have known that the Respondent was still trying to locate her notebook. Respondent submits that DAFSD (b)(6) would need to also propose discipline for TSM (b)(6) and TSM (b)(6) if she really reviewed the information in the instant Notice, since TSM (b)(6) (I band manager) provided a statement that lacked candor when compared with the sign off sheet in the materials relied upon and TSM (b)(6) (I band manager) compiled a summary and presumably the sign off sheet. By DAFSD Pope NOT proposing discipline of TSM (b)(6) and TSM (b)(6) would question her judgment or trustworthiness since she could not be relied upon to treat the Respondent the same as TSM (b)(6) and TSM (b)(6) for:
- a) ... failing to follow security procedures to ensure that the SSI materials were accounted for, and
 - b) ...in failing to report the missing SSI notebook when verifying the SSI information for the day, and...
 - c) ...TSM (b)(6) failing to sign off on the SSI information for the day that he supposedly verified, and...
 - d) ...lack of candor by TSM (b)(6) when he placed in his report that he DID verify the SSI for the day and sign off for it when that did NOT happen, and
 - e) ...when TSM (b)(6) did NOT immediately report the alleged loss of alleged SSI (i.e. BDO notebook) and...
 - f) ...when TSM (b)(6) an I band manager, failed to report TSM (b)(6) failure in securing the SSI at the end of the shift and TSM (b)(6) failing to immediately report any loss of alleged SSI material, and since TSM (b)(6) reviewed TSM (b)(6) report for his summary

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and allegedly forwarded the incident reports and supporting documentation to DAFSD (b)
failed to report the lack of candor by TSM (b)(6)

**F. Respondent Did Not Violate TSA Management Directive 2810.1 SSI Program: §5.
Responsibilities: A. All TSA personnel are responsible for: paragraph (2)⁶**

Respondent disagrees that she violated TSA Management Directive 2810.1 SSI Program: §5.
Responsibilities: A. All TSA personnel are responsible for: paragraph (2)

The Fifth Amendment to the United States Constitution also requires a federal employee to receive adequate notice of charges alleged and adequate hearing on that charge before being subject to discipline that affects his/her property interest. As it relates to the TSA Management Directive No. 2810.1 SSI Program: 2810.1.1.5 charge, Respondent is clearly being denied adequate notice of charges. The TSA Management Directive No. 2810.1 SSI Program: 2810.1.1.5 charge is incorrectly stated and/or IF the Charge is the title "Responsibilities:" the charge is simply too vague, ambiguous, and/or overbroad.

If, however, the TSA Management Directive No. 2810.1 SSI Program: 2810.1.1.5 charge is not too vague, ambiguous, and/or overbroad it is certainly cumulative because Respondent is charged with other more specific charges contained in the Notice.

**G. Respondent Did Not Violate TSA Management Directive 2810.1 SSI Program: 2810.1 §5.
Responsibilities: A. All TSA personnel are responsible for: paragraph (8)⁷**

Respondent disagrees that she violated TSA Management Directive 2810.1 SSI Program: 2810.1 §5.A. (8) for several reasons:

First, the Respondent did not write SSI information in her BDO notebook, therefore there was no SSI incident to report. The BDO notebook has an SSI sticker on the back of the book, but like the SSI forms, the form is NOT SSI unless SSI information is put in it. As Respondent is NOT required to put SSI information in her BDO notebook, Respondent submits that she abridges the information put in her BDO notebook and avoids putting SSI information in her BDO notebook. Therefore the loss of the Respondent's BDO notebook was reportable, BUT not an SSI incident.

⁶ TSA Management Directive 2810.1 SSI Program: §5. Responsibilities: A. All TSA personnel are responsible for: paragraph (2) states: "Complying with the TSA SSI Policies and Procedures Handbook, SSI Program office-issued Identification Guides, and other SSI Program office-issued handling and safeguarding guidance, including special handling procedures published in the SSI Quick Reference Guide." (sic).

⁷ TSA Management Directive 2810.1 SSI Program: 2810.1 §5. Responsibilities: A. All TSA personnel are responsible for: paragraph (8) states: "Reporting all SSI incidents to their immediate supervisor and to their designated SSI Coordinator(s) as specified in the TSA SSI Policies and Procedures Handbook." (sic).

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Second, assuming arguendo that the loss of the Respondent's BDO notebook was an SSI incident, in TSM (b)(6) statement in the materials relied upon, TSM (b)(6) "MEMO to FILE" dated February 10, 2014, TSM (b)(6) states: "...I asked her to unlock and open the SSI pelican box as I needed to complete my SSI verification and sign off for the day." (Emphasis added). The spreadsheet "BDO ALL SHIFTS WEST COMPLEX: RADIO/CELL PHONE/NOTEBOOK LOG" for February 9, 2014 does NOT have TSM (b)(6) signature. Therefore TSM (b)(6) statement lacks candor, as he did NOT verify and sign off for the SSI Notebooks. Had TSM (b)(6) done so, he would have known that the Respondent was still trying to locate her notebook.

Respondent submits that she would be treated the same or more favorably than TSM (b)(6) and TSM Michel since the two managers (H and I band) per the materials relied upon and information and evidence submitted with this reply:

- a) TSM (b)(6) failed to follow security procedures to ensure that the SSI materials were accounted for, and
- b) TSM (b)(6) failed to follow security procedures by failing to report the missing SSI notebook when verifying the SSI information for the day, and...
- c) TSM (b)(6) failed to follow security procedures by failing to sign off on the SSI information for the day that he supposedly verified, and...
- d) TSM Michel failed to follow security procedures when he did NOT immediately report the alleged loss of alleged SSI (i.e. BDO notebook) since he admitted in his report that he verified the SSI and signed off on it.
- e) TSM (b)(6) reviewed and did a summary on this incident and allegedly failed to report the that TSM (b)(6) failed to follow security procedures. Respondent submits that TSM (b)(6) is treating the Respondent disparately and discriminating against the Respondent when compared with TSM (b)(6)

H. Respondent Did Not Violate TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3 Chapter 2, BDO Duties: 2.5. H⁸

⁸ TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision 3, Release date October 23, 2013, Implementation date November 22, 2013; Chapter 2 - BDO Duties, § 2.5. H. states: "Report all significant events immediately to the STSM or designee." (sic)

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Respondent disagrees that she violated TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3 Chapter 2, BDO Duties: 2.5. II, as the Respondent did report the loss of her green BDO notebook after she confirmed that it was not in her backpack, purse at home and/or at work location(s) where the Respondent had stored her backpack.

Respondent submits that her partner, MBDO (b)(6) was aware that the Respondent didn't have her green BDO book, per his incident report at or around 1815 to 1845. MBDO (b)(6) concurred that the Respondent thought that she may have left it at either Terminal 4 or 5, and that the Respondent fully expected to find her BDO book. Therefore the unavailability of the green BDO notebook was not a significant event for MBDO (b)(6) as he did not report the issue to any STSM or designee.

STSM (b)(6) in his "Memo to File", states that he "...needed to complete his SSI verification and sign off for the day....I noted the SSI contents, removed the SSI sign off book and signed off the SSI for the night." (sic) Therefore the return of the green BDO notebook was not a significant event for STSM (b)(6) and not necessarily SSI, since per (b)(6) Memo to File, he signed off on the SSI for the night.

Respondent did not confirm that the green BDO notebook was lost until the next day after she had exhausted all possible locations (i.e. Respondent arrived early before her shift to conduct additional search(es)) and reported the loss after confirmation of the loss of her green BDO notebook. Respondent disagrees that she violated this section of the SPOT SOP since MBDO (b)(6) did not consider the misplacement of the green BDO book as a significant event nor did STSM (b)(6) consider the non-return of the green BDO notebook as a significant event, as STSM (b)(6) signed off on the SSI for the night.

I. Respondent Did Not Violate TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3 Chapter 2, BDO Duties: § 2.5. I⁹

Respondent disagrees that she violated TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3, Chapter 2, BDO Duties: § 2.5. I where it states:

(b)(3) 49 U.S.C. § 114(f)

(b)(6)
(sic)

For several reasons,

⁹ TSA Screening Passengers by Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision 3, Release date October 23, 2013, Implementation date November 22, 2013; Chapter 2, BDO Duties: 2.5. I states that BDOs must (b)(3) 49 U.S.C. § 114(f)

(b)(3) 49 U.S.C. § 114(f)

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First, as the Respondent did and does maintain a daily log of activities in a SPOT designated notebook. The SPOT SOP does NOT stipulate that the SPOT-designated notebook must be carried on the person of BOTH BDO officers. Respondent was working with MBDO (b)(6) and fully expected to update her book upon locating it. BDO officers are also supposed to have a radio on them, but a radio/duty phone is issued per team.

Second, Respondent submits that MBDO (b)(6) was partnered with the Respondent and was fully aware that the Respondent did not have her green BDO notebook on her at or around 1815 to 1845 and was not concerned, as Respondent submits that MBDO Torres, just like the Respondent, expected the Respondent to locate her misplaced green BDO notebook.

Third, on February 10, 2014 TSM (b)(6) directed the respondent to complete and incident report. Upon completing the incident report, Respondent emailed the incident report to TSM (b)(6) at or around 6:48 p.m. and upon completion; Respondent went to join her partner for that day to do BDO duties. Please note that at that time, Respondent was still not issued a book for the day, even though TSM (b)(6) was made aware that Respondent did not have one, per TSM (b)(6) "MEMO TO FILE" dated February 12, 2014 in the first paragraph. In fact TSM (b)(6) "MEMO to FILE" dated February 10, 2014, TSM (b)(6) states: "...I asked her to unlock and open the SSI pelican box as I needed to complete my SSI verification and sign off for the day." (sic). The spreadsheet "BDO ALL SHIFTS WEST COMPLEX: RADIO/CELL PHONE/NOTEBOOK LOG" for February 9, 2014 does NOT have TSM (b)(6) signature. Therefore TSM Michels statement lacks candor, as he did NOT verify and sign off for the SSI Notebooks. Had TSM (b)(6) done so, he would have known that the Respondent was still trying to locate her notebook.

At or around 1930 or 2000 on February 10, 2014, Respondent was contacted by TSM (b)(6) (b)(6) on the duty phone and advised Respondent that she would need to make changes in her incident report that had been emailed to him. Respondent was not afforded an opportunity to complete her lunch break and was picked up from Terminal 4 in the TSA vehicle with TSM (b)(6) TSM (b)(6) (b)(6) and TSM (b)(6) (i.e. (b)(6)) instead of requesting that Respondent report to Terminal 1 or deal with the issue at the Terminal 4 hub (where Respondent was located at and in the middle of her lunch).

Upon arriving at Terminal 1 BDO office, Respondent met with TSM (b)(6) and (b)(6) and Respondent was instructed to re-submit her incident report with changes and corrections directed by TSM (b)(6). Upon completion and emailing (at or around 9:04 p.m.) of the updated incident report to TSM (b)(6) respondent was issued a green BDO notebook by TSM (b)(6) with Administrative Master Behavioral Detection Officer (AMBDO) (b)(6) having prepared the new notebook. That was issued

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at or around 2130 hours and then Respondent continued to wait for TSM (b)(6) to release her to return to BDO duties. As the end of the Respondent's shift was nearing, Respondent informed those present and available that Respondent needed to return to Terminal 4 to turn in her new notebook and KRONOS out for the day. Therefore, Respondent did not have the opportunity to notate the events of the day that she briefly did BDO work with her partner, due to the notebook being issued towards the end of the shift and then having to return on foot to Terminal 4 to KRONOS out for the day.

J. Respondent Did Not Violate DHS Management Directive 11056.1 I, Chapter VI. I. Storage and Handling, paragraph 1.¹⁶

Respondent disagrees that she violated DHS Management Directive 11056.1 Sensitive Security Information, Chapter VI. Policy, I. Storage and Handling, paragraph 1 for several reasons:

First, the Respondent did not write SSI information in her BDO notebook, therefore there is/was no issue regarding the storage or handling of SSI. The BDO notebook has an SSI sticker on the back of the book, but like the TSA forms that have SSI markings, the TSA form is NOT SSI unless SSI information is put in it. As Respondent is NOT required to put SSI information in her BDO notebook, Respondent submits that she abridges the information put in her BDO notebook and avoids putting SSI information in her BDO notebook. Therefore the loss of the Respondent's BDO notebook was reportable, BUT not an SSI incident and NOT a violation of storage or handling of SSI.

Second, assuming arguendo that the loss of the Respondent's BDO notebook was an SSI incident, in TSM (b)(6) statement in the materials relied upon, TSM (b)(6) "MEMO to FILE" dated February 10, 2014, TSM (b)(6) states: "...I asked her to unlock and open the SSI pelican box as I needed to complete my SSI verification and sign off for the day." (Emphasis added). The spreadsheet "BDO ALL SHIFTS WEST COMPLEX: RADIO/CELL PHONE/NOTEBOOK LOG" for February 9, 2014 does NOT have TSM (b)(6) signature. Therefore TSM (b)(6) statement lacks candor, as he did NOT verify and sign off for the SSI Notebooks. Had TSM (b)(6) done so, he would have known that the Respondent was still trying to locate her BDO notebook. Therefore, TSM (b)(6) failed to ensure that ALL alleged SSI information was properly stored as he alleged he had done and was required to do.

¹⁶ DHS Management Directive 11056.1 Sensitive Security Information; Issue date November 3, 2006; Chapter VI. Policy, I. Storage and Handling, paragraph 1. states: "When unattended, SSI will, at a minimum, be stored in a locked container or in a room or area that has sufficient physical access control measures to afford adequate protection and prevent unauthorized access by members of the public, visitors, or other persons without a Need-to-know, such as a locked room, or an authorized area where access is controlled by a guard, cipher lock, or card reader. Additional guidance can be obtained through the TSA SSI Office." (sic)

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Third, Respondent submits that she would be treated the same or more favorably than TSM (b)(6) and TSM (b)(6) since the two managers (H and I band) per the materials relied upon and information and evidence submitted with this reply:

- a) TSM (b)(6) failed to follow security procedures to ensure that the SSI materials were accounted for, and
- b) TSM (b)(6) failed to follow security procedures by failing to report the missing SSI notebook when verifying the SSI information for the day, and...
- c) TSM (b)(6) failed to follow security procedures by failing to sign off on the SSI information for the day that he supposedly verified, and...
- d) TSM (b)(6) failed to follow security procedures when he did NOT immediately report the alleged loss of alleged SSI (i.e. BDO notebook) since he admitted in his report that he verified the SSI and signed off on it. Therefore, TSM (b)(6) failed to properly secure SSI materials that he was charged with verifying and signing off on February 9, 2014.
- e) TSM (b)(6) reviewed and did a summary on this incident and allegedly failed to report that TSM (b)(6) failed to follow security procedures. Respondent submits that TSM (b)(6) is treating the Respondent disparately and discriminating against the Respondent when compared with TSM (b)(6) who failed to secure the SSI.

The respondent continues to work to obtain information and/or affidavits to provide information and additional documentation, as to why the proposed penalty is unreasonable.

For the reasons set forth more fully below, Respondent contends that the proposing official failed to establish by a preponderance of evidence the charges and specifications described in the Notice. Even assuming arguendo that the Proposing Official has established the alleged misconduct by a preponderance of evidence (and she has not), respondent submits that the proposed penalty of Suspension for Fourteen (14) Calendar Days from Federal Service ("Proposed Penalty") is excessive and a lesser penalty, if any, should be imposed in this case.

II. ASSUMING ARGUENDO THAT THE PROPOSING OFFICIAL HAS SATISFIED HER BURDEN OF PROOF AND SHE DID NOT COMMIT ANY PROCEDURAL ERRORS IN THE PROCESSING OF RESPONDENT'S CASE, RESPONDENT SUBMITS THAT THE PROPOSED PENALTY IS UNREASONABLE.

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In addition to proving that respondent intentionally engaged in the cited acts of misconduct and that such misconduct adversely affects the agency's mission, the agency must then exercise responsible judgment in determining whether any disciplinary action is warranted.

On or about February 12, 2014, Assistant Administrator for Human Capital, Karen Shelton Waters approved TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct) Handbook, Revision 9. TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook, Revision 9, §§ G.(1)-(12) sets forth twelve (12) factors that are appropriate for consideration by the proposing and deciding officials in reaching their decision on the appropriateness of the penalty.

Respondent is keenly aware that some of the twelve (12) factors may not be pertinent in a particular case. (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), §§ G. Respondent is also keenly aware that some factors may weigh in the employee's favor and are mitigating while other factors may constitute aggravating circumstances that support a harsher penalty. However, it is critical and required to balance the relevant factors in this case and chose a reasonable penalty.

In the instant case, the proposing official recommended the proposed penalty after considering only two mitigating factors. For example, in the Notice the proposing official considered the mitigating factor of Respondent's "satisfactory job performance and that Respondent has been employed at TSA for over twelve (12) years." The Respondent's prior disciplinary and non-disciplinary record, which are viewed as aggravating were also considered by the Proposing Official.

(b)(6) Respondent respectfully requests that you, as the deciding official, engage in a more "thoughtful" and "proper" analysis of the relevant factors described in TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook, Revision 9, effective February 12, 2014), § G.(1)-(12). It is Respondent's hope that after you engage in an analysis of the relevant factors described above, you will find that the proposed penalty is unreasonable, excessive, and should be mitigated, or in fact, in light of the information presented, that the respondent should receive no penalty at all.

A. The First Factor Weighs Heavily in the Favor of Respondent.

The first factor is "[t]he nature and seriousness of the offense, and its relationship to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(1)) (Emphasis added). The proposing official does not directly address this factor in the Notice.

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The reason why this factor is probably first is simple - it is the most important. In determining the appropriate penalty, a proposing and deciding official should consider primarily the nature and seriousness of the misconduct and its relation to the employee's duties, position, and responsibilities. In evaluating the seriousness of the misconduct, an offense is more severe if it was intentional rather than inadvertent and if it was frequently repeated rather than being an isolated incident. Misconduct is also considered more severe if it is done maliciously or for personal gain.

Respondent submits that seriousness of the offense, and its relationship to the employee's duties, position, and responsibilities, has been exaggerated by the proposing official. Respondent did not have SSI in her BDO notebook. TSM (b)(6) by his own statement was responsible for verifying that the SSI was secured at the close of the shift on February 9, 2014 and responsible for signing off that the SSI was verified and secured. If TSM (b)(6) is not disciplined for failing to verify and secure SSI on February 9, 2014, and TSM (b)(6) allegedly compiled the supporting document which verified that TSM (b)(6) did not sign off on the SSI on February 9, 2014. How is Respondent supposed to believe that the proposing official and TSM (b)(6) really believe that the Respondent is deserving of discipline but not TSM (b)(6) unless the Respondent is being discriminated against.

Respondent incorporates prior evidence and arguments presented above and attachments to this response.

Respondent asserts that the first factor weighs in her favor because the nature of the offense(s) and their relation to this job does not warrant the proposed penalty. Respondent is not diminishing the importance of the agency's policies alleged in the Notice; nor is she minimizing the hazards posed by those policy concerns. Respondent does, however, assert that her alleged conduct was not intentional, technical, malicious, or for gain. The evidence clearly establishes that respondent's alleged actions were inadvertent and were unintentional. If this factor is considered in light more favorable to Respondent, this factor clearly weighs heavily in the Respondent's favor.

B. The Second Factor Weighs Heavily in the Favor of Respondent.

The second factor is "[t]he employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position. For example, certain employees such as supervisors or law enforcement officers may be held to higher standards than other employees." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(2)) (Emphasis added). Although the proposing official did not consider this factor in the Notice; had she done so, this factor would weigh in respondent's favor for the following reason(s).

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First, Respondent is a Master Behavioral Detection Officer and her position is less in prominence of a Supervisory Transportation Security Manager (STSM), or a Transportation Security Manager (TSM). Yet, with lesser prominence of position, the respondent was able to refute the Charge and Specification(s) in the notice.

Second, TSM (b)(6) memorialized his conduct which is in conflict with the evidence in this matter, and TSM (b)(6) is held to a higher standard than the Respondent, yet Respondent has refuted the Charge and Specification(s) in the notice.

C. The Third Factor Weighs Heavily in the Favor of Respondent.

The third factor is "[t]he employee's past adverse or disciplinary action record. If past discipline is used, it must be mentioned in the notice of proposed action." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(3)) (Emphasis added.). The proposing official did consider this factor in his recommendation. Respondent disagrees with the proposing official's analysis because the proposing official did not account for the fact that under TSA Management Directive 1100.75-3 (Addressing Unacceptable Performance and Conduct - Policy), June 3, 2013; Section 6, "Policy" Paragraph J. Progressive Discipline: (1) "Progressive discipline is the process of using the least severe form of action that may be used to correct a deficiency. When appropriate, TSA will take progressively more severe action until the unacceptable performance or conduct is corrected, or the employee is demoted or removed as appropriate. Management officials should consider applicable aggravating and mitigating factors when making a determination." (Emphasis added)

The Respondent objects to the use of prior corrective action(s) and Letter of Reprimand as the Office of Professional Responsibility Appellate Board has held on other cases that management's use of corrective action(s) and LOR not related to the issue in the instant Notice cannot be considered for purposes of progressive discipline, but can be considered as having put the Respondent on notice that future misconduct could result in more severe discipline. Respondent submits that the Recommended Penalty range in the Table of Penalties is LOR to 14 day suspension. Respondent submits that there was no misconduct, but should the deciding official believe that there was misconduct; the Respondent submits that in prior cases the Office of Professional Responsibility Appellate Board has ruled that the lower end of the penalty range would be within the bounds of reasonableness when taking mitigating factors into consideration.

D. The Fourth Factor Weighs Heavily in the Favor of Respondent.

The fourth factor is "[t]he employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(4)) (Emphasis

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added). Although the proposing official did consider this factor in her recommendation, she did not give it the proper weight that she should have. In other words, this factor weighs more heavily in respondent's favor than the proposing official has given respondent credit in at least two (2) ways.

First, respondent is a good Transportation Security Officer (TSO) that has completed her 1 year probation for the position and has an over twelve (12) years of service with the Transportation Security Administration. The proposing official concedes this in the Notice when he acknowledged respondent's "job performance." What the proposing official fails to consider is that an estimated 15% of the TSA LAX screening staffing is on their two (2) year probation. Approximately less than 300 of the officers are from the original 2002 hiring, which makes the accomplishment of over six years with the Agency and in screening by Respondent noteworthy when compared with the termination and resignation rate at LAX. Such experience and knowledge that are accumulated over time on the job and in screening and Behavioral Detection cannot be underweighted.

Second, the proposing official has not presented any evidence that respondent's performance appraisals have been anything less than fully satisfactory. The Respondent is a female officer that is BDO certified and therefore an asset that is always in demand.

F. The Fifth Factor Weighs Heavily in the Favor of Respondent.

The fifth factor is "the effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisors' confidence in the employee's ability to perform assigned duties." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(5)) (Emphasis added). The proposing official did consider this factor at all in the Notice. Had she considered this factor appropriately, the proposing official would have discovered that this factor "mitigates" the proposed penalty in at least two (2) ways.

First, the proposing official has not presented a preponderance of evidence establishing that the incidents alleged in the Notice has any effect on respondent's ability to continue to perform at a satisfactory level. In fact the proposing official cannot assume that there is an effect, the proposing official has an obligation to present evidence, not just an unsupported allegation, as with ANY investigation. The Respondent has refuted the comment(s) of TSM (b)(6) and the proposing official and TSM (b)(6) has provided supporting documents which undermine the confidence in TSM (b)(6). Failure to present appropriate evidence and/or argument may show a pretext and/or disparate treatment against the respondent and/or violate provision(s) of TSA MD 1100.75-3.

Second, the proposing official has presented evidence or argument that respondent's front line supervisor(s) have lost confidence in her ability to perform his assigned duties, but also included was

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information that those same supervisor(s) are guilty of the same offense(s) as the Respondent is charged with. In unfairly disciplining the respondent, may show disparate treatment against the respondent.

F. The Sixth Factor Weighs Heavily in the Favor of Respondent.

The sixth factor is the "[c]onsistency of the penalty with those imposed upon similarly situated employees¹¹ for the same or similar offenses." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(6)) (Emphasis added). The proposing official did not consider this factor at all in the Notice. Had she considered this factor, the proposing official would have discovered that this factor "mitigates" the proposed penalty because the proposing official has not provided any evidence indicating that the proposed penalty is consistent with penalties imposed against other employees. In fact, Respondent feels that if she receives the proposed penalty for the alleged misconduct contained in the Notice, she is being treated differently than other similarly situated employees charged with similar violations.¹² The proposed penalty may establish disparate treatment and form the basis for a claim of discrimination under Title VII of Civil Rights Act of 1964.

When the misconduct is so serious as to warrant suspension, such as engaging in activity that seriously undermines security interests or poses a threat or danger to TSA employees or to the traveling public, or results in great monetary loss may serve as a nexus. Nexus can be defined as: Disciplinary action may be taken when there is a nexus, or connection, between a legitimate government interest and the employee's unacceptable performance, conduct, or matter that is the basis for the disciplinary action. Nexus is presumed when the basis for disciplinary action is an employee's unsatisfactory job performance or on-duty misconduct, or in the case of criminal activity or other egregious or especially notorious misconduct. However, actions also may be taken against an employee because of off-duty misconduct where there is a nexus between the conduct and the TSA mission and/or effective operation of the agency. However, in this case, Respondent submits that there is no misconduct.

G. The Seventh Factor Weighs Heavily in the Favor of Respondent.

The seventh factor is "[t]he notoriety of the offense or its impact upon the reputation of the agency." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct -

¹¹ employees to be deemed similarly situated, all relevant aspects of the appellant's employment situation must be "nearly identical" to those of the comparator employees, including that they report to the same supervisor, are subject to the same disciplinary standards, and engaged in similar misconduct. *Spain v. Department of Justice*, 93 M.S.P.R. 195, ¶ 13 (2003).

¹² An agency may not knowingly treat similarly situated employees differently when setting disciplinary penalties. *Ficker v. Department of the Air Force*, 835 F.2d 535 (Fed.Cir. 1988). When an employee identifies a difference in penalties for the same offense, the agency must present evidence supporting the difference. *Woodh v. General Services Administration*, 6 M.S.P.R. 486 (1981).

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Handbook), § G.(7)) (Emphasis added). This factor is usually an aggravating factor. The proposing official allegedly considered this factor in the Notice. Had she thoughtfully considered this factor, the proposing official would have discovered that this factor "mitigates" the proposed penalty because the proposing official has not provided any evidence indicating the notoriety of the offense or its impact upon the reputation of the agency for three (3) reasons.

First, the proposing official does not have any evidence that respondent's alleged conduct resulted in a media event.

Second, the proposing official does not have any evidence of notoriety and/or impact on the reputation of the Agency. Notoriety and/or impact on the reputation of the agency cannot be assumed by the proposing official, he has an obligation to prove notoriety and/or impact on the reputation of the agency. Because the proposing official did not prove this factor, this factor could not be considered to enhance the discipline.

Third, as an example of notoriety and impact on the reputation of the Agency: STSO (b)(6) (b)(6) regarding his contact(s) with the public can be seen at the following link (which can be copied and pasted into a browser) is to a YouTube video where at Terminal 4 on or about April of 2010, Supervisory Transportation Security Officer (STSO) (b)(6) is shown towards the end of the video (beginning around 3:08 minutes into the video) yelling at and pushing and shoving paparazzi outside of the checkpoint sterile area. In comparison to white, male STSO (b)(6) the Respondent was not on a YouTube video viewed nationally (over 89,645 viewings) and possibly internationally by thousands of people, where STSO (b)(6) was engaging in conduct contrary to TSA policy and/or procedure and it would appear that STSO (b)(6) conduct did discredit the Agency, yet with TSM (b)(6) present in the video, STSO (b)(6) was allegedly not disciplined or proposed for discipline by TSM (b)(6) then DAFSD Frank Abreu or AFSD-S Jason Pantages. Please note that a LEO was present to handle the situation and instead STSO (b)(6) took it upon himself to shove and yell at the paparazzi in a non-sterile area. The link was checked today and is still active.
http://www.youtube.com/watch?v=ebend2LbvbU&feature=player_detailpage

Another example of notoriety and impact on the reputation of the Agency is the fact that Transportation Security Manager (TSM) (b)(6) did not know what was acceptable ID at TDC: That complaint by a frequent flyer can be seen at the following:

¹³ Similarly situated element 1) 1) STSO John Cutler's third step supervisor at the time of the alleged misconduct was DAFSD-S Frank Abreu, BUT this video was brought to the attention to AFSD-S Pantages in a separate case who is the proposing official for the Respondent. Similarly situated element 2) Both STSO Cutler and the Respondent are subject to the same disciplinary standards. Similarly situated element 3) Both the Respondent and STSO Cutler are alleged to have prior conduct (issues in dealing with the public), for which the proposing official cited as an aggravating factor. STSO Cutler was NOT removed from Federal Service for this misconduct, nor was he allegedly disciplined. STSO Cutler is NOT African American nor is he black.

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on March 19, 2014

<http://www.flyertalk.com/forum/practical-travel-safety-issues/1050928-lax-tsa-refuses-accept-nexus-id-fter-misses-flight-6.html>. The Flyertalk Thread #79 dated Feb 14, 10, 4:39 p.m. and posted by R Dub! The thread ultimately had 143 replies and 13,209 views with the last post. The thread started 2/11/2010 to 7/8/2010 at 3:53 p.m.

"First off, just wanna say to N1120A: I love you man. You are awesome in my book, and after being held up at TSA at LAX yesterday because I was using my SENTRI card, YOUR posts echoed my sentiments EXACTLY. I couldn't have said it better.

At first, I wondered if I was being silly, by not just pulling out my DL--but as you and others did, I stuck to my guns and insisted the mistake was THEIRS, not mine. One TSA employee even lied to me and said "We used to accept these, but we don't anymore." I told them because THEIR website says that they DO accept Senti cards TODAY, it was THEIR problem, not mine. He just didn't get it. Even LAX's TSA director (Corpuz was his last name) didn't know.

I made my flight with literally 30 seconds to spare.

Anyway, THANK YOU. I'm glad there are people out there like you, demanding accountability.

The whole thing must have been so embarrassing for them." (sic)

The Respondent has upheld the Public Trust involved in the position to which assigned and avoided the appearance of public office for private gain. The Oxford Unabridged Dictionary defines corruption as perversion or destruction of integrity in the discharge of public duties by bribery or favor; and integrity as a noun is defined as adherence to moral and ethical principles; soundness of moral character; honesty.

H. The Eighth Factor Weighs Heavily in the Favor of Respondent.

The eighth factor is "[t]he clarity with which the employee was on notice of any rules violated in committing the offense, or had been warned about the conduct in question." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(8)) (Emphasis added). The proposing official did not consider this factor at all in the Notice. Although the proposing official attached an acknowledgement that respondent read and received a copy of various TSA directives and policies, specifically Management Directive 1100.73-5; those directives and/or policies are alleged to have NOT been violated by the Respondent per the prior arguments in the written reply submitted and in this written reply.

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 16 and 1620. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 16 and 1620, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 16 and 1620.

Warning: These documents contain information subject to the Privacy Act of 1974, 5 U.S.C. 552a, as amended. Please ensure appropriate measures are taken to safeguard these records.

Sensitive Security Information

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

I. The Ninth Factor Weighs Heavily in the Favor of Respondent.

The ninth factor is "[t]he clarity with which the employee was on notice of performance expectations and problems with his or her performance." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(9)) (Emphasis added.) The proposing official did not consider this factor in the Notice as the Respondent was not on notice of performance expectations or for any problems with the Respondent's performance on the issue raised in the instant Notice.

J. The Tenth Factor Weighs Heavily in the Favor of Respondent.

The tenth factor is the "[p]otential for the employee's rehabilitation." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(10)) (Emphasis added). Potential for rehabilitation can be either a major aggravating or mitigating factor depending on the circumstances of a particular case. In this case, the proposal official probably does not mention this "mitigating" factor in the Notice because the proposing official does not have any evidence that respondent has no potential for rehabilitation.

K. The Eleventh Factor Weighs Heavily in the Favor of Respondent.

The eleventh factor is the "[m]itigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(11)) (Emphasis added). It is Respondent's firm belief that there are some serious mitigating circumstances which must be considered.

Respondent has serious concerns that she was singled out for conduct that was acceptable to the proposing official and TSM Miller for TSM Michel.

L. The Twelfth Factor Weighs Heavily in Favor of Respondent.

The twelfth factor is "[t]he adequacy and effectiveness of alternative actions to deter such conduct or improve performance in the future by the employee or others." (See TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), § G.(12)) (Emphasis added). This factor is listed last probably because this consideration should only occur after a thorough analysis of all the other factors listed in TSA Management Directive No. 1100.75-3 (Addressing Unacceptable Performance and Conduct - Handbook), §§ F.(2)(a)-(l).

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Sensitive Security Information

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

Respondent's alleged misconduct does not warrant the proposed penalty. Respondent's alleged conduct was not intentional or malicious. When viewed from the lens of her prior satisfactory service, in light of TSA's policy on progressive discipline, and in light of his demonstrated and continued potential for rehabilitation, if a penalty is required, there are other lesser forms of disciplinary action that are much more appropriate than the proposed penalty.

When the misconduct is so serious as to warrant suspension, such as engaging in activity that seriously undermines security interests or poses a threat or danger to TSA employees or to the traveling public, or results in great monetary loss, management would be remiss in not removing the officer, BUT there is NO such evidence of undermining of security interests, threat or danger to TSA employees or the traveling public, no great monetary loss. Therefore, there is NO misconduct detailed in the Notice that warrants suspension. In fact the proposing official and TSM (b)(6) allowed the conduct for TSM (b)(6) to go without proposing discipline.

Therefore, because most (if not all) factors considered (and even those not considered) weigh heavily in favor of respondent, IF any penalty is determined to be imposed, the proposed penalty should be mitigated because it is patently unreasonable, arbitrary and capricious.

CONCLUSION

For all the reasons mentioned above, Respondent respectfully requests that you take no disciplinary action against him. However, if you feel that disciplinary action is warranted; Respondent respectfully requests that the proposed penalty be mitigated to a reasonable punishment short of the proposed penalty.

Respectfully submitted,

Written Reply by (b)(6) Transportation Security Officer and Personal/Employee Representative for
and on behalf of (b)(6) Master Behavioral Detection Officer, Respondent

CC: (b)(6) Respondent

Attachment 1: One-page Memo to File of Administrative MBDO (b)(6) dated 3/24/2014.

WARNING: This record contains Sensitive Security Information that is controlled under 48 CFR parts 16 and 1620. No part of this record may be disclosed to persons without a "need-to-know", as defined in 48 CFR parts 16 and 1620, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 48 CFR parts 16 and 1620.

Warning: These documents contain information subject to the Privacy Act of 1974, 5 U.S.C. 552a, as amended. Please ensure appropriate measures are taken to safeguard these records.

~~Sensitive Security Information~~

April 1, 2014 Written Reply of Master Behavioral Detection Officer (MBDO) (b)(6)
to the "Notice of Proposed Fourteen (14) Calendar Day Suspension"

Reference: (b)(6) Issued to Her on March 18, 2014 and Re-issued
on March 19, 2014

Cover Sheet and/or End Sheet to Document and Attachment(s)

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

**This Response also contains Confidential information that may be
Privacy Act protected**

WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520.

Warning: These documents contain information subject to the Privacy Act of 1974, 5 U.S.C. 552a, as amended. Please ensure appropriate measures are taken to safeguard these records.



Transportation
Security
Administration

MEMO TO FILE

DATE: 3-24-2014

FROM: (b)(6)

SUBJECT: On February 11, 2014, MBDO (b)(6) was in the BDO Office using the computer adjacent and to the left of the main Admin Computer station. She was preparing a Memo to File statement re: the loss of her BDO notebook. The time was about 21:00. The Admin DSA entries show that she had taken first break and lunch. There was no entry for her last break in the Admin DSA as she was in the office during the time period that the 14:00 teams usually take their last breaks. There is only an entry of "memo to file" under the "other" column on the Admin DSA.

I remember helping MBDO (b)(6) per her request, to proofread her statement.

I prepared a new notebook for her during that time period but told her that she could not take possession of the new BDO notebook until a manager signed off on the requisite paperwork.

Respectfully,

(b)(6)

(b)(6)

MBDO

Behavior Detection Program
Los Angeles International Airport

U.S. Department of Homeland Security
Los Angeles International Airport
5767 W. Century Blvd., Suite 3000
Los Angeles, CA 90045



Transportation
Security
Administration

Date: March 12, 2014

To: (b)(6)
Behavior Detection Officer
Los Angeles International Airport

From: Christine Pope
Deputy Assistant Federal Security Director for Screening
Los Angeles International Airport

Subject: Notice of Proposed Fourteen (14) Calendar Day Suspension

Reference: (b)(6)

You are hereby notified that I am proposing you be suspended from duty without pay for fourteen (14) calendar days in order to promote the efficiency of the Federal service. If a decision is made to suspend you, it will not be made or effected earlier than your reply. If you do not reply, a decision will not be made earlier than seven (7) calendar days from the date you receive this letter. This proposal is based on the following to promote the efficiency of the service:

Charge: Failure to Follow Security Procedures

Specification 1: On February 9, 2014 at 1400, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. While on duty, between 1800 and 1900 hours, you discovered your BDO notebook was missing from your possession. Throughout your shift, you continued to conduct SPOT without a BDO notebook in your possession. You failed to follow security procedures when you continued to conduct SPOT without a BDO notebook to maintain a daily log of activities.

Specification 2: On February 9, 2014 at 1400, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. While on duty, between 1800 and 1900 hours, you discovered your BDO notebook was missing from your possession. You failed to follow security procedures when you did not immediately report to a manager that your BDO notebook was missing from your control and reported the notebook missing to STSM (b)(6) on February 10, 2014.

Your conduct is in violation of TSA Management Directive (MD) 1100.73-5: Employee Responsibilities and Code of Conduct (with attached Handbook): Section 5 -- Responsibilities: 5.A, 5.A (2), 5.A (5) and 5.A (7); and Section 6 -- Policy: 6.B; TSA MD 2810.1. SSI Program: 28101.1.5; TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3: Chapter 2, BDO Duties: 2.5 H and I; DHS MD 11056.1.1 Sensitive Security Information.

On February 10, 2014, SPOT Transportation Security Manager (STSM) (b)(6) instructed you to provide him with an incident report regarding your failure to report your BDO notebook that you discovered was missing from your control on February 9, 2014. In your written statement dated February 10, 2014, you explained that on February 9, 2014 at 1400 hours, you obtained your BDO notebook at the start of your shift during the centralized meeting in TSA LAX Terminal 1. You further explained that you discovered your BDO notebook was not in your possession between 1800 and 1900 hours. You stated that on February 10, 2014, you reported for duty at 1400. You then stated that at or around 1412 on February 10, 2014, you telephoned SPOT TSM (b)(6) and reported your BDO notebook was missing. In your incident report, you stated that at the end of your shift, you had seen STSM (b)(6) but you forgot to inform him about your missing BDO notebook. Previously on February 10, 2014, at 1412, you had telephoned STSM (b)(6) and informed him that the 1400 shift did not have a manager all day on February 9, 2014 and that was the reason you were unable to file a report with a manager that your BDO notebook was missing.

In determining the appropriateness of the penalty, I considered a number of factors. I find your satisfactory job performance and your length of service of over twelve (12) years to be mitigating. I find that the seriousness of your misconduct, however, outweighs the mitigating factors.

I also note that on March 17, 2013, you received a Notice of Decision on Proposed Ten (10) Calendar Day Suspension which was mitigated to a Letter of Reprimand for your unprofessional conduct. I consider this discipline to be aggravating.

In addition, you have received multiple corrective actions for your unacceptable attendance which placed you on notice that future misconduct could result in disciplinary action, up to and including, your removal from Federal service. On October 23, 2011, you received a verbal counseling for your excessive tardiness. On January 4, 2012, a verbal counseling for unscheduled leave. On January 18, 2012, you received a Letter of Counseling for your excessive tardiness. On May 8, 2012, you received a Letter of Counseling for your excessive tardiness. On May 15, 2012, you received a Memorandum of Counseling for attendance and tardies. On May 31, 2012, you received a verbal counseling for personal use of a government owned cell phone. On June 2, 2013 and December 2, 2013, you received a verbal counseling for your tardiness.

Your failure to follow security procedures as a BDO Officer had a negative impact on your supervisor's confidence in you to assist in meeting the Agency's mission. As an employee in a position of trust, you are expected to meet high standards of conduct. Your actions have failed to uphold those standards. Therefore, I am proposing a fourteen (14) calendar day suspension for

your actions. This proposal is within the recommended range on the TSA Table of Offenses and Penalties.

This is a proposal and not a decision. You have the right to reply to this proposal orally and/or in writing and furnish affidavits and evidence in support of your reply within seven (7) calendar days after the date you receive this proposal. Consideration will be given to extending this time limit if you submit a written request stating your reasons for needing more time. Full consideration will be given to any reply you submit. A written reply, affidavits, and any other documentary evidence should be forwarded to the Deciding Official, Assistant Federal Security Director (AFSD) for Screening Brian Boudoe, at 5767 W. Century Boulevard, Suite 3000, Los Angeles, CA 90045. You may make arrangements for an oral reply with the Deciding Official by contacting the North Complex Administrative Office at 310-258-4858.

You have the right to be represented by an individual of your choice provided such representation does not constitute a conflict or apparent conflict of interest with your representative's duties. As a bargaining unit employee, you may select a representative from American Federation of Government Employees (AFGE) to serve as your personal representative, but you are not required to do so. You may designate any individual, whether or not that person is affiliated with AFGE, to serve as your personal representative. You may not, however, select an individual employed by any union other than AFGE to serve as your personal representative. Please designate your representative, if any, by name, address, position, and employer in a signed statement, and forward that statement to the Deciding Official before the expiration of the reply period. Any costs associated with your representation, including any travel expenses, will be done by you. You may refer to TSA MD No. 1100.63-3, Employee Representation, for additional information.

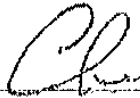
You and your representative, if an agency employee, will be allowed a reasonable amount of official time to assist you in your reply, to review the material relied upon to support the reason for the proposed action, to prepare a written reply, to secure affidavits and other documentary evidence, and to make an oral or written reply. You and your representative, if a TSA employee, must contact your immediate supervisor to make advance arrangements for the use of official time.

Enclosed is the material relied upon to support this proposed fourteen (14) calendar day suspension, except for the TSA Screening Passengers By Observation Techniques (SPOT) Standard Operating Procedures (SOP), Revision #3; Chapter 2, BDO Duties: 2.5 H and I. If you wish to view this SOP, you may make an appointment with the Deciding Official by contacting the North Complex Administrative Office at 310-258-4858. This material will be released for review only to you and/or your designated representative.

A final decision will not be made in this matter until your written and/or oral replies have been received and considered, or, if no reply is received, until after the time specified for the replies has passed. Any replies submitted will be given full consideration. You will be notified in writing of the final decision.

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.



3/19/2014

Christine Pope
Deputy Assistant Federal Security Director for Screening

Date

(b)(6)

3.19.14

Date

Acknowledgment of Receipt

(b)(6)

Delivery Information:

Hand Delivered By: (name/signature)

Date

Attachments:

1. Memo undated, Fr: MBDO (b)(6) To: STSM (b)(6) Subject Incident on 2/9/2014
2. Incident Statement, Dated 2/10/2014, Fr: (b)(6)
3. Memo dated 2/12/2014, Fr: STSM (b)(6) To: (b)(6) Subject: MBDO (b)(6) - Summary
4. Incident Report, dated 2/9/2014, Fr: BBDO (b)(6) To: STSM (b)(6) Subject: Summary of Acting Manager Duty
5. Memo -- Fr: STSM (b)(6) To: STSM (b)(6) Subject: Coaching and Mentoring of MBDO (b)(6) -- February 9, 2014, Dated: 2/9/2014
6. Memo -- Fr: (b)(6) SPOT TSM, To: STSM (b)(6) Subject: MBDO (b)(6) (b)(6) Dated 2/10/2014
7. BDO All Shifts West Complex Cell Phone/ Notebook Log
8. Signed Acknowledgement of MD 1100.73-5 dated 10/9/2010
9. Certificate of Completion SSI Awareness Training FY14 NTP dated 9/30/2013
10. Notice of Decision on Proposed Ten Calendar Day Suspension and Issuance of LOR -- Issued on 3/17/2013
11. Verbal Counseling 12/2/2013 for tardiness

-
12. Verbal Counseling 6/2/2013 for tardiness
 13. Verbal Counseling 5/31/2012 for personal use of government cell phone
 14. MOC for unscheduled leave and tardies issued on 5/15/2013
 15. Verbal for "multi-colored" hair issued on 5/8/12
 16. MOC for tardiness issued on 1/18/2012
 17. Verbal Counseling dated 1/4/2012 for unscheduled leave
 18. Verbal Counseling dated 10/23/2011 for tardiness



Transportation
Security
Administration

MEMO TO FILE

DATE:

Control #

FROM: MBDO (b)(6)

TO: STSM (b)(6)

SUBJECT: Incident on 02/09/2014

On February 9, 2014, I was assigned to terminal 5 with MBDO (b)(6). The work day was a very normal and standard work day. Both of us conducted SPOT Observations and numerous (b)(3) (b)(6) at terminal 5. At around 1800 both of us decided to do a (b)(3) (b)(6) at terminal 5 because there was a PETA protest going on in front of the Delta ticketing counters. We conducted (b)(3) (b)(6) until 1845. During this (b)(3) (b)(6) and I ran into STSM (b)(6) and STSM (b)(6). We received a call from STSM (b)(6) to go back to the check point at 1845 because there were a large amount of passengers.

I believe that at around 1815 to 1845, my partner noticed that she didn't have her book. She said she thought she left it at terminal 4, terminal 5, possibly on terminal 5 sidewalks, or in her bag. We continued on (b)(3) (b)(6) and the rest of our shift. She had told me that she left it at one of those places and never once told me that she lost it. She didn't mention anything about her note book situation for the rest of our shift.

When were debriefed by STSM (b)(6) before we clocked out.

Respectfully,

MBDO (b)(6)

Behavior Detection Program
Los Angeles International Airport

U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
LAX STATEMENT FORM

I was asked to do this incident report by BDO STSM (b)(6) who informed me that he needed this regarding the issue of the loss of my BDO notebook.

On or February 9, 2014 at 1400:

I obtained my BDO notebook at the beginning of my shift during the centralized meeting in Terminal 1. I believed that I had placed my BDO notebook in my purse, then my backpack and I met my partner (b)(6) at Terminal 4 to pick up our duty phones. I made a couple of stops to the restroom because I was having stomach problems yesterday.

I placed my personal items in a locker at Terminal 4 before my partner and I were deployed to Terminal 5 for duty (assignment for the day). I recall having my book in my backpack on my way to Terminal 5. I was not feeling well so I asked my partner to bear with me for the day because of my stomach. When we had a chance, to update and concur with our books, because I wasn't feeling well I didn't write much.

I realized that I did not have my book on me sometime between 1800 and 1930 hours that day. I retraced my steps and asked around if a little green book had been seen. At that time, I thought that I may have left my book in my backpack at Terminal 4. At the end of the shift, I turned in the duty phone and thought that the book was mixed up in the items in my backpack that I bring to work everyday. I thought I would take a look in my backpack later for my book and forgot to tell STSM (b)(6). After debriefing I ran to the restroom again and thought I would look in my bag when I went home because my stomach hurt bad.

Upon returning home, I was unable to locate the book. I arrived early today (February 10, 2014) to again try to locate my book and being unsuccessful, upon my reporting for duty I reported the loss to STSM (b)(6) at or around 1412 hours.

Please note that I abridged my information in my book, as detailed information is put in reports that are required for any incidents and not duplicated in my book. I do not put names in my book, I either use initials or titles and names are only put in reports that are required for specific incidents. I do not put point values in my book but I do have notes that I use as a form of code for my reports, that would remind me of point values for any reports.

Respectfully submitted,

(b)(6)

Master Behavioral Detection Officer

(b)(6)

Print Name

Signature

Date

PAGE 1 of 1



Transportation
Security
Administration

MEMO TO FILE

TO: AFSD Brian Bondoc
DATE: February 12, 2014
SUBJECT: MBDO (b)(6) - Summary

On February 10, 2014 at 1412 hours, MBDO (b)(6) contacted me by telephone and informed me that she had lost her BDO notebook on February 9, 2014 during her shift. (b)(6) stated that the 1400 shift didn't have a manager that day so she had not reported the loss to a manager at any time during the shift. She also stated that she discovered the notebook was missing sometime between 1800 & 1930 hours. She retraced her steps but was unable to find the notebook. She continued conducting SPOT with her partner throughout the shift without her BDO notebook and did not contact any of the on-duty BDO managers. I asked if she reported the loss when turning in her equipment at the terminal 4 hub at the end of her shift. She told me that there was not a team lead verifying the return of equipment at the end of her shift and that no manager was present. I directed (b)(6) to prepare a written statement and submit it to me and to contact the Coordination Center to report the incident. The written statement indicated that she had seen STSM (b)(6) at the end of her shift but forgot to tell him about the missing notebook. This contradicted what she had told me during our phone conversation.

It should be noted that BBDO (b)(6) was designated as an acting manager for the 1400 shift on February 9, 2014 in the absence of an on-duty STSM. He had been directed to manage the operation from 1400-1600 hours until the arrival of STSMs (b)(6). BBDO (b)(6) submitted a statement indicating that he distributed the Daily Shift Assignments and met with all of the BDO teams to let them know that he was the acting manager for the shift until the arrival of STSMs (b)(6). MBDO (b)(6) was among those who he met with. She did not mention that her BDO notebook was missing.

STSMs (b)(6) submitted statements regarding this incident. They both met with MBDO (b)(6) and her partner MBDO (b)(6) from 1845-1915 hours at the terminal 5 checkpoint for a SPOT/coaching and mentoring session. (b)(6) didn't mention that her BDO notebook was missing at any time during their interaction. In addition, STSM (b)(6) conducted a debriefing at the terminal 4 hub at 2220 hours, the end of the 1400 shift. STSM (b)(6) spoke to all of the BDOs regarding their shift and asked if anyone had questions or comments. MBDO (b)(6) failed to report the loss of her BDO notebook at that time.

MBDO (b)(6) failed to maintain control of and safeguard her BDO notebook, which is SSI. She also failed to promptly report the loss of her BDO Notebook when she discovered that it was missing. She waited 20 hours to report it lost. She clearly had numerous opportunities and ample time to report the incident to an acting STSM and two on-duty STSMs. She compounded the situation by continuing to conduct SPOT throughout her shift without a BDO notebook in her possession and therefore not documenting her activities and movements which is in clear violation of the SPOT SOP.

MBDO (b)(6) aggravated the incident by being less than candid and misleading when stating that there was no 1400 shift manager to whom to report the incident. She knew that BBDO (b)(6) was acting as a manager and that STSM (b)(6) could be notified as well. This was further evident in the initial report to STSM (b)(6) during which she stated that there was no manager present at the end of her shift. STSM (b)(6) clearly describes his contact with her in his statement. This appears to be a deliberate attempt to mislead.

(b)(6)

SPOT Transportation Security Manager
Behavior Detection Branch
Los Angeles International Airport



Transportation
Security
Administration

Incident Report

DATE: February 09, 2014
FROM: EBDO (b)(6)
TO: STSM (b)(6)
SUBJECT: Summary of Acting Manager Duty

I, (b)(6) was performing the duty of Acting -Spot Transportation Security Manager (STSM) on Sunday February 09th 2014, from the hours of 1400 to 1600, I briefly spoke to STSM (b)(6) over the phone about my duties and responsibilities. I then communicated with the outbound STSM (b)(6) Pellman, briefed the 1400 starting shift, and assigned personnel to their respective terminals. I also made sure that there was a team assigned to TBIT for the (b)(3) 49 U.S.C. § 114(n) and that they were quickly on their way. I informed the Admin officer, MBDO (b)(6) to let every team know that I was the acting manager and to call me for any questions or incidents. I made sure that every team had my duty cell phone number, #North 14. From 1412 to 1510, I conducted MI-2 at Terminal 1 with MBDO (b)(6) and MBDO (b)(6). At 1514, my team and I responded to a call from Terminal 2 (b)(3) 49 U.S.C. § 114(n) on a passenger, STSO (b)(6), TSM (b)(6) and TSS-B (b)(6) cleared the passenger for travel at 1526. I sent my team back to Terminal 1, and I proceeded to meet with every team at their respective terminals and hand out the DSAs. From 1526 to 1550, I personally met with the teams at TBIT, T-4, and T-5. I only did not meet with the MBDO (b)(6) Allswang at T-6 because he when to take his PSE test. I met MBDO (b)(6) and MBDO (b)(6) on the curbside between T-4 and T-5 at approximately 1540 and briefly communicated with them. At no time did MBDO (b)(6) inform me that she had lost her BDO notebook. I then continued back to Terminal 1 and rejoined my team. From 1610 to 1630, I debriefed my actions with STSM (b)(6) and STSM (b)(6).

(b)(6)

Expert Behavior Detection Officer | SPOT Program
Transportation Security Administration | Los Angeles International Airport
E-mail: Omar.Nassar@dhs.gov | Office: 310-258-4818 | Fax: 310-215-2070

U.S. Department of Homeland Security
Los Angeles International Airport
100 World Way T-1 Door 332
Los Angeles, California 90045



Transportation
Security
Administration

MEMO TO FILE

DATE: February 9, 2014

FROM: STSM (b)(6)

TO: STSM (b)(6)

SUBJECT: Coaching and Mentoring of MBDO (b)(6) - February 9, 2014

On February 9, 2014, STSM (b)(6) and I were making observations of BDOs working at the various terminal checkpoints. We arrived at Terminal 5 Checkpoint at approximately 1845 hrs and approached MBDO (b)(6) and MBDO (b)(6). I asked MBDO (b)(6) questions concerning the positioning of BDOs while conducting "walk the line" at Terminal 5. After a few minutes of discussion, I demonstrated what I believed to be the proper location for a BDO to best observe their partner while the partner is walking the line. MBDO (b)(6) accepted my recommendations and assumed the recommended position. STSM (b)(6) and I remained at the Terminal 5 Checkpoint for an additional 15 minutes, observing the "walk the line" procedure and departed the checkpoint at approximately 1915 hrs.

Both STSM (b)(6) and I had numerous conversations with both MBDO (b)(6) and MBDO (b)(6) during our coaching and mentoring session at Terminal 5 Checkpoint. At no time did MBDO (b)(6) mention anything concerning her SSI Notebook or that it was missing.

(b)(6)

Transportation Security Manager - Behavior Detection Officer (BDO) Program

Los Angeles International Airport (LAX)

Office: 310-258 (b)(6)

Cell: (b)(6)

Fax: 310-215-2070

(b)(6)

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Transportation
Security
Administration

MEMO to FILE

Date: February 10, 2014

To: STSM (b)(6)
SPOT Transportation Security Manager
Los Angeles International Airport

From: (b)(6)
SPOT Transportation Security Manager
Los Angeles International Airport

Subject: MBDO (b)(6)

On 02/09/14 I responded to the terminal 4 hub at approximately 2220 hours to conduct the PM-1 de-brief. Upon my arrival MBDO (b)(6) had just entered the hub. I spoke with MBDO (b)(6) asking her about how her day had been. I recall she stated the terminal she had been assigned had been moderate to slow the entire day. I asked her to unlock and open the SSI pelican box as I needed to complete my SSI verification and sign off for the day. MBDO (b)(6) opened the box and I noted the SSI contents, removed the SSI sign off book and signed off the SSI for the night. The rest of the teams began to arrive over the next several minutes. After the teams arrived I conducted a post brief. Before my departure from the hub I asked the teams if anyone had any questions or had any comment for me. At no time did MBDO (b)(6) inform me of the loss of her BDO notebook nor did she ask to speak with me. I had no further interaction with MBDO (b)(6) on this day.

End of Report

WAT/ISA/20V

BDO ALL SHIFTS WEST COMPLEX: DIO / CELL PHONE / NOTEBOOK LOG

DATE: 2/1/2014

	NAME	PHONE NUMBER	RADIO NUMBER	NOTEBOOK YES/NO	SIGNATURE	TL / ATL INITIAL	TL / ATL INITIAL	REMARKS
1	(b)(6)	2A		NO	(b)(6)			
2		6A		YES				
3				NO				
4		42		YES				
5		40	12B	YES				
6		10A		YES				
7		7A		YES				
8		10		YES				
9		10A	10	YES				
10		10A		YES				
11				NO				
12								
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31								
32								
33								
34								

P	R
2A	7
6A	8
24	9
26	10
14A	11
16A	12
9A	
38	
39	
40	
41	
42	
43	
44	
45	
10A	
34	



Transportation
Security
Administration

I certify that I have received and reviewed TSA Management
Directive No. 1100.73-5 Employee Responsibilities and Conduct
required for FY10 Q4 NTP

Policy Effective: May 21, 2009

Handbook Revision 3: June 17, 2010

Student Name

(b)(6)

Student Signature

(b)(6)

Date 10/9/10

Witness Name (STI/TS)

(b)(6)

Witness Signature

(b)(6)

Date 10/9/10

Certificate of Completion

This certifies that

(b)(6)

Has successfully completed

Sensitive Security Information (SSI)

Awareness Training FY14 NTP

Completed on 9/30/2013 04:05 PM America/Los Angeles

(b)(6)

U.S. Department of Homeland Security
Los Angeles International Airport
5767 W. Century Blvd, Suite 300
Los Angeles, CA 90045



Transportation
Security
Administration

Date: March 13, 2013

To: (b)(6)
Master Behavior Detection Officer
Los Angeles International Airport

From: Jason Panlages
Assistant Federal Security Director for Screening
Los Angeles International Airport

Subject: Notice of Decision on Proposed Ten (10) Calendar Day Suspension and Issuance
of Letter of Reprimand

Reference: (b)(6)

You are hereby notified that I have decided not to suspend you for ten (10) calendar days. Based in part on your remorsefulness, assumption of responsibility for your actions, lack of previous discipline, and lack of timeliness in addressing your misconduct, I have decided to issue you a formal Letter of Reprimand. This decision is based on the following to promote the efficiency of the service:

Background: On September 6, 2012, you were assigned to work as a Master Behavior Detection Officer (MBDO) in Terminal 6 with fellow BDO (b)(6). While on a scheduled lunch break, you and fellow MBDO officer (b)(6) went to Jody Maroni's restaurant to get napkins, spoons and forks without patronizing the restaurant. While there, MBDO (b)(6) asked HMS employee (b)(6) if he could have some jalapenos. When the employee asked her manager, she stated that jalapenos were for paying customers only. When MBDO (b)(6) was told no, he proceeded out of the restaurant, while you stated that you were going to go back and get a complaint telephone number. When you approached HMS Host Lead (b)(6) in a elevated tone, you asked her for her supervisor's telephone number in front of fellow HMS employees and restaurant patrons. When she gave you the telephone number you proceeded to exit the restaurant while stating 'this is ridiculous.'

On September 11, 2012 you were again assigned to Terminal 6 and while on break, you went to Ruby's Diner, another restaurant owned by HMS Host, to file and official complaint against HMS Host Lead (b)(6). You spoke to HMS Host employee (b)(6) relating to her what had happened at Jody Maroni's four days earlier. When Ms. (b)(6) asked you who it was, you made an comment regarding Ms. (b)(6) indicating that she was prejudiced against TSA personnel. When Ms. (b)(6) went to get her supervisor on duty she brought out Ms. (b)(6) the lead that was involved in the incident four days earlier. When you saw her you stated that you did not want to speak to her and that you would file your official complaint with HMS Host Human Resources.

Page 1 of 5

Charge: Unprofessional Conduct

Specification 1: On September 6, 2012 at approximately 2100, you were stationed at Terminal 6 with fellow Master Behavior Detection Officer (MBDO) (b)(6). While on your scheduled break, you both went to vendor Jody Maroni's restaurant to ask for jalapenos and also to get other outlery items. When the manager stated that jalapenos are only given to paying customers, you appeared upset and requested to speak to the manager Ms. (b)(6). When you spoke to Ms. (b)(6) you demanded for the telephone number of her superior. After she gave you the telephone number and as you were exiting the restaurant, you stated that 'this is ridiculous' and told her that she knew who you were because she was sent to T-4 due to her attitude, and that you would have her moved out of the restaurant to a different location like before. You made these statements in front of restaurant employees and patrons while in uniform.

Specification 2: On September 11, 2012 you went to Terminal 6 to Ruby's Diner another restaurant that is managed by HMS Host to get the number of the HMS Host General Manager to make an official complaint. You spoke to HMS Host employee (b)(6) stating (b)(5). When Ms. (b)(6) went to get a manager so that you could file your complaint, she informed HMS Host Lead (b)(6) that a TSA employee wanted to make a complaint, when she came out to speak to you, you stated that you did not want to talk to her and that she was the person you wanted to make a complaint against. You stated that you would just go to HMS Host Human Resources department to file your complaint.

Your conduct is in violation of TSA Management Directive No. 1100.73-5 (Employee Responsibilities and Conduct), Section 5 - Employee Responsibilities; 5.A (2), 5.A(3) and 5.A (7); Section 6-Policy-Section 6:A and 6:B.

On February 11, 2013, Deputy Assistant Federal Security Director (DAFSD) for Screening Janis Nagy issued you a written Notice of Proposed Ten (10) Calendar Day Suspension for your unprofessional conduct. That written notice also advised you of your right to make an oral and/or written reply. You submitted a written response dated February 18, 2013, and held an oral reply on February 20, 2013.

In your written reply, you deny the charge of unprofessional conduct and state the proposing official relied upon a false statement from Ms. (b)(6). You deny you and MBDO (b)(6) went to Jody Maroni's for jalapenos and other outlery items, or that you spoke to Ms. (b)(6) in an elevated tone. You admit that you asked Ms. (b)(6) for her supervisor's number, but state she gave you a survey hotline number. Therefore, you did go to another establishment to ask for the general manager's number. You further admit that you stated to another airport employee that you heard there had been a change in management, which is why officers were unable to purchase jalapenos; however, you deny you threatened Ms. (b)(6) job or failed to exercise courtesy and tact in your interactions. You then assert Ms.

(b)(6) filed her complaint in order to block any complaint from you and MBDO (b)(6) regarding how you were treated. You conclude your statement by requesting the proposed penalty be mitigated based on the aforementioned reasons.

In your oral reply, you denied making any disparaging or inflammatory remarks after HMS Host employees did not allow you purchase jalapenos. You then admitted you were upset at the time of incident, but stated you left after the HMS Host gave you a customer service number to make a complaint. In regards to the incident that occurred on September 11, 2012, you denied making inappropriate comments and clarified that you only heard some rumors about one of the HMS managers. You stated you never intended for the statements to be disparaging or inflammatory. You then admitted you were upset due to being provided a survey hotline number rather than a customer service number for making complaints and that your actions escalated the situation. You then accepted full responsibility for your actions and acknowledged that your statements were perceived as inappropriate. You then asked for a lesser penalty in light of your satisfactory employment record during your five (5) years of service with the BDO program.

After carefully considering all the available information, I find the evidence of record supports you engaged in unprofessional conduct. Therefore, it is my decision to uphold the Charge and its Specifications.

In determining the appropriateness of the penalty, I considered a number of factors. I note your satisfactory job performance and that you have been employed with TSA for over ten (10) years. I do not find, however, that your length of service or satisfactory performance to be sufficient enough to outweigh the severity of your offense.

I note that you have received prior corrective actions that placed you on notice that further misconduct could result in more severe disciplinary action, up to and including removal from Federal Service. Previously on October 23, 2011, you were issued a verbal discussion for excessive unscheduled absences. On January 4, 2012, you were issued a verbal discussion for excessive unscheduled leave. On January 18, 2012, you were issued a memorandum of counseling (MOC) for your tardiness. On February 8, 2012, you were issued a verbal discussion for making inappropriate comments during a shift briefing. On May 8, 2012, you were issued a verbal discussion for failure to follow uniform standards.

As an Agency empowered with the important and visible role in leading America's battle against terrorism, it is especially important that TSA actively work to keep the public's confidence and trust. Your unprofessional behavior had an adverse effect on TSA management's confidence in you to perform your duties as a Master Behavior Detection Officer (MBDO) and serve as a positive role model for other TSOs. As an employee of the TSA, you are expected and held to high standards of professionalism and conduct. Your actions have failed to meet this standard; therefore, I believe formal discipline is necessary. However, in light of your remorsefulness, assumption of responsibility for your actions, lack of previous discipline, and management's lack of timeliness in addressing your misconduct, it is my decision to issue you a formal Letter of Reprimand for your misconduct. This decision is in the mitigated penalty range on the TSA Table of Offenses and Penalties.

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 misconduct may lead to further and more severe disciplinary action, up to and including removal from Federal service.

This Letter of Reprimand will be placed in your electronic Official Personnel Folder (eOPF) for up to a two-year period, during which time it may be cited as a prior formal disciplinary action in any future disciplinary matter. However, your supervisor may decide to remove the letter prior to the expiration of the two-year period. Once it is removed from your eOPF, your supervisor may retain a copy of the letter in the local supervisory file as documentation that you have been placed on notice regarding the performance or conduct referenced above.

If you choose to grieve this action under the grievance procedures in TSA HCM 771-4, Handbook, your grievance must be submitted in writing to the National Resolution Center (NRC) within fifteen (15) calendar days of receipt of this letter. The written grievance can be filed by email at resolutioncenter@tsa.dhs.gov, or faxed to (703) 603-4057 using TSA form 1115, Grievance Request. A copy of HCM 771-4 Grievance Procedures is attached. The Designated Grievance Official (DGO) is Geoff Shover, Acting Deputy Federal Security Director for Security Operations, 5767 W. Century Boulevard, Suite 300, Los Angeles, CA 90045, (310) 242-(b)(6)

If you are interested in participating in mediation of this action, you can initiate the mediation process by calling the National Resolution Center at (571) 227-5097 or emailing Resolutioncenter@tsa.dhs.gov to discuss whether your case is eligible for mediation. You should not file a written request for mediation with the NRC until after this discussion has occurred.

The Employee Assistance Program (EAP) is available to you to provide counseling services and/or assistance and may be contacted at 1-800-222-0364. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

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


Jason Panlages
Assistant Federal Security Director for Screening

(b)(6)

Acknowledgement of Receipt

(b)(6)

Delivered Information

(b)(6)

Delivered by: Print Name

(b)(6)

03-14-2013

Date

3-17-13

Date

3-17-2013

Date

Employee Performance Note		Print this form
Employee Name	(b)(6)	
Note Type	Counseling	
Occurrence Area		
Checklist Response		
Other		
Communication Type	WFO	
Category	Attendance	
Action Date	2013-12-02	
Situation/Incident Comments	(b)(6) minutes late for her shift. Had no (b)(6) no (b)(6) (b)(6) prior to the start of her shift that she was caught up in traffic. (b)(6) submitted and approved for 15 minutes worth.	
Counseling/Discussion		
Spaced Name		
	Close	
Ready		

Employee Performance

Print This Form

Employee Name: (b)(6)

Note Type: Counseling

Occurrence Area

Checkpoint: Background

Object:

Communication Type: Verbal

Category: Attendance

Action Date: 2013-06-02

Situation / Incident Description

HADO Wilsons arrived 3 minutes late to work today, 6/2/13

Counseling Discussion

I spoke with HADO Wilsons who stated that she did not depart on time from the employee parking lot. HADO Wilsons also stated that she is still getting used to the new shift hours and must adjust her duty routine to ensure that she arrives with plenty of time to spare.

Signed (Name)

Date

Ready

Employee Performance Note		SIA Title Code
Employee Name:	(b)(6)	
Role Type:	Counseling	
Occupational Area		
Check/Other Baggage:	Terminal 1 - Passenger	
Other:		
Communication Type		
Category:	Employee Conduct	
Actual Date:	2012-05-01	
Situation/Incident Comments		
A record of use of government cellular telephone use for the period of Oct-Dec 2011 disclosed that HSDO (b)(6) had used her government issued cellular phone to make and receive personal calls.		
Counseling/Resolution		
SIA Title conduct on a Verbal discussion with HSDO Williams advising the prohibited use of a government issued cellular phone as described in HIO 1100.73-5, Section D. HSDO Williams was given clear direction on her lesson standards and expectations when using a government issued cellular phone.		
Signed Note:		Officer
Date:		



Transportation
Security
Administration

Date: May 15, 2012
To: (b)(6)
Master Behavior Detection Officer
LAX
From: (b)(6)
BDO Transportation Security Manager
LAX
Subject: Memorandum of Counseling - Attendance

MNO (b)(6) I am issuing you this Memorandum of Counseling as a non-disciplinary step to address your attendance. In the last 180 days, you have documented (4) tardies and (1) unscheduled absence (sick call). You were previously issued a Memorandum of Counseling on 01/18/2012. Since being issued the MOC, you have incurred the following unscheduled absences:

02/28/2012 Tardy 75 Minutes (Tuesday)
04/02/2012 Tardy 1 Minute (Monday)
04/05/2012 Tardy 7 Minutes (Thursday)
04/30/2012 Sick Leave (Monday)
05/09/2012 Tardy 1 Minute (Wednesday)

I am issuing you this Memorandum of Counseling to make you aware of your current unsatisfactory attendance record. Continued tardiness and/or unscheduled absences places a burden on your supervisory staff and affects the morale of your co-workers. As your manager it is my responsibility to make you aware of your current violation of TSA's policies and procedures for reporting to duty. You are currently in violation of Management Directive 1100.73-5. I am extending you another opportunity to make progress in your attendance record.

You will be given an opportunity to correct your attendance records by demonstrating immediate and sustained improvements. Any future infractions may result in the imposition of leave restriction and/or other corrective or disciplinary action, up to and including termination of your employment. Now that I have advised you regarding these issues, I am hopeful you will improve in these areas and comply with the leave use standards of this office. If you need further clarification regarding this memorandum and my expectations, please let me know.

This memorandum of counseling is not a formal disciplinary action and may not be grieved through the agency grievance process. It will not be placed in your Official Personnel File. However, I will retain a copy of this memorandum indefinitely in the event it is necessary to demonstrate that you have been placed on notice regarding this type of behavior.

MMW/LA/BOX

Page 1 of 2

Employee Initials: _____

Manager / Supervisor Initials: _____

MMW/LA/BOX
Page 2 of 2



Transportation
Security
Administration

Date: May 8, 2012

To: MBDO (b)(6)

From: STSM (b)(6)

Subject: Verbal Discussion-TSO Dress and Appearance Responsibilities

MBDO (b)(6) I am issuing you this Verbal Discussion as a non disciplinary step to address your lack of compliance with TSO Dress and Appearance Responsibilities. On May 7 and 8, 2012, you reported for duty with a multi-color hair style which is in violation of Accessories and Grooming standards as described in MD, 1100.73-2 Handbook, Section B. (4).

In the future, I expect you to change your appearance to gain compliance with current policy. I will allow you five (5) days from the issuance of this guidance to comply with my direction (May 14, 2012).

Any future incidents of this nature may result in the imposition of other corrective or disciplinary action. Now that I have advised you regarding these issues, I am hopeful you will improve in these areas and comply with the standards of this office. If you need further clarification of my expectations, please let me know.

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

(b)(6)

SPOT Transportation Security Manager

5-8-12

Date

Acknowledgement of Receipt:

(b)(6)

5-8-12

Date

Delivery Information:

Hand Delivered by:

Date



Transportation
Security
Administration

Date: Wednesday January 18, 2012

To: (b)(6)
Master Behavioral Detection Officer
Los Angeles International Airport

From: (b)(6)
Transportation Security Managers
Los Angeles International Airport

Subject: Memorandum of Counseling - Attendance

MBDO (b)(6) I am issuing you this Memorandum of Counseling as a non-disciplinary step to address your attendance. In the last 180 days, you have documented 4 unscheduled absences (tardies), 3 of which you were issued a Verbal Discussion dated January 4, 2012. Since being issued the Verbal Discussion, you have incurred the following unscheduled absence:

01/18/12 Tardy (4 Minutes) (Wednesday)

I am issuing you this Memorandum of Counseling to make you aware of your current unsatisfactory attendance record. Continued tardiness and/or unscheduled absences places a burden on your supervisory staff and affects the morale of your co-workers. As your manager it is my responsibility to make you aware of your current violation of TSA's policies and procedures for reporting to duty. You are currently in violation of Management Directive 1100.73-5. I am extending you another opportunity to make progress in your attendance record.

You will be given an opportunity to correct your attendance records by demonstrating immediate and sustained improvements. Any future infractions may result in the imposition of leave restriction and/or other corrective or disciplinary action, up to and including termination of your employment. Now that I have advised you regarding these issues, I am hopeful you will improve in these areas and comply with the leave use standards of this office. If you need further clarification regarding this memorandum and my expectations, please let me know.

This memorandum of counseling is not a formal disciplinary action and may not be grieved through the agency grievance procedures. It will not be placed in your Official Personnel File. However, I will retain a copy of this memorandum indefinitely in the event it is necessary to demonstrate that you have been placed on notice regarding this type of behavior.

If you need assistance in dealing with any personal matters, the Employee Assistance Program (EAP) is available to provide confidential counseling services. EAP 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 memorandum on the date signed.

(b)(6)

BDO TSM

1.18.12
Date

Acknowledgement of Receipt:

(b)(6)

MBDO

1.18.12
Date

U.S. Department of Homeland Security



Transportation
Security
Administration

Date: January 4, 2012
To: (b)(6)
Master Behavior Detection Officer
LAX
From: (b)(6)
BDO Transportation Security Manager
LAX

Subject: Verbal Discussion-Excessive Unscheduled Leave

This verbal discussion is a non-disciplinary step to help you improve your attendance record. You have recently shown a pattern of requesting unscheduled leave. Employees are expected to schedule and use earned leave in accordance with established procedures. Employees must, whenever possible, obtain prior approval for all absences from duty including leave without pay (LWOP). I must stress the importance that every team member must report for duty as scheduled and on time. When you fail to report for duty as scheduled it puts a burden on your co-workers.

Since July of 2011 you have documented (4) Tardies:

7/04/11 Tardy 5 Minutes (Monday)
7/11/11 Tardy 30 Minutes (Monday)
10/23/11 Tardy 15 Minutes (Sunday)
01/04/12 Tardy 15 Minutes (Wednesday)

This letter is to inform you that documentation may be required in the future for any additional requests for unscheduled leave. Also, further instances of this nature may result in a Memorandum of Counseling for unscheduled leave.

Additionally, if you need assistance in dealing with any personal matters, the Employee Assistance Program (EAP) is available to provide confidential counseling services. EAP can be reached by calling 1-800-222-0364.

Please sign the acknowledgment of receipt below

(b)(6)

Employee Name/Signature

(b)(6)

Management Official Name/Signature

1-4-12
Date

1-4-12
Date

www.tsa.gov

Page 1 of 1

U.S. Department of Homeland Security



Transportation
Security
Administration

Date: October 23, 2011

To: (b)(6)
Master Behavior Detection Officer
LAX

From: (b)(6)
BDO Transportation Security Manager
LAX

Subject: Verbal Discussion-Excessive Unscheduled Tardiness

This verbal discussion is a non-disciplinary step to help you improve your attendance record. You have recently shown a pattern of excessive unscheduled tardiness. Employees are expected to schedule and use earned leave in accordance with established procedures. Employees must, whenever possible, obtain prior approval for all absences from duty including leave without pay (LWOP). I must stress the importance that every team member must report for duty as scheduled and on time. When you fail to report for duty as scheduled it puts a burden on your co-workers.

As of October 23, 2011 you have documented 3 unscheduled tardy calls within the last 180 days. As your Behavioral Detection Manager, I'm hopeful you will make appropriate corrections immediately. If you need further clarification regarding this and my expectations, please let me know.

Monday July 4, 2011 (5min)
Monday July 11, 2011 (30min)
Sunday October 23, 2011 (15min)

Additionally, if you need assistance in dealing with any personal matters, the Employee Assistance Program (EAP) is available to provide confidential counseling services. EAP can be reached by calling 1-800-222-0364.

Please sign the acknowledgement of receipt below.

(b)(6)

Employee Name/Signature

10-23-11

Date

(b)(6)

Management Official Name/Signature

10/23/2011

Date

www.tsa.gov

Page 1 of 2

(b)(6)