

U.S. Department of Homeland Security
Philadelphia, PA 19113



Transportation
Security
Administration

Date: October 10, 2012

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

From: Michele Arias
Deputy Assistant Federal Security Director - Screening
Philadelphia International Airport

Subject: Notice of Decision on Proposed One (1) day Suspension

Ref: (b)(6)

This is notice that I have decided to suspend you from duty without pay for One (1) Calendar Day on the following date: Wednesday, October 24, 2012. You are to return to duty on Thursday, October 25, 2012 at 4:00 a.m. This decision is made to promote the efficiency of the service and is based on the following:

Charge : Failure to Follow Standard Operating Procedures

Specification: On August 16, 2012, while assigned as the team Lead of a (b)(3) 49 USC § 114 team, you were stationed inside of Terminal D at Security Identification Display Area (SIDA) door #DC2020, performing a (b)(3) 49 USC § 114. At approximately 11:00 a.m., a SIDA badge employee and his father, a flying passenger, attempted to gain access to terminal D sterile area. You inspected their identification and allowed them into the sterile area. Your conduct in allowing a flying passenger to be escorted through a SIDA door into the sterile area was in violation of standard operating procedures.

Your conduct is in violation of TSA Management Directive 1100.73-5, Employee Responsibilities and Conduct, section 5.A.(7) which requires employees to observe and abide by all laws, rules, regulations and other authoritative policies and guidance, written and unwritten. The SOP is clear in its direction that flying passengers are only authorized access to the sterile area through the screening checkpoint.

On September 28, 2012 you received a written notice of a proposed one-day suspension from Transportation Security Manager, Junetta Jones, based on the charge and specification as stated above. That written notice advised you of your right to make an oral and/or written reply.

As of the date of this letter, we have not received a response to the notice of proposed one (1) day suspension. Therefore, my decision is based upon the information of record. I find the information of record supports the charge and specification as stated above and as stated in the notice of proposed one (1) day suspension.

In determining the appropriateness of the penalty, I have considered a number of factors. I considered the nature and seriousness of your misconduct and its relationship to your duties. As a Master Behavior Detection Officer (MBDO), you are required to follow policy and procedures. You failed to follow these procedures when you failed to stop an unauthorized individual's access to the sterile area. As a result of your failure to follow procedures, you could have put the traveling public and your co-workers at risk. Additionally, by improperly performing your duties, you affected the efficiency of security screening, which could have resulted in unnecessary delays for, and adversely affecting the experience of, travelers and other persons who rely on TSA for security screening.

I considered and reviewed the notice you had that this conduct is not acceptable. You acknowledged reading TSA MD 1100.73-5, Employee Responsibilities and Conduct, on April 22, 2012, which put you on notice that this conduct is not acceptable. Thus, I find that you were on clear notice that your conduct as described in the Charge and Specification above was not acceptable.

The guidance outlined in the TSA Table of Penalties was also considered in determining the appropriate action regarding this matter.

I also considered mitigating factors such as your length of service since April 15, 2007, and your otherwise satisfactory work performance. However, I find that these mitigating factors are outweighed by the nature and seriousness of your misconduct. Accordingly, I find that this proposed one (1) day suspension is warranted and appropriate.

It is hoped that this one (1) day suspension will impress upon you the seriousness of your conduct and that your conduct will improve. You are cautioned that any repetition of this offense or any other act of misconduct could result in more severe disciplinary action, including your removal from Federal service. This one (1) day suspension may be cited as evidence of prior disciplinary action, should future discipline be warranted.

This is a final decision. You have the right to seek review of this decision through either the TSA Grievance procedures or Peer Review procedures, but not both.

If you elect to grieve this matter under the grievance procedures in TSA Management Directive (MD) 1100.77-2, Grievance Procedures, your grievance must be submitted in writing to me within fifteen (15) calendar days of receipt of this letter. A copy of MD 1100.77-2, Grievance Procedures is attached.

If you elect Peer Review under the procedures in the HCM 771-3 and attached Handbook. Your request for Peer Review must be filed within fifteen (15) calendar days of receipt of this letter. Your request must be in writing and must include a copy of this

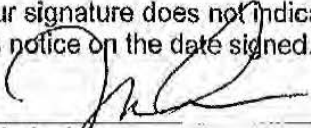
U.S. Department of Homeland Security - Transportation Security Administration
2 International Plaza, Suite 640, Philadelphia, PA 19113
Phone: 610-537-1000/Fax: 610-521-7258

letter. You may submit your request via facsimile to 571-227-2591. If you would like to file your request electronically or by mail, please contact the Peer Review Support Office at 571-227-5065 for additional filing information. A copy of the HCM 771-3 and Handbook are attached.

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

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 or via the internet at www.FOH4You.com. The EAP is a confidential resource designed to help employees address a wide range of personal or family issues.

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


Michele Arias
Deputy Assistant Federal Security Director -
Screening

10/10/12
Date

Materials Relied Upon:

1. TSA Management Directive No. 1100.77-2, Grievance Procedures
2. HCM 771-3, Peer Review
3. Peer Review Handbook

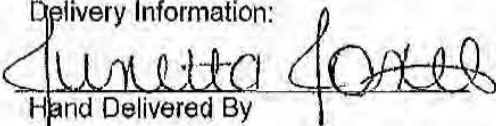
Acknowledgement of Receipt:

(b)(6)

Master Behavior Detection Officer

10/10/12
Date

Delivery Information:


Hand Delivered By

10/15/12
Date

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2 International Plaza, Suite 640, Philadelphia, PA 19113
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Page 188 of 224

Withheld pursuant to exemption

(b)(6)

of the Freedom of Information and Privacy Act