

~~SENSITIVE SECURITY INFORMATION~~

U.S. Department of Homeland Security  
George Bush Intercontinental Airport



Transportation  
Security  
Administration

Date: October 18, 2012

To: (b)(5)  
Expert Behavior Detection Officer (EBDO)  
George Bush Intercontinental Airport (IAH)

From: Juan Sanchez  
Deputy Assistant Federal Security Director for Screening (DAFSD-S)  
George Bush Intercontinental Airport (IAH)

Subject: Notice of Proposed Five (5) Day Suspension

Ref: (b)(5)

This is notice that I am proposing that you be suspended, without pay, from your position of Expert Behavior Detection Officer (EBDO) for five (5) calendar days to promote the efficiency of the Federal Service. If a decision is made to suspend you, it will not be made earlier than your reply. If you do not reply, a decision will be made no earlier than seven (7) calendar days from the date you receive this letter. This proposal is based on the following:

**Charge 1:** Failure to Follow Standard Operating Procedures (SOP)

**Specification:** On July 2, 2012, at approximately 0730 hours, you encountered an individual in the non-sterile area of C Bridge Terminal that met the threshold for a Screening of Passengers with Observation Techniques (SPOT) Law Enforcement Officer (LEO) Notification; however, you lost contact/sight with the individual. You searched the Terminal, but were unable to locate the individual. You informed some TSOs and Airserve employees to notify you if they came in view of the individual. You then decided to go to break instead of making appropriate notifications and following through with the SPOT LEO referral. The individual was found and you were notified by a Transportation Security Officer (TSO) that the individual was in the C Baggage claim area. Supervisory Transportation Security Manager (STSM) (b)(5) responded to C baggage claim area and initiated the notifications to the Security Operations Center (SOC) and LEO.

**Charge 2:** Failure to Follow Instructions

**Specification:** On July 2, 2012, during an incident in which you encountered an individual that met the threshold for SPOT and LEO notification, you were instructed by

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STSM (b)(6) to document a time line of events in your BDO notebook for the AIMS Incident Report (IR). You did not document a timeline of events as instructed and all timelines had to be approximated for the IR.

### Charge 3: Inappropriate Conduct

**Specification:** On July 25, 2012, during a meeting with STSM (b)(6) and STSM (b)(6) you were questioned about your whereabouts earlier that morning; as you were seen at another work location by Federal Security Director Ann Testa. You stood up from your chair and stated, "If Ann wants to know what I am doing, why didn't she come ask me, I want to talk to her myself." STSM (b)(6) asked you to sit down and you then stated, "No, I am pissed off right now, this is bullshit." STSM (b)(6) "(b)(6)", please do not use that kind of language." You then threw your hands in the air and stated, "I am fucking sick of this shit, I am going through a lot right now and I do not need this shit!" These statements and conduct were inappropriate for the workplace.

You failed to comply with the SPOT SOP, Section 3.5, and 3.8. Your failure to comply with the SOP violated TSA MD 1100.73-5, *Employee Responsibilities and Conduct*, which requires employees to observe and abide by all laws, rules, regulations, and other authoritative policies and guidance, written and unwritten. Additionally, TSA MD 1100.73-5 requires employees to respond promptly to and fully comply with directions and instructions received from their supervisors or other management officials, as well as exercise courtesy and tact in dealing with fellow workers, supervisors, contract personnel (whether on or off-duty) and the public.

Prior to proposing this action, I assessed the circumstances surrounding your actions and reviewed all of the relevant evidence. In addition, on July 4, 2012, STSM (b)(6) met with you to discuss this, and gave you an opportunity to respond orally and/or in writing. You responded orally to STSM (b)(6) and agreed that you did not follow SOP protocol and that you did not write down a timeline as instructed. You also provided a written statement dated July 4, 2012, in which you wrote that you were walking to C Bridge checkpoint with your partner Master BDO (MBDO) (b)(6) when you noticed a passenger (b)(3)49 U.S.C. § 114(n) (b)(3)49. You engaged in conversation with the individual. After the completion of the conversation, you and MBDO (b)(6) discussed the individual's behaviors and determined that the passenger was a SPOT LEO call, but by that time the individual was out of your line of sight. You spent fifteen (15) minutes sweeping the three (3) floors looking for the individual that you had now determined to be a LEO notification. You further wrote that you did not find the individual of interest, so you notified some TSOs and some Airserve Employees during your sweep of Terminal C that you were looking for the individual and to notify you and MBDO (b)(6) if they came into view with the individual. You were unable to locate the individual so you and MBDO (b)(6) took your break. While on break, you were notified by a TSO that the individual was in the C North Lobby. Both you and MBDO (b)(6) left immediately to go get a visual of the individual. You provided a second written statement on July 7, 2012, in which you

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