



Transportation
Security
Administration

PENALTY FACTORS WORKSHEET

Employee's Name: (b)(6)

Case Number: (b)(6)

INSTRUCTIONS: Deciding officials must consider all relevant factors in determining the appropriate penalty and provide a concise statement documenting what was considered. If the offense is one for which removal is mandatory pursuant to TSA Management Directive 1100.75-3, do not complete this worksheet.

1. The nature & 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. What consideration was given to this factor?

On July 24, 2012, Expert Behavior Detection (EBDO) (b)(6) was assigned the duties of the Spot-Certified Designee Point of Contact (Spot-POC). One of the responsibilities of the Spot-POC is to complete all BDO paperwork to include completing Playbook submissions forms by entering the information into the PMIS database. EBDO (b)(6) failed to complete the required Playbook submissions for the morning shift on July 24, 2012.

SPOT Standard Operating Procedures (SOP) states the STSM must assign a SPOT-certified designee to assume the STSM responsibilities when the STSM is not on duty. One of the responsibilities in this role as designee POC is to complete all BDO paperwork to include completing playbook submission forms. SPOT- SOP requires Playbook and VIPR reporting to be entered into the PMIS database. EBDO (b)(6) has a history of this offense.

On September 24, 2012, at approximately 7:45 a.m., (EBDO) (b)(6) and a co-worker were observed by Spot Transportation Security Manager (STSM) Deborah Gonzales, sitting down and smoking a cigarette in the Albuquerque International Sunport parking garage. This was not during their designated lunchtime or breaks. They were assigned to perform (b)(3) 49 U.S.C. § 114 from 7:00am to 8:00am. (b)(3) 49 U.S.C. § 114(n). (b)(3) 49 U.S.C. § 114(n)

This action resulted in both officers' focus being taken away from their current duties and an additional layer of security not being performed during the time they were sitting and smoking a cigarette.

This is very serious offense in relation to EBDO (b)(6) duties due to the fact that the whole essence of screening passengers by observational techniques is to allow BDOs to observe any suspicious activity or passengers, undistracted, through the mobile method of observations and engaging. When a BDO is immobile and smoking a cigarette, this essentially takes away a layer of security and creates vulnerability. EBDO (b)(6) himself admitted in his statement that MBDO (b)(6) asked him for a cigarette and he sat on the bench to get the cigarettes out to hand to MBDO (b)(6) and took one out for himself and they both inadvertently lit the cigarettes and at that time noticed a car with someone waving at them. In her statement, MBDO (b)(6) substantiates this. There is no disputing this. Both BDOs may have continued to sit and smoke longer but they saw STSM Gonzales and put out their cigarettes and continued the Playbook.