



Transportation
Security
Administration

Interoffice Memorandum

To: EBDO [b](6)
From: Mr. Olusheyi Ogunleye/AFSD- Screening
Date: January 11, 2013
Re: Response to Grievance (Your letter dated December 28, 2012)

In accordance with TSA Management Directive (MD) 1100.77-2, *Grievance Procedures*, this memorandum serves as written notice of my decision to deny in full the relief requested in your grievance dated December 28, 2012.

On December 13, 2012, you were notified of my decision to issue you a one (1) day suspension (#12-11348/IAH/C/ND) on charges of failure to follow Standard Operating Procedures (SOP), failure to follow instructions, and inappropriate conduct. You submitted a TSA Form 1115, *Grievance Request*, which was emailed to me on December 28, 2012. As a resolution, you are requesting that the suspension be rescinded and to be given back pay. You contend that the SOP violation cited in the suspension is not supported by the evidence because you were not previously warned or placed on notice that your actions were a violation of SOP, as required by TSA MD 1100.75-3 at (6)(F). You also claim that your apology and explanation regarding your outbursts were not taken into consideration.

TSA Handbook to MD 1100.75-3 *Addressing Unacceptable Performance and Conduct* section (G) (8) states that the 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 is a factor that can be considered in determining the appropriate penalty. In my decision, I considered that as an EBDO, you have been fully trained on the requirements of all SOPs and advised of your responsibilities to follow SOP, thus you knew or should have known that your actions were a violation of SPOT SOP, Section 3.5, and 3.8.

In my decision, I also considered your personal challenges at the time of your outbursts, and again I empathize with you, however; you are still expected to conduct yourself in a professional manner in accordance with TSA MD 1100.73-5.

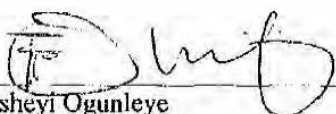
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Thus, I find that you have not presented sufficient evidence or basis to change my original decision.

If you wish to further grieve the one (1) day suspension, you have fifteen (15) days from the date of this letter to file your grievance with the second step official. The second step official in this matter is Mr. George Henderson, Acting Deputy Federal Security Director, at 3838 N. Sam Houston Parkway East Suite 510 Houston, TX 77032.

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.


Olusheyi Ogunleye
AFSD-Screening

1/11/2013
Date

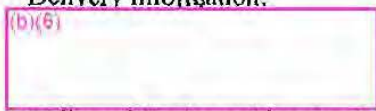
Acknowledgement of Receipt:

(b)(6)

EBDO

1/11/2013
Date

Delivery Information:

(b)(6)

Delivered By (name/signature)

1/11/13
Date

cc. Employee Relations (ER)

Page 069 of 224

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Page 070 of 224

Withheld pursuant to exemption

(b)(6)

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Page 071 of 224

Withheld pursuant to exemption

(b)(6)

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Page 072 of 224

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