

Jacksonville International Airport
Jacksonville, FL 32218



**Transportation
Security
Administration**

Date: September 25, 2014

To: (b)(6)
Behavior Detection Officer
Jacksonville International Airport

From: Ralph Walker
Deputy Assistant Federal Security Director- Screening
Jacksonville International Airport

Subject: Notice of Decision on Proposed 5 Day Suspension

Reference: 14-12502/SE/JAX

This is notice that I have decided to suspend you from duty, without pay, for five (5) calendar days on the following dates: Tuesday October 7 thru Saturday October 11, 2014. You are to return to duty on Tuesday October 14, 2014 at 1130. This decision is made to promote the efficiency of the service and is based on the following:

Charges 1: Failure to follow Standard Operating Procedures (SOP)

Specification: On July 26, 2014 between approximately 1203 pm to 1256 pm, you were not at your assigned position and failed to observe passenger interactions (b)(3):49 U.S.C. § 114(r)
(b)(3):49 U.S.C. § 114(r)

Proceedings to Date:

On September 3, 2014, you were issued a Notice of Proposed 5-Day Suspension from (b)(6) BDO Transportation Security Manager, based on the above charge. The written notice also advised you of your right to make an oral and/or written reply within 7 calendar days of receipt of the proposal. You provided a written reply on September 5, 2014.

Assessment of Proof of Alleged Offenses:

I reviewed and considered the Notice of Proposed Suspension with enclosures, the management directives that address the policies surrounding this incident, and your response.

In your written response, you provided that TSM Knox verbally addressed you and the BDO team regarding the positioning of a BDO at the MI II position. Additionally, you received a notice via email regarding walking the queue area, staying near the ETD machine. You stated the issue was handled and the point was made clear regarding your duties and responsibilities as a BDO. Additionally, you claimed the day in question, July 26, 2014, fell on a Saturday which normally is not a heavy passenger flow day (b)(3):49 U.S.C. § 114(r)
(b)(3):49 U.S.C. § 114(r)

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I find that Management's discussion with you on July 29, 2014 regarding the incident amounted to no more than a fact finding meeting to ascertain all the facts including your response to the allegation against you. Management has a responsibility to address SOP violations when observed and to take corrective steps to ensure future compliance. You did not allege that management informed you that they considered the matter resolved with counseling, therefore I find that this action is not punishing you twice for the same misconduct, as you suggest in your response.

As a Behavior Detection Officer, you are expected to adhere to all TSA Policies, Procedures and Directives addressing your responsibilities as a BDO. Therefore, Charge 1 is established by preponderant evidence and therefore sustained.

Penalty Determination:

Prior to reaching a decision as to the proposed penalty, I gave careful consideration to the nature and seriousness of your offense and its relation to your position, the suggested penalties for this type of situation, and your response. I agree with the Proposing Official's analysis of the penalty factors and adopt his reasoning in relation to your failure to follow SOP procedures and add the following:

As a Behavior Detection Officer, you are an integral part of TSA's Risk Based Security mission. You are to act on behalf of our agency and demonstrate to the public a professional command presence at all times. Your actions undermine management's trust and confidence in you. It is my determination that your actions demonstrate your conduct, in this instance, affected TSA's mission to ensure the security of the traveling public and caused others to question your reliability and judgment.

As to mitigating factors, you have been an employee with TSA since July 22, 2007. Your length of service has been valued and appreciated, however it is outweighed by the seriousness of your actions; your inability to adhere to TSA's established rules, regulations and procedures.

Finally, I considered the TSA's Table of Offenses and Penalties and find that 5-day Suspension is within the recommended penalty range for Charge 1, which is justified in your case. I find that any alternative sanction to a 5-Day Suspension would be ineffective and that it is the minimum necessary to address your misconduct.

Therefore, it is my decision that the reason for this action is supported by a preponderance of evidence and a five (5) Day Suspension from duty without pay is the appropriate level of discipline and promotes the efficiency of the service.

Notifications and Rights:

You are cautioned that any repetition of this offense or any other act of misconduct could result in more severe disciplinary action, up to and including removal from the Federal Service.

You have the right to file a grievance under the grievance procedure established by Human Capital Management Policy 771-4, *National Resolution Center*, and its accompanying Handbook. If you choose to file a grievance, you must submit it in writing to the National

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Resolution Center within fifteen (15) calendar days of your receipt of this letter. Any grievance must include a copy of the action you are grieving, the reasons you are grieving, any supporting documentation for the grievance, the remedy you seek, and whether you have raised the matter in another forum. You must file your written grievance by email at ResolutionCenter@tsa.dhs.gov, or facsimile at (703) 603-4057 using TSA Form 1115-1, Grievance/Mediation Request. A copy of TSA Form 1115-1 is attached. A Designated Grievance Official (DGO) will be assigned if and when your grievance is accepted by the NRC and received by JAX.

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.

(b)(6)

30 Sep. 2014
Date

Assistant Federal Security Director-Screening

Attachment(s):

1. HCM 771-4 National Resolution Center and Handbook, dated January 6, 2013
2. TSA Form 1115-1

Acknowledgement of Receipt



Melanie Carter
Behavior Detection Officer

9/30/2014
Date

Delivery Information:

Hand Delivered By _____

Date _____