Federal Aviation Administration
Report of Investigation
To the Office of the Secretary of Transportation

In response to:
U.S. Office of Special Counsel (OSC)
Files DI-23-000121 & DI-23-000136

Director, Office of Investigations and Professional Responsibility (AXI-1)
Federal Aviation Administration
Washington, D.C.

December 4, 2023
Executive Summary

On January 5, 2023, Special Counsel Henry J. Kerner referred to the Secretary of Transportation for investigation a U.S. Office of Special Counsel (OSC) whistleblower disclosure (OSC File Nos. DI-23-000121 and DI-23-000136).

On January 19, 2023, the Office of the Secretary of Transportation delegated the investigation to the Federal Aviation Administration (FAA), requesting that the Office of Investigations and Professional Responsibility (AXI), within the FAA’s Security and Hazardous Materials Safety organization, conduct the investigation and prepare this report. AXI conducts internal investigations regarding allegations of FAA employee misconduct. The disclosures alleged that since mid-2020, FAA employees at the Sarasota/Bradenton International Airport Air Traffic Control Tower (SRQ) engaged in repeated time and attendance fraud by leaving the facility several hours before the end of their shifts without proper authorization. The whistleblowers alleged that as a result of this activity, the SRQ Tower was, at times, understaffed during high-traffic periods at the airport. Attached to the OSC referral letter was an “Other Duties” report showing a single SRQ Tower employee’s status from 2017 through 2022. The whistleblowers have chosen to remain anonymous.

AXI did not substantiate the allegations. This investigation disclosed no evidence to corroborate the whistleblowers’ allegations that the seven Air Traffic Control Specialists (ATCSs) identified by the whistleblowers (or any of them) engaged in time and attendance fraud. All seven employees identified in the OSC referral denied engaging in time and attendance fraud. Additionally, all 15 employees at the SRQ Tower were interviewed. Fourteen of the 15 people interviewed denied any knowledge of individuals leaving early without proper authorization. While one person stated that this did occur, the person had no evidence or specific instances to support the claim. AXI did not uncover records that contradicted statements made by the 14 interviewees. Finally, a subject matter expert (SME #2) interviewed by AXI stated that contrary to the whistleblowers’ assertion, which he indicated was overly broad, it is not unusual for ATCSs to be in “Other Duties” status for more than 90 minutes at a time.

Findings and Details

Allegation:

SRQ Air Traffic Control Specialists have engaged in time and attendance fraud by regularly leaving the facility without proper authorization.

Findings: AXI did not substantiate the allegations.

This investigation disclosed no evidence to corroborate the whistleblowers’ allegations that the seven ATCSs identified by the whistleblowers (or any one of them) engaged in time and attendance fraud. As noted above, all 15 employees assigned to SRQ were interviewed as part of the investigation. The seven identified employees denied engaging in time and attendance fraud, and 14 interviewees denied any knowledge of individuals leaving early without proper
authorization. The one person who stated this occurred had no evidence or specific instances to support the claim.

Interviews of six (6) of the SRQ ATCSs identified in the OSC referral letter were conducted with an ATCS subject matter expert (SME #1) present. The SME was consulted to clarify any outstanding technical questions related to the investigation. Prior to the initiation of the investigation, [redacted] This individual was interviewed later. All seven ATCSs denied engaging in time and attendance fraud by leaving work early without proper authorization. Additionally, [redacted] who processes time and attendance was interviewed and denied any knowledge or suspicion of time and attendance fraud by any employee.

All of the SRQ ATCSs explained that they use the Cru-X database to track time and attendance and shift position data. The Cru-X software system is used to track time and attendance, labor distribution reporting, and shift data for its employees. As evidence of the allegations, one of the whistleblowers provided OSC with a document entitled “Other Duties Report” (which appears to have been generated out of Cru-X) related to only one ATCS from SRQ, despite seven ATCSs from SRQ being named by the whistleblowers in the referral. The “Other Duties Report” identifies the ATCS as working “non-position operational” duty assignments during their shifts at an Air Traffic Control facility, meaning the ATCS is not on position and controlling air traffic.

According to the whistleblower, “SRQ Air Traffic Control Specialists rarely perform non-positional operational duties for longer than 90 minutes and computer-based instruction occurs no more than once a month for at most an hour.” An ATCS SME interviewed by AXI (SME #2), however, contradicted this assertion. The “Other Duties” task list captures a variety of activities and varies from facility to facility. The Cru-X software technician for each facility is responsible for identifying and selecting what specific tasks fall under the “Other Duties” listed within Cru-X for that facility. A non-positional duty assignment may include tasks such as being in “Training”—the SRQ task list includes five different types of training, not just computer-based training—but also other duties as determined by each facility. There is no uniform “Other Duties” task list across all FAA Air Traffic Control Facilities, and the task list at each facility may or may not be regularly updated or reviewed. For SRQ, there are 14 tasks available as “Other Duties” available within Cru-X. These are all legitimate tasks which an employee may perform, including training, work on union or labor matters, administrative duties, providing briefings, and other tasks. SME # 2 explained that these tasks may take more than 90 minutes at a time, and that even computer-based training alone—putting aside the other trainings listed under “Other Duties” in Cru-X—typically take more than 60 minutes per month. Other “Training” status tasks include such activities as reviewing printed FAA orders and manuals, attending in-person workshops and training, or receiving trainings/briefings from supervisors.

Finally, no information was found in the Cru-X system itself indicating time and attendance fraud by any of the seven ATCS identified by the whistleblowers. In this regard, however, AXI
AXI includes this discussion, however, to demonstrate that it did consider pursuing all potential sources of information for purposes of this investigation.

In sum, this investigation disclosed no information to corroborate allegations that any of the seven Air Traffic Control Specialists identified by the whistleblowers engaged in time and attendance fraud, or regularly left the facility without proper authorization, resulting in the SRQ Tower being understaffed during high-traffic periods at the airport. As such, there are no recommendations for corrective action.

**Investigation Methodology**

The investigation was conducted under the authority of the FAA Administrator in accordance with 49 U.S.C. Section 40113, Title 14 C.F.R. Part 13, and FAA Order 1100.1, and by delegation of authority from the Department’s General Counsel.

Investigative Team:

- [Redacted], Special Agent, Special Investigations Branch, AXI-220
- [Redacted], Special Agent, Special Investigations Branch, AXI-220

AXI analyzed records, FAA guidance, policy, regulations, orders, notices, memorandums, and facility security databases. In addition, interviews were conducted with fourteen (14) ATO employees, one (1) ATO manager, and two (2) subject matter experts.

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1 The tower facility at Sarasota is owned by the Sarasota-Bradenton International Airport.