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July 15, 2010

The President  
The White House  
Washington, D.C. 20500

Re: OSC File No. DI-09-1281

Dear Mr. President:

Pursuant to 5 U.S.C. § 1213(e)(3), the Office of Special Counsel (OSC) is forwarding to you an agency report concerning disclosures received from Mr. Miguel A. Perez, an air traffic controller with the Department of Transportation (DOT), Federal Aviation Administration (FAA), San Juan Combined En-Route Radar Approach Control (CERAP), Carolina, Puerto Rico. Mr. Perez, who consented to the release of his name, alleged that CERAP management compromised aviation safety by implementing new flight routes without adequately training the air traffic controllers.

On May 1, 2009, pursuant to 5 U.S.C. § 1213(c) and (d), OSC requested the Honorable Ray LaHood, Secretary of Transportation, to conduct an investigation. Secretary LaHood tasked DOT's Office of Inspector General and FAA's Air Traffic Oversight Office with conducting the investigation. On April 27, 2010, Secretary LaHood submitted an agency report to OSC. Mr. Perez provided comments on the report pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), OSC is now transmitting the agency report and Mr. Perez's comments to you.

The agency report did not substantiate Mr. Perez's allegations finding that CERAP management conducted sufficient training for air traffic controllers prior to the implementation of revised flight routes. OIG determined that each CERAP air traffic controller specifically received satisfactory training on the West Atlantic Route System (WATRS) airspace redesign. Contrary to Mr. Perez's allegation that CERAP management provided insufficient airspace redesign training, the agency report concluded that air traffic controllers received multiple briefings, and classroom training amounting to eight hours for en-route controllers, and four hours for approach controllers. Additionally, CERAP management administered four hands-on training scenarios with air traffic controllers. Finally, following the implementation of the WATRS, CERAP management assigned training personnel to work alongside air traffic controllers for approximately one week. In sum, the agency report concluded that these measures constituted sufficient training on new flight routes.

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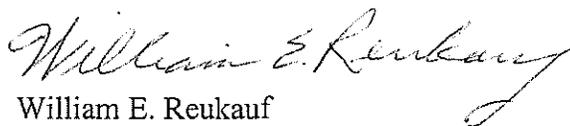
Furthermore, the agency report found that the two near mid-air collisions, cited by Mr. Perez as evidence of insufficient airspace redesign training, were unrelated to a lack of training. The first near mid-air collision occurred because an air traffic controller knowingly failed to post the required flight progress strips showing the location and design of an aircraft. The second incident was the result of an air traffic controller's failure to activate a flight plan and initiate a proper air traffic search. Neither of these errors stemmed from a deficiency in training.

Pursuant to 5 U.S.C. § 1213(e)(1), Mr. Perez had an opportunity to review and comment on the report. Mr. Perez expressed frustration about "how the bureaucracy manipulates the system to make things look good" regarding the agency's air traffic control training efforts. He emphasized the importance of sufficient training for air traffic controllers, particularly now that the agency is implementing new technology and modernization initiatives, including NextGen.

OSC has reviewed the original disclosures, the agency report, and Mr. Perez's comments. Based on that review, we have determined that the agency report contains all of the information required by statute, and that its findings appear to be reasonable.

As required by 5 U.S.C. § 1213(e)(3), OSC has sent copies of the agency report and Mr. Perez's comments to the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation, and the Chairman and the Ranking Member of the House Committee on Transportation and Infrastructure. OSC has also filed copies of the agency report and Mr. Perez's comments in our public file, which is available online at [www.osc.gov](http://www.osc.gov), and closed the matter.

Respectfully,



William E. Reukauf  
Associate Special Counsel

Enclosures