



U.S. OFFICE OF SPECIAL COUNSEL  
1730 M Street, N.W., Suite 218  
Washington, D.C. 20036-4505  
202-254-3600

**Analysis of Disclosures, Agency Investigation and Reports,  
and Whistleblower Comments**

**OSC File Nos. DI-08-0591 and DI-08-1696**

**Summary**

Vincent Sugent, a senior Air Traffic Controller at the Department of Transportation (DOT), Federal Aviation Administration (FAA), Detroit Metropolitan Airport (DTW) Air Traffic Control Tower (ATCT), Detroit, Michigan alleged that DTW management operated an air traffic approach and departure configuration known as the "Southwest Flow" in an unsafe manner and in violation of FAA policy. Mr. Sugent, who consented to the release of his name, also alleged that management guidance to controllers for directing traffic on an airport taxiway was contradictory and confusing. Finally, Mr. Sugent alleged that FAA managers provided false information to Senator Carl Levin in response to an inquiry about the safety of the Southwest Flow.

The Office of Special Counsel referred Mr. Sugent's allegations to the Honorable Mary Peters, former Secretary of Transportation, on March 12, 2008, and May 20, 2008.<sup>1</sup> Secretary Peters delegated the authority to conduct the investigation to the Honorable Calvin L. Scovell, III, DOT Inspector General (OIG). OSC received a report dated June 10, 2009 from the Honorable Ray LaHood. The OIG investigation substantiated nearly all of Mr. Sugent's allegations. OSC received a supplemental report on September 23, 2009, and a second supplemental report on February 1, 2010. OSC received Mr. Sugent's comments on the report and supplemental reports. After review of the report and Mr. Sugent's comments, OSC finds that the agency's reports contain all of the information required by statute and that the findings of the agency head appear reasonable.

**The Whistleblower's Disclosures**

***OSC File No. DI-08-0591***

**The Southwest Flow**

Mr. Sugent alleged that air traffic controllers (controllers) were concerned about the flight operations on intersecting runways when the airport runs a configuration known as the Southwest Flow.<sup>2</sup> The Southwest Flow occurs when FAA Management officials direct

---

<sup>1</sup> OSC referred the allegations to Secretary Peters in two separate matters, DI-08-0591 and DI-08-1696. The agency elected to combine the allegations for reporting purposes.

<sup>2</sup> DTW operates six runways. There are four parallel runways which are referred to as runways 22R, 22L, 21R, and 21L, when operating to the south. There are two intersecting runways: Runway 27R runs east/west, intersecting runways 21R and 22L; runway 27L intersects 21L, and intersects the flight paths of aircraft on the remaining parallel runways. A diagram of the airport is attached for reference.

controllers to land flights on runway 27L, while departing flights on runway 21R and/or 22L. Mr. Sugent expressed concern because the established weather minima are not sufficient, wind parameters are not adequate, and guidance for spacing of aircraft is insufficient. Although these factors alone do not make the Southwest Flow inherently unsafe, it is the frequent and unpredictable event, such as where a pilot misses an approach, or must execute a "go-around" because of wind or mechanical difficulties, that puts controllers in the difficult position of quickly issuing instructions to pilots to alter their headings or turn immediately in order to maintain separation. Controllers regularly questioned the operation and sought additional guidance not provided in written notices. Mr. Sugent alleged that controllers have not received adequate guidance and have continuing concerns about running the Southwest Flow.

On August 14, 2007, FAA's Air Traffic Safety Oversight Services (AOV) conducted an audit at DTW. The audit team found that the Detroit Air Traffic Control Tower was not in compliance with FAA Order 7110.65, Air Traffic Control, Paragraph 3-9-8, which provides specific guidance for operations on intersecting runways.<sup>3</sup> AOV notified the facility of the noncompliance during the audit, and reported the matter to ATO Safety on August 29, 2007. Specifically, the audit team observed that on a regular basis, controllers were departing one aircraft while another was crossing the landing threshold of a runway with an intersecting flight path. Controllers were not giving control instructions to aircraft to ensure separation. The audit team also reviewed the corresponding local directive, DTW 7110.9A, dated June 8, 2006, and found that it did not state clearly that operations of this nature must be run dependently, and that they did not give instructions for rejected landings.

#### Statements to Congress

In June 2007, Mr. Sugent, on behalf of the National Air Traffic Controllers Association (NATCA), contacted Senator Carl Levin, to inform him of safety concerns over air traffic procedures utilized at DTW, including the difficulties associated with the Southwest Flow. Mr. Sugent cited the lack of written clarification, as well as the conflicting verbal responses given to controllers when they asked FAA Management officials about the application of procedures for intersecting runways and flight paths. Senator Levin made inquiries to FAA. In September 2007, Barry D. Cooper, Regional Administrator, Great Lakes Region, FAA, responded in writing to Senator Levin, stating that:

It should be noted also that we have had personnel from the office of Air Traffic Safety Oversight Service (AOV) visit the facility to observe this particular operation. AOV did not find this operation to be unsafe.

---

<sup>3</sup> This order requires the separation of departing aircraft from aircraft using an intersecting runway, or a nonintersecting runway when the flight paths intersect, by ensuring that the arrival aircraft is clear of the landing runway, completed the landing roll, and will hold short of the intersection, pass the intersection, or has crossed over the departure runway.

It is not stated in the letter that DTW had been found non-compliant in its operation of the Southwest Flow thirty days prior, or that the issue had been briefed to the facility. Mr. Sugent alleged that this response to Congress was inaccurate and misleading.

*OSC File No. DI-08-1696*

Guidance for Segregation of Jet and Propeller Aircraft

Mr. Sugent alleged serious safety concerns regarding the guidance provided to controllers for jet and propeller aircraft departures. Specifically, he disclosed that at DTW, all jet and propeller aircraft are segregated by altitudes and headings. The propeller aircraft are initially assigned the lower of the altitudes (4000') and issued headings further to the right and left of jet aircraft (260 or 280 degrees westbound and 130 or 150 degrees eastbound). Jets are initially assigned an altitude of 10,000'. There are a number of exceptions to the jet/propeller segregation rules.

Mr. Sugent further explained that there is a 6000' propeller aircraft corridor approximately eight miles west of DTW, which runs southwest to northeast. If a jet is assigned an improper exception altitude and issued a propeller heading of 260 or 280 degrees, the jet would be climbing through the 6000' corridor into traffic, unbeknownst to the pilot and departure controller. The pilot may not switch channels to departure control soon enough for the controller to be able to avoid the other aircraft. The jet would climb much more quickly into the corridor than a propeller aircraft would.

Many of the exceptions detailed in the applicable guidance apply for only one directional flow off of the airport, so what is proper for one runway configuration, would be improper for the other. Mr. Sugent describes the controller's predicament of having to find, from any of five different podiums, flight strips that were correctly marked for one flow that are now incorrect for the new flow. This all must be accomplished before the aircraft departs the airport with the clearance, on the new flow, with a proper assigned altitude and frequency. Mr. Sugent disclosed that over the last six months prior to his disclosure, at least eight operational deviations occurred, involving a combination of incorrect headings, improper altitudes and improper strip marking. FAA Management has attempted to address these problems by changing the color of the ink on the flight strips, but Mr. Sugent maintained that this is inadequate to fully resolve the safety issue caused by the exceptions. Employee/controller suggestions to change the altitudes and headings to avoid the potential for deviations or errors have not been accepted.

Taxiway Quebec and the Northeast Flow

In addition, Mr. Sugent disclosed that a DTW Notice, DTW N7110.134, effective February 1, 2007, imposed new restrictions on the operation of a taxiway known as Taxiway Quebec. A taxiway is a link between the runway and different areas of the airport. Taxiway Quebec begins at the south end of runway 4L, and crosses the extended center-line of runway

4R, before turning to run south to north, parallel to runway 4R.<sup>4</sup> At DTW, the edge lines of the taxiway are marked and visible on ground radar screens for controllers. Center lines are not depicted on radar screens.

DTW N7110.134, which expired February 1, 2008, was incorporated into the controller manuals for both local and ground controllers and clearance delivery, despite that by its terms, the guidance applied only to ground control. The information incorporated into the local control manual did not include all of the information provided to ground control, and is therefore inconsistent. In addition, because of a recent runway closure, controllers were briefed on a runway configuration known as the Northeast Flow. When running the Northeast Flow, controllers must be prepared to issue instructions to the aircraft concerning ground travel on Taxiway Quebec, particularly at the intersection with the extended center-line of Runway 4R.

The Northeast Flow briefing included instructions to controllers as follows: "When RVR is 4000 or less and/or visibility is ¼ mile or less, traffic will be told hold short of runway 4R approach and contact southeast ground."

The ground control manual imposes a responsibility on ground control to "have the area on twy Quebec 200' either side of the RY4R extended centerline, clear of aircraft..." The manual further states that "[c]ontrollers should ensure taxiing aircraft are clear of this area from the time an aircraft is on a 1 mile final until crossing twy Q, or the pilot reports approach lights in sight. Aircraft should be instructed to 'Hold Short of 4R Approach.' This lighted sign is located 750' from the extended centerline and is depicted on the [Airport Surface Detection Equipment (ASDE)]..."

Although the language requiring the controller to keep clear 200' on either side of the RY4R extended center-line is mandatory, the remainder of the paragraph uses the non-mandatory language "should," and implies that controllers are to hold aircraft short at the 750' mark, rather than at 200'. As stated above, the local control manual does not address the 200' or 750' marks. Moreover, ground radar depicts these markers as lines, without designation for distance from the extended center-line.

Mr. Sulent explained that the non-mandatory language "[c]ontrollers *should* ensure..." (emphasis added) created confusion for controllers for several reasons. First, Taxiway Quebec is not an area of shared responsibility between local control (controllers working airborne and runway traffic) and ground control (controllers directing air traffic on taxiways). When an aircraft is traveling on Taxiway Quebec, approaching the intersection of the extended center-line of Runway 4R, it is not uniformly clear whether the aircraft is the responsibility of the local controller who is landing the aircraft, or ground control managing traffic on the taxiways. Generally, local control is responsible for arrivals and departures and

---

<sup>4</sup> The extended center-line is an imaginary line beginning at the end of the runway. It is not marked, either by lines or lights or on controllers' radar screens.

for issuing runway exiting instructions to aircraft and then directing aircraft to contact ground control for additional instructions.

Mr. Sugent suggested that either local control should direct the aircraft on Taxiway Quebec through the intersection of the extended center-line of runway 4R, and then transfer the aircraft to ground control, or ground control should have responsibility for the aircraft on the taxiway, and should request permission from local control to cross the extended center-line of the runway.

Second, Mr. Sugent alleged that the markings depicted on the controllers' radar screens are insufficient to permit controllers to comply with DTW N7110.134. Mr. Sugent suggested that either center-lines, with no edge lines, should be shown on the radar screens, or only the zone lines, which depict the 200' marks on either side of the 4R extended centerline.

Mr. Sugent alleged that the Standard Operating Procedures for running the Northeast Flow, an airport operation most likely to involve flight over Taxiway Quebec, do not contain the same restrictions as stated in DTW N7110.134, and therefore create additional confusion for controllers. This incomplete or inadequate guidance may lead to controller or pilot error, and unless corrected, presents a serious potential for runway or taxiway collisions or incursions.

### **Report of the U.S. Department of Transportation**

Former Secretary Peters delegated authority to investigate Mr. Sugent's allegations to DOT's Office of Inspector General (OIG). OIG presented investigative findings and recommendations to the Federal Aviation Administration, and FAA responded to those recommendations by Memorandum dated May 6, 2009, from Lynne Osmus, Acting Administrator. On June 10, 2009, Secretary LaHood transmitted the report to OSC.

The report substantiated nearly all of Mr. Sugent's allegations. OIG found that for a period of approximately six months, a critical segment of DTW's "Southwest Flow" operation was often non-compliant with FAA Order 7110.65, which prescribes aircraft separation standards for intersecting runways, thus allowing a potentially unsafe condition to persist. OIG also determined that for two months during the same time period as referenced above, a DTW manager knowingly allowed the non-compliant operation to occur.

The report also substantiated that DTW Manager Joseph Figliuolo and then-Staff Manager Marcia Boliard provided wording for FAA's September 2007 response to an inquiry from Senator Levin that was, at a minimum, disingenuous. The report also found that the "hold short" lines on Taxiway Quebec, and as depicted on controller monitor screens via ASDE-X, were insufficient for controllers to comply with DTW guidance for directing traffic on this taxiway. In addition, DTW's guidance and Operating Manual contain contradictory language, which creates confusion for controllers. Finally, the report found that DTW

management has not implemented necessary changes to written guidance provided to controllers for segregating jet and propeller aircraft departures.

The report did not fully address Mr. Sugent's allegation that FAA employees attached a copy of FAA Order 7110.65, Paragraph 3-9-8, to the Read & Initial sheet that controllers signed to indicate they had been briefed on the guidance changes, after the employees signed the R & I sheet. This allegation was addressed in a Technical Investigative Report provided by DOT as a part of the Supplemental Report and was not substantiated, as more fully discussed below.

One additional allegation regarding the transmission of departure procedures by controllers to pilots using published flight procedures known as Standard Instrument Departure (SID) routes was raised by Mr. Sugent during the course of the investigation. The use of SIDs enables controllers to issue abbreviated clearances, thus more efficiently controlling traffic. This allegation was addressed summarily as a part of the Technical Investigative Report.

#### Southwest Flow

The OIG investigation determined that DTW Management did operate the Southwest Flow in a manner that was non-compliant with FAA Order 7110.65, which prescribes procedures for the safe operation of runways with intersecting flight paths. DTW's non-compliance stemmed from the lack of adequate spacing between aircraft, as evidenced by at least one controller operational error, which occurred on October 17, 2007. DTW management was first notified of its non-compliance in August 2007, during an AOV audit, and later in a subsequent audit in October 2007.

The OIG investigation determined that while the non-compliance occurred from approximately May 2007 until October 2007, DTW Operations Manager Kevin Grammes *knowingly* allowed the non-compliant operation to occur from August 2007 to October, 2007. In addition, the investigation revealed that Mr. Grammes, after being informed by AOV of DTW's non-compliance in August 2007, failed to instruct Front Line Managers (FLMs) and controllers to execute the Southwest Flow in a manner which ensured compliance with the Order. In fact, DTW Management, the report reflects, several times presented controllers with inconsistent instructions and inadequate guidance for properly executing the Southwest Flow. The report states that although OIG did not find that DTW Air Traffic Manager Joseph Figliuolo was aware of DTW's continued non-compliance, as the facility manager he bears "ultimate responsibility for ensuring the facility conducts air traffic operations in compliance with FAA Order 7110.65."

According to the report, DTW discontinued the Southwest Flow in March 2008, implemented a new training program, and is standardizing controller briefings. The effectiveness of these programs has not, however, been evaluated by FAA following their implementation in March 2008. Significantly, as noted in the whistleblower comments

below, other than the cancellation of the Southwest Flow, new training and standardized briefings have not been apparent to controllers at the facility.

OIG's recommendations, which FAA agreed to adopt, include that DTW consult with ATO's Office of Terminal Safety and Operations and AOV to develop detailed procedures for the safe operation of the Southwest Flow before it is reinstated. OIG recommended that ATO conduct an audit into DTW's newly-implemented air traffic controller training program, and that FAA consider appropriate administrative action for Mr. Figliuolo and Mr. Grammes based on their respective failures to ensure that controllers received adequate training and guidance. FAA reported that Mr. Figliuolo and Mr. Grammes were counseled.

#### Misleading Statements to Congress

The investigation revealed that the representation to Senator Carl Levin in response to the Senator's inquiry into the safety of the Southwest Flow, that "AOV did not find this operation to be unsafe," was, at a minimum, disingenuous. In August, AOV visited the facility and found the operation of the Southwest Flow non-compliant with FAA Order 7110.65. In September, Barry Cooper, FAA's Great Lakes Regional Administrator, wrote to Senator Levin and stated that AOV had audited the Southwest Flow, and "did not find this operation to be unsafe." After Mr. Sugent's allegations were referred by OSC to DOT for investigation, Mr. Cooper sent written clarification to Senator Levin in April 2008, stating that his previous letter had been based on incomplete information. He clarified that DTW was not consistently compliant with "a specific safety procedure when utilizing the [Southwest Flow]."

The report states that during AOV's August 2007 audit, AOV staff briefed DTW Management that they had observed instances of non-compliance with sections of FAA Order 7110.65 governing the operation of air traffic on runways with intersecting flight paths. AOV's audit found non-compliance with this FAA Order, violations of which necessarily pose safety implications. Finally, OIG found that despite having attended the AOV briefing during which the non-compliance was discussed, Mr. Figliuolo and then-DTW Staff Manager Marcia Boliard provided the information for Mr. Cooper's response to Senator Levin, which omitted any reference to AOV's finding.

OIG recommended that FAA consider appropriate administrative action for Mr. Figliuolo and Ms. Boliard for providing information that was, at a minimum, disingenuous, and that the Acting Administrator apprise Senator Levin of the disposition of actions at DTW pursuant to Mr. Sugent's concerns and their findings and recommendations. FAA agreed and counseled Mr. Figliuolo and Ms. Boliard. Significantly, in his letter to OSC transmitting the OIG investigative report, Secretary LaHood commented that he had "reservations about the adequacy of the administrative action for the managers who failed to prepare a timely clarification of FAA's September 17, 2007, letter to Senator Levin, which they principally authored." He further stated that FAA, through these managers, "was obligated to promptly provide Senator Levin with a straightforward correction; this did not occur for almost 7 months." Secretary LaHood indicated he would ask the new

Administrator to “examine these circumstances to determine whether formal disciplinary action is warranted and to apprise [OSC] of the disposition. OSC requested additional information from DOT regarding this request.

#### Hold-Short Lines on Taxiway Quebec

OIG determined that there was confusion regarding the “hold-short” markings and signage on Taxiway Quebec. At the time of the investigation, the signage was at 750’ on either side of the Runway 4R extended centerline. The DTW Operating Manual, however, directs controllers to hold traffic short on Taxiway Quebec at 200’ on either side of the extended centerline. According to the report, neither the controllers, managers, nor Airports’ Division personnel interviewed were able to say whether one, the other, or both were required.

With regard to the differences in language between the local control and ground control chapters of the DTW Operating Manual, OIG determined that such differences were appropriate with one exception. OIG recommended a change from “should” to “shall” in the ground control chapter to comport with the word “required” in the same chapter. OIG also recommended that DTW promptly determine the correct location for all hold-short lines on Taxiway Quebec and ensure that painted lines and lighted signs are situated correctly. Further, OIG recommended that FAA modify ASDE-X in accordance with the hold-short designations. Finally, OIG recommended that DTW train controllers on hold-short requirements and that DTW, working with ATO-Terminal’s Office of Terminal Safety and Operations Support, revise Subchapter 5-7.b(11) of the ground control chapter of its Operating Manual by changing language from “should” to “shall.”

FAA concurred in the recommendations and pledged to assist in assessing all hold-short lines and lighted signs on Taxiway Quebec. In addition, FAA agreed to request that Airports and the Airport Authority bring identified deficiencies into compliance, agreed to ensure that ASDE-X is integrated with the hold-short requirements, and to conduct appropriate training.

#### Inadequate Guidance

OIG substantiated Mr. Sugent’s allegation that DTW Management has not implemented necessary changes to written guidance provided to controllers for segregating jet and propeller aircraft departures. OIG found that exceptions to segregation guidance created confusion and constituted a potential safety issue until May 2008. The investigation determined that DTW resolved its procedural deficiencies by simplifying segregation procedures and eliminating the numerous exceptions that controllers had previously found confusing. In August 2008, the new procedures were incorporated into a Letter of Agreement between DTW’s ATCT and Terminal Radar Approach Control (TRACON).

OIG recommended that AOV conduct a follow-up audit to ensure that DTW has taken sufficient action to correct the identified deficiencies. FAA concurred in these recommendations.

### Falsification of Briefing Materials

Mr. Sugent alleged that DTW officials added materials to the briefing guide presented to controllers, after controllers were briefed, in order to give the appearance that controllers had been more fully briefed than they were. This allegation was not addressed in the initial report. At OSC's request, OIG provided a more comprehensive Technical Investigative Report, which reflects that the issue was investigated and not substantiated. ATO-Safety reviewed the matter and determined that management did not provide controllers with any written guidance during the briefings in question, and OIG did not find any evidence that management attempted to contradict this finding. Nevertheless, Mr. Sugent asserts in his comments, summarized below, that he reviewed the Read and Initial binders before and after the briefings, and a copy of the relevant Order was included in the binder after the controller initials were secured.

Significantly, the investigation did determine that in November 2007, Ms. Boliard drafted a proposed version of DTW Notice 7110.151, an internal notice conveying updated procedures for operating the Southwest Flow, based on AOV and ATO-Safety's findings and recommendations. At the time, DTW management was contemplating seeking a waiver of FAA Order 7110.65, Paragraph 3-9-8, for operation of the Southwest Flow. The proposed order reflected this objective. Later, DTW management decided not to seek the waiver and never issued Notice 7110.151. Despite this, management briefed FLMs and controllers on the proposed order, creating unnecessary confusion. Following this, DTW management attempted to clarify the proper operation of the Southwest Flow, but AOV found in March 2008, that FLMs and controllers remained confused. The investigation concluded that there was much confusion regarding the briefings and the proper procedures for operating the Southwest Flow.

### The Supplemental Reports of the Department of Transportation

At OSC's request, DOT provided supplemental information regarding the findings and corrective actions proposed. First, OSC requested whether or not, in reference to the finding that FAA managers (Mr. Figliuolo and Ms. Boliard) failed to prepare a timely clarification of FAA's September 17, 2007, letter to Senator Levin, the Administrator re-examined the circumstances to determine whether formal disciplinary action was warranted, as requested by Secretary LaHood in his letter to OSC dated June 10, 2009.

DOT responded, in September 2009, that the matter was under active review. DOT further represented that "we will provide you a status report at the end of October should the matter not be completed by that time." OSC did not receive a status report, and therefore, in January 2010, requested an update regarding the Secretary's request to the Administrator. By letter dated February 1, 2010, from Judith S. Kaleta, DOT Assistant General Counsel for General Law (the second supplemental report), OSC was advised that the employees' manager re-examined the circumstances surrounding the incident and determined that the original counseling she provided was appropriate and that no further disciplinary action is necessary.

The initial report recommended that ATO's Office of Safety and Office of Terminal Safety and Operations Support complete an audit report by June 30, 2009. FAA concurred in this recommendation. OSC requested whether or not the audit had been completed. DOT's supplemental report stated that the audit would not be completed because the facility had instead elected to cease use of the runway configuration in question.

The first supplemental report also clarified the form and status of the corrective actions recommended by OIG and agreed to by FAA as set out in its May 6, 2009, memo. DTW Air Traffic Managers (ATMs) provided further follow-up after the May 6, 2009, memo to members of the management team and operational personnel. This follow-up consisted of a specific prohibition on conducting the Southwest Flow operation. OIG recommended, and FAA agreed that AOV would conduct an audit of actions taken in response to the OIG report. A reference to this audit is also contained in the letter to Senator Levin dated August 11, 2009. DOT's supplemental report stated that a follow-up audit by AOV was planned for October 2009, and that a report from this audit would be prepared and provided to OIG upon completion, and forwarded to OSC. Again, OSC did not receive the audit report and in January 2010, requested additional information. The second supplemental report stated that the audit was conducted in November 2009, and that AOV is currently finalizing its report. The report is expected to be complete "in the very near future." As of the date of this transmittal, OSC has not received the audit report.

The first supplemental report further clarified the training expected to be conducted pursuant to the OIG's recommendations and FAA's representations. DTW Support Manager for Training and Quality Assurance Earl Grand advised OIG on September 3, 2009, that for approximately one year, contract personnel of Raytheon have been conducting new employee training and most verbal briefings for all of Detroit's operational personnel, i.e., TRACON and Tower controllers and supervisors. This was implemented in order to standardize the consistency of the verbal briefings received by operational personnel.

Included with the first supplemental report was a copy of the Technical Investigative Report discussed above. It contains an expanded discussion of the findings and conclusions of the OIG investigation. It more specifically discusses the explanations provided by the subject officials, Mr. Figliuolo, Mr. Grammes, and Ms. Boliard, for their actions in running the Southwest Flow after AOV found the facility non-compliant with FAA Order 7110.65, and in making misleading statements to Senator Levin.

### **The Whistleblower's Comments**

Mr. Sugent provided comprehensive comments on the agency's report and supplemental reports. Generally, Mr. Sugent was pleased with the substantiation of managerial misconduct, but has concerns over how the issues were addressed; specifically, with regard to the deliberate lying, misleading, or being disingenuous, however it is described. He also provided specific comments with regard to each of the allegations.

Mr. Sugent states that in the May 6, 2009, memo from FAA to OIG in response to the report, it is stated that management "misunderstood" the AOV verbal out briefing, and it was not until management received the AOV October 2007 written response that they realized that it differed from the August verbal briefing. Mr. Sugent states that he finds it odd that nowhere in any of the documents received does it state when DTW management received or had knowledge of the AOV written response. In August 2007, after AOV left the facility, management began verbally briefing controllers on how to "hit gaps," (the same term used by Mr. Cooper in his letter to Senator Levin) when departing runway 21R over the runway 27L arrivals. Mr. Sugent points out that this is exactly one of the non-compliant issues that AOV verbally briefed to the facility in August 2007. He is at a loss as to what management misunderstood. Assuming management did misunderstand, he calculates that DTW management must have had the memorandum from AOV summarizing the August briefing by early October. So, as of approximately October 4, 2007, DTW management knew of the AOV written response and did nothing to address their "newly discovered information" until after the ATO-S October 17, 2007, visit. Mr. Sugent believes that the facility ultimately suspended the Southwest Flow because they got caught not complying with the August 2007, AOV briefing and AOV's October 2007 written response. He asserts that management's reaction was to suspend the flow and blame the situation on controller's not hitting the gaps, and then to issue a series of contradictory and confusing "clarifications."

Mr. Sugent points out that in FAA's response to OIG, it is stated that, "The Director of Operations for Central Service Area counseled the DTW Manager. Closer supervision was provided by monthly reports through November 2008, followed by quarterly reports to the Director." The OIG report states that "the Southwest Flow was discontinued in March 2008 because the corrective measures could not assure compliance with FAA Order 7110.65," and "as reflected in a follow-up AOV audit in March 2008, as well as information related to us during numerous interviews, considerable controller confusion resulted due to incomplete or inaccurate briefings...." There are other references to the March 2008 discontinuation of the Southwest Flow as well.

This is important because in July 2008 three B747's were departed off of runway 22 left with no regard to the runway 27 left arrivals and were initially classified as operational errors. This date falls within the March 2008 discontinuation date and the "monthly reports through November 2008" provided to the Director of Operations for Central Service Area dates. Between August 2008 and October 2008, Mr. Sugent states, he received documents that not only contradict the findings of this investigation, but call into serious question what sort of counseling and closer supervision was provided to Mr. Figliuolo by the Director.

Mr. Sugent further states that he showed clearly in video playbacks that a runway 22L departure is just as unsafe as a runway 21R departure when an aircraft goes around on runway 27L, if not more so. Management has attempted to draw a distinction between dependent (departing runway 21R when arriving 27L) and independent (departing 22L, arriving 27L), without providing any guidance or official definition of dependent vs.

independent. Nevertheless, neither the report nor the technical report addressed this particular safety issue.

Mr. Sugent states that controllers were briefed in August but that there was no mention of FAA Order 7110.65, paragraph 3-9-8 or 3-10-4, nor any accompanying documentation. During the briefing, controllers asked for a copy of what they were briefed on and supervisors were unable to comply. Later, when ATO-Safety showed Mr. Sugent the guide and its contents, paragraph 3-9-8 was in the guide. He notes his concern with the investigative findings on this issue.

Mr. Sugent makes further observations regarding management's level of understanding of the AOV briefing, in consideration of their actions in connection with operational errors and briefings to controllers following the AOV August 2007 visit. He also observed that the punishment for management's acts should not consist of just counseling and direction. He states that fraud, intentionally misleading a Senator, endangering the flying public and dereliction of duty should carry greater punishment. Instead of removal, demotions and separation, Ms. Boliard was made manager of another facility, Mr. Grammes was laterally transferred to the TRACON and Mr. Figliuolo was given a 120-day detail in Washington, D.C. and allowed to return to the facility as the air traffic and Michigan HUB manager. To most, this detail would normally be seen as career progression and a benefit rather than a punishment. He concludes that controllers deserve better leadership and the flying public deserves job performance and competency of management officials.

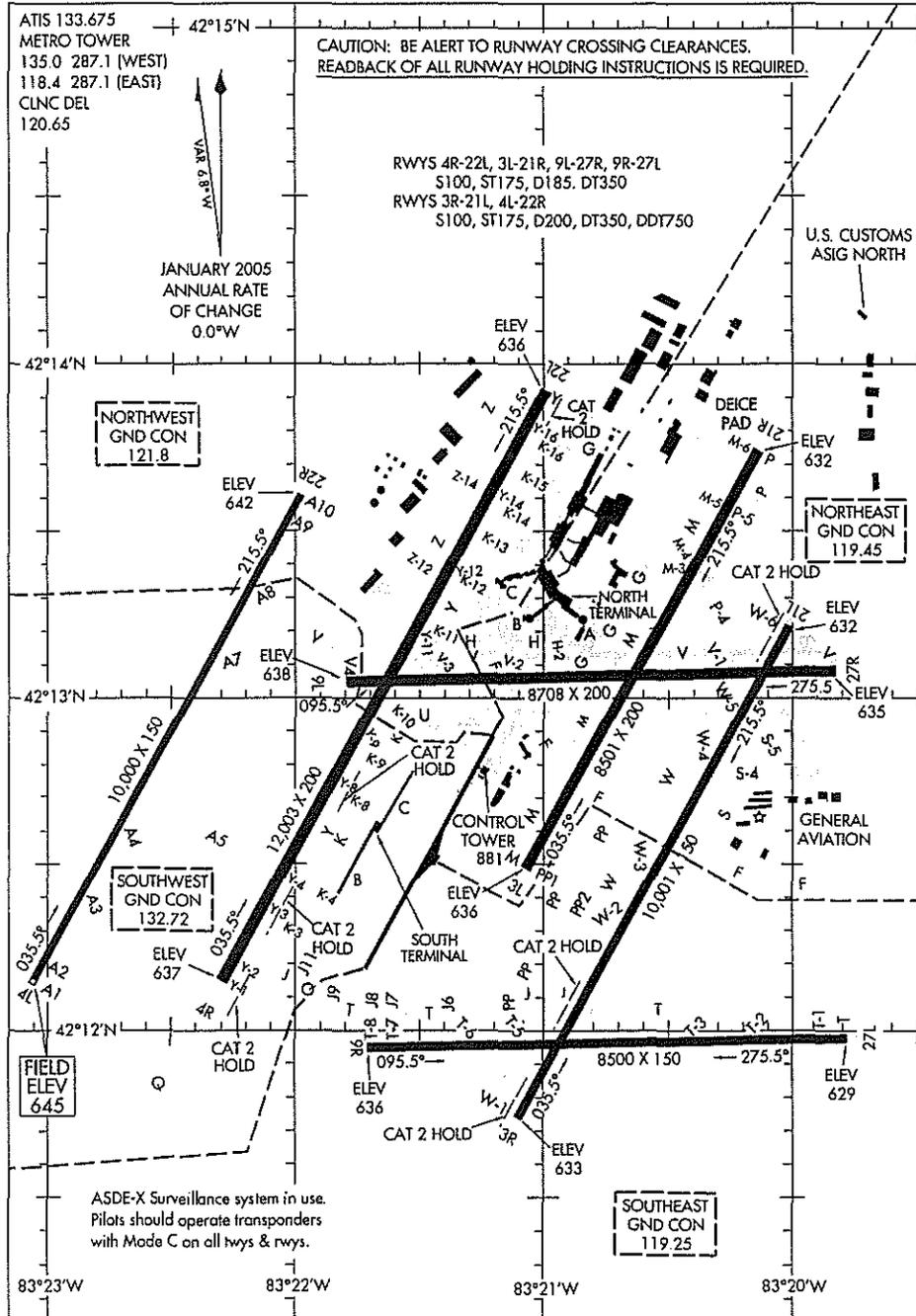
### **Conclusion**

Based on our review of the original disclosures, the agency's report and supplemental reports, and the whistleblower's comments, OSC has determined that the agency's reports contain all of the information required by statute and the findings appear to be reasonable.

08045

# AIRPORT DIAGRAM

DETROIT METROPOLITAN WAYNE COUNTY (D'T'W)  
AL-119 (FAA)  
DETROIT, MICHIGAN



EC-1, 14 FEB 2008 to 13 MAR 2008

EC-1, 14 FEB 2008 to 13 MAR 2008

# AIRPORT DIAGRAM

DETROIT, MICHIGAN  
DETROIT METROPOLITAN WAYNE COUNTY (D'T'W)

08045