



Federal Aviation Administration

Memorandum

Date: September 14, 2012

To: Terrence Carlson, Acting Assistant General Counsel
for General Law (C-10)

From:  H. Clayton Foushee, Director, Office of Audit and Evaluation, AAE-1

Subject: Response to the U.S. Office of Special Counsel (OSC) email dated
September 11, 2012, regarding Westchester Air Traffic Control Tower
(ATCT), Referral #DI-12-1960

This Memorandum responds to a September 11, 2012, e-mail from Karen Gorman at the U.S. Office of Special Counsel, requesting supplemental information to our Report of Investigation (ROI) dated August 13, 2012. Her request pertaining to matters at the Westchester Air Traffic Control Tower (ATCT) related to OSC disclosure DI-12-1960 states, *“The report states that disciplinary actions are being taken; we expect additional information on this section identifying the disciplinary actions planned or taken and identifying the involved individuals.”* This disclosure was referred to the Department on April 25, 2012. The Department transmitted its response and our ROI to OSC on August 27, 2012.

As an update to the ROI, FAA is issuing 16 letters of reprimand (LORs) to controllers, including [REDACTED], who used electronic devices or texted in the tower, in violation of FAA policy. We began issuing the letters on September 13, 2012, and will finish on September 17, 2012. Additionally, FAA issued 4 proposed notices of suspension, ranging from one to three days suspension, for the three supervisors and one manager who improperly allowed controllers to use electronic devices and their cell phones to text in the tower cab.

See *Attachment A* for a list of individuals receiving disciplinary action for failing to comply with FAA policy by using cell phones or electronic devices in an operational area, or who failed to ensure that individuals they supervised complied with FAA policy regarding the use of cell phones and electronic devices in an operational area – specifically, the tower cab.

Attachment A

Disciplinary Actions at Westchester Air Traffic Control Tower

- **Letters of Reprimand (LOR) will be issued between September 13-17, 2012 to the following controllers for violating FAA policy regarding the use of cell phones and electronic devices in the tower:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
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- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.



- **Notices of Proposed Suspension were issued to the following individuals between September 13, 2012 and September 17, 2012 for failing to enforce FAA policy:**

1. Frontline Manager (FLM) [redacted] – 3 day proposed suspension
2. Acting Air Traffic Manager (AATM) [redacted] – 3 day proposed suspension
3. FLM [redacted] – 1 day proposed suspension
4. FLM [redacted] – 3 day proposed suspension