



DEPARTMENT OF THE AIR FORCE

WASHINGTON, D.C. 20330-1000

USDSC HQ DC '14SEP

OFFICE OF THE GENERAL COUNSEL

SAF/GC  
1740 Air Force Pentagon  
Washington, DC 20330-1740

SEP - 4 2014

The Honorable Carolyn Lerner  
Special Counsel  
United States Office of Special Counsel  
1730 M Street N.W., Suite 300  
Washington, DC 20036-4505

Re: Office of Special Counsel File No. DI-14-1820

Dear Ms. Lerner:

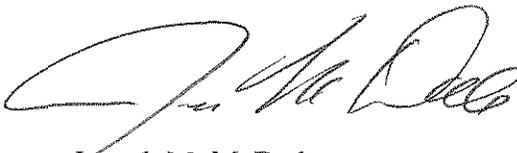
As agency head, the Secretary of the Air Force has delegated to me her authority to review, sign and submit to you the report required by Title 5, U.S.C. Section 1213(c) and (d). I am responding to your April 7, 2014 correspondence, referring for investigation whistleblower disclosures from Ms. Tammy Schlarf, a human resources officer at Grissom Air Reserve Base (Grissom), Indiana. You requested that the Air Force investigate Ms. Schlarf's allegations that Grissom management "may have engaged in conduct that constitutes a violation of law, rule or regulation, gross mismanagement and a gross waste of funds" by directing "its civilian air traffic controllers (ATCs) to staff the base's Control Tower and Radar Approach Control (RAPCON)" facility when military planes are not flying. According to Ms. Schlarf and OSC, this staffing results in ATCs earning "overtime, weekend and holiday pay without performing any job duties, as their sole responsibility is to support and direct military aircraft."

The investigation did not substantiate the allegations. The investigation revealed that Grissom ATCs provide Control Tower and RAPCON air traffic control services to both military and civilian aircraft during the course of their daily duties, to include weekends and holidays. Grissom participates in the National Airspace System, providing complementary air traffic control services to the Federal Aviation Administration (FAA) for a large swath of Indiana. This is consistent with both FAA's statutory framework and DoD policy and serves both a commercial as well as a National Defense mission. Grissom also partners with multiple civilian airports to provide air traffic control services and has responsibility for two Military Operating Areas in which the Air National Guard and other military units conduct training exercises. The evidence indicates that Grissom air traffic control operations (including the Control Tower and the RAPCON facility) are manned in accordance with standard Air Force Personnel and Air Force Reserve Command manning guidance. Moreover, there is no evidence to support that air traffic control personnel are being unnecessarily scheduled to work overtime, federal holidays or weekends. In sum, the investigation revealed no violations of law, rule or regulation, gross mismanagement or gross waste of funds.

I am enclosing two versions of the report of investigation. The first contains the names of witnesses and is for your official use. I understand you will provide a copy of this report to the President and the House and Senate Armed Services Committees for their review and to Ms. Schlarf. The second is a redacted version, which I request that you use for public release.

We appreciate your efforts to bring this matter to our attention. If the Air Force can be of any further assistance, please contact Mr. David Thomas, Assistant Deputy General Counsel for Fiscal, Ethics and Administrative Law, at (703) 697-2687 or david.l.thomas146.civ@mail.mil.

Sincerely,



Joseph M. McDade  
Principal Deputy General Counsel

Attachments:

1. Report of Investigation
2. Redacted Report of Investigation



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

AMS:10

Office Of The General Counsel

September 5, 2014

SAF/GCA  
1740 Air Force Pentagon  
Room 4C934  
Washington D.C. 20330-1740

Catherine A. McMullen  
Chief, Disclosure Unit  
United States Office of Special Counsel  
1730 M. Street, N.W., Suite 218  
Washington D.C. 20036-1505

Re: Office of Special Counsel File No. DI-14-1820

Dear Ms. McMullen:

On September 5, 2014, the Air Force delivered its Report of Investigation (ROI) for the above-referenced matter to your office. In his letter, the Principal Deputy General Counsel, with delegated authority from the Secretary of the Air Force, explained that a redacted version of the ROI was included for purposes of your public disclosure requirements.

The redactions made in this ROI were of the names of witnesses with the exception of the whistleblower.<sup>1</sup> The duty titles or position titles were substituted for redacted names. The purpose of removing personally identifying information of the individuals/witnesses was to protect them from an unwarranted invasion of personal privacy which could result in harm, embarrassment, inconvenience, or unfairness. The redactions/substitutions do not change the substance of the ROI. Because the alterations are immaterial to the meaning of the evidence, the law, the analysis and the conclusions, the attached redacted report for public release is substantively identical to the unredacted version.

Our request for these redactions is based on exemptions 6 and 7(C) of the Freedom of Information Act (FOIA). See 5 U.S.C. §552. Both exemptions protect from public release information that would amount to an unwarranted invasion of personal privacy. To determine whether the information falls under either exemption, the agency conducts a balancing test that weighs the privacy interests of the individual versus the public's interest in the disclosure. If the balancing test favors the public, the information must be released. If it favors the individual, however, the FOIA prohibits the release. The Air Force has conducted this balancing test with respect to the names of witnesses and other individuals named in the ROI. The witnesses and certain other named individuals have a reasonable expectation of privacy in the information

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<sup>1</sup> According to correspondence with your office, the whistleblower consented to the release of her name.

presented in the ROI. Further, disclosure of their names or other identifying information would not benefit the general public in that the specific identity of the individuals need not be revealed in order for the reader of the redacted report to understand the relevant facts. That is, the redacted information does not in and of itself reveal anything regarding the operations or activities of the Air Force, or the performance of its statutory duties. In our view, the individuals' probable loss of privacy outweighs the public interest in knowing the names of the individuals or other personally identifiable information. Therefore, the names redacted are done because the FOIA, and by implication 10 U.S.C. § 1219(b), requires it.

Our request for these redactions is also based upon the Privacy Act which prohibits disclosing personal information to anyone other than the subject of the record without his or her written consent (unless such disclosure falls within one of the Privacy Act exceptions not applicable herein). *See* 5 U.S.C. §552a.

With regard to the copy of the ROI sent to the whistleblower, we understand that, under OSC policy, the whistleblower receives an unredacted version of the ROI to which we express no objection.

For your convenience and internal use, the Air Force has attached a witness/name legend to the redacted version. Thank you for your consideration of this request. If you have any questions regarding this request, please contact Deborah Gunn at 703-695-4435 or by email at [deborah.k.gunn.civ@mail.mil](mailto:deborah.k.gunn.civ@mail.mil).

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Thomas", with a long horizontal flourish extending to the right.

DAVID L. THOMAS  
Assistant Deputy General Counsel  
(Fiscal, Ethics and Administrative Law)

# REPORT OF INVESTIGATION

OSC File No. DL-14-1820

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## INFORMATION INITIATING THE INVESTIGATION

By letter dated April 7, 2014 and signed by the Special Counsel, the Office of Special Counsel (OSC) referred to the Secretary of the Air Force for investigation a whistleblower disclosure case (OSC File No. DI-14-1820) alleging that employees at the Department of the Air Force, Grissom Air Reserve Base (ARB), Indiana, “may have engaged in conduct that constitutes a violation of law, rule, or regulation, gross mismanagement and a gross waste of funds.” The whistleblower, Tammy Schlarf,<sup>1</sup> is the human resources officer (HRO) at Grissom ARB.<sup>2</sup> According to OSC, Ms. Schlarf disclosed that “when military planes are not flying, Grissom ARB management continues to direct its civilian air traffic controllers (ATCs) to staff the base’s Control Tower and Radar Approach Control (RAPCON). As a result, ATCs earn overtime, weekend and holiday pay without performing any job duties, as their sole responsibility is to support and direct military aircraft.” After review and based on the information disclosed by Ms. Schlarf, OSC “concluded that there is a substantial likelihood that the information Ms. Schlarf provided to OSC discloses a violation of law, rule or regulation, gross mismanagement, and a gross waste of funds.” In its letter, OSC noted, “where specific violations of law, rule, or regulation are identified, these specific references are not included to be exclusive.”

## OSC SUMMARY OF DISCLOSURE INFORMATION

According to the OSC Referral Letter, Ms. Schlarf provided the following information to OSC:

- (1) Ms. Schlarf disclosed that when military aircraft are not flying, Grissom ARB management continues to direct its civilian air traffic controllers (ATCs) to staff the base’s Control Tower and Radar Approach Control (RAPCON). As a result, ATCs earn overtime, weekend, and holiday pay “without performing any job duties, as their sole responsibility is to support and direct military aircraft.”
- (2) According to OSC, “Grissom ARB is a joint use civil airport and military base which hosts the 434<sup>th</sup> Air Refueling Wing. Ms. Schlarf has worked at the facility for 17 years and currently oversees civilian employees. Operational decisions, such as determining the need for ATCs and staffing the Control Tower and RAPCON are made by USAF Reserve personnel.” Specifically, “the Airfield Manager and Operations Group Manager are responsible for decisions with respect to staffing the duty stations that manage Grissom ARB’s air space.”

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<sup>1</sup> Ms. Schlarf, according to the OSC Referral Letter, has consented to the release of her name in conjunction with this Report of Investigation.

<sup>2</sup>Ms. Schlarf works for the 434<sup>th</sup> Force Support Squadron (FSS), in the civilian personnel office as a GS-12 HRO. She testified that she has worked as a HRO at Grissom for 17 ½ years. She is the head of civilian personnel, “in charge of the folks who do all of the civilian and ART [Air Reserve Technician] hiring, firing, performance awards, workman’s compensation, anything to do with civilian employment, I own the folks who do all of that.”

- (3) Ms. Schlarf explained that “civilian government ATCs are responsible only for directing military aircraft,” and that non-military aviation using the joint use facility at Grissom ARB “is managed by a private company.” In addition, Ms. Schlarf noted that “government ATCs will not direct civilian aircraft even in emergency situations, and in the event of an emergency with a military aircraft, Grissom ARB has specific individuals on staff designated to respond who are not regular staff ATCs.” Further, “when Grissom ARB is closed, air traffic is controlled by Federal Aviation Administration centers in Chicago and Indianapolis.”
- (4) According to OSC, “because the only responsibility of Grissom ARB ATCs is managing military aviation, when military flights are grounded there is no justifiable reason for management to staff the air Control Tower or RAPCON.” Ms. Schlarf noted that “military aircraft do not fly on federal holidays or on weekends.”
- (5) Ms. Schlarf disclosed that, in her position as the HRO, she “personally observed Grissom ARB Airfield and Operations Group Managers directing government ATCs to staff the [control] tower and the RAPCON during federal holidays and weekends.” Ms. Schlarf explained that “when this occurs, managers request between eight and ten ATCs for these duty stations. These individuals are eligible for overtime or holiday pay, which is paid at between one-and-a-half and double their standard pay rates, respectively. *See* 5 C.F.R. 550.” Ms. Schlarf noted that “because there are no military aircraft flying and their responsibilities do not extend to civilian aviation, government ATCs use these days to browse the Internet, read books, and watch movies while at their work stations.” Ms. Schlarf also stated that, “this practice has occurred at Grissom ARB for many years.” She explained that “discussions with military personnel indicated that this custom is not limited to Grissom ARB, but is a systemic practice throughout the Air Force Reserve Command.”
- (6) According to OSC, “Air Force Personnel Center Instructions [AFPCI] impose mandatory standards on civilian USAF employees with respect to approved overtime and holiday pay.” These instructions state “only overtime determined to be absolutely necessary to carry out the assigned mission on a timely basis will be considered for approval. *See* AFPCI 36-105.” In addition, “USAF policy states that holiday duty is only permissible when the ‘work is justified by unusual circumstances or if the maintenance of usual essential services is involved.’ *See* AFI 36-807.” According to OSC, “[b]ecause there are no military aircraft flying during these periods, government ATCs are not necessary for carrying out any assigned mission.” Additionally, Ms. Schlarf noted “because federal holidays are known well in advance, there is no justifiable reason, barring unusual circumstance, for Grissom ARB ATCs to work during these times.”

## CONDUCT OF THE INVESTIGATION

The OSC Referral Letter was forwarded for investigation through the Air Force Inspector General (SAF/IG), to the Inspector General of the Air Force Reserve Command. On April 24, 2014, two investigating officers (IOs) were appointed to conduct an investigation into the whistleblower allegations contained in the OSC Referral Letter. In the course of the OSC investigation, the IOs conducted an initial complaint analysis interview with Ms. Schlarf (Whistleblower) and thereafter interviewed 19 witnesses including the former 434 Air Reserve Wing Commander (ARW/CC); the Acting 434 ARW/CC; the former 434 Operations Group Commander (OG/CC); the 434 OG/CC; the 434 Operations Support Squadron Commander (OSS/CC); the 434 OSS Airfield Operations Manager; the 434 OSS Air Traffic Manager; the 434 OSS Air Traffic Supervisor and 11 other air traffic control specialists and support personnel.<sup>3</sup> The IOs also collected and examined relevant documentation including organizational structures, overtime reports, unit manning documents, and support agreements. Pertinent legal authorities, including applicable Department of Defense (DoD) and Air Force regulations were researched and reviewed.

The standard of proof used in determining the finding for each allegation was the preponderance of the evidence, *i.e.* was it more likely than not that the alleged violation occurred.

Pursuant to 5 U.S.C. 1213 (c), an agency is afforded 60 days to complete the required report of investigation. The Air Force has been granted an extension for its response to the OSC Referral Letter, which is now due on September 5, 2014.

## LEGAL FRAMEWORK

Laws, rules and regulations at issue are set forth below, including Federal statutes, as well as Department of Defense (DoD) and Air Force rules and regulations.

The Federal Aviation Act of 1958, 72 Stat. 731, 49 U.S.C.A. § 1301 *et seq.* [*see* 49 U.S.C.A. § 40101 *et seq.*] established the Federal Aviation Agency, later renamed the Federal Aviation Administration (FAA), and made it responsible for the control and use of navigable airspace within the United States. The FAA created the National Airspace System (NAS) to protect persons and property on the ground, and to establish a safe and efficient airspace environment for civil, commercial, and military aviation.

Under 49 U.S.C. § 106(m), the FAA Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency, with the consent of appropriate officials. The FAA Administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. Under this provision, “[t]he head of each Federal agency shall cooperate with the [FAA] Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a

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<sup>3</sup> A complete list of the witnesses interviewed is set forth in the Appendix of this Report.

Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, with or without reimbursement, supplies, personnel, services, and equipment other than administrative supplies or equipment.”<sup>4</sup>

DoD Directive Number 5030.19, *DoD Responsibilities on Federal Aviation*, (September 13, 2013) establishes DoD policy and assigns responsibilities under the statutory authorities, Executive orders, and policies relating to the Federal Aviation matters. At paragraph 1.c. the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) is designated, on behalf of the Secretary of Defense, to provide policy guidance and oversight of DoD interactions with the FAA on all NAS matters.

Air Force Policy Directive (AFPD) 13-2, *Air Traffic, Airfield, Airspace and Range Management* (7 August 2007) implements DoD Directive 5030.19. Paragraph 1 provides that “[t]he Air Force must sustain a safe and operationally relevant flying environment that promotes combat readiness. This directive supports these objectives by providing management policies governing air traffic, airfield operations, airspace use, ranges, and air operation support facilities and equipment controlled by the Air Force and Air Reserve Component.” Paragraph 1.2 states, “[t]he Air Force provides only the aviation support facilities, equipment and services needed to accomplish its flying mission, including those complementary services integrated into the national airspace system.”

Air Force Instruction (AFI) 13-204, Volume 3 (V3), *Airfield Operations Procedures and Programs*, 1 September 2010 (Incorporating Change 1, 9 January 2012), is the AFI that provides guidance on Air Traffic Control, Airspace, Airfield, and Range management and specifically managing and operating air operations (AO) facilities and training AO personnel. Within the context of this AFI, AO is comprised of Air Traffic Control (ATC) and Air Field Management (AM) services. The AFI applies to all United States Air Force (USAF), Air National Guard (ANG) and Air Force Reserve Command (AFRC) organizations that operate or administer functions in facilities in the airfield operations flight (AOF).

AFI 13-204 V3, Chapter 3 gives instructions on the *Operation of USAF Airfields*. Paragraph 3.1 defines *Controlled and Uncontrolled Airfields*. Airfields are considered controlled when the Control Tower is open. It is considered Uncontrolled when the Control Tower is closed. Paragraph 3.2 states the *Operating Requirements*. “AO [airfield operations] facilities typically operate 16-24 hours per day with the assigned personnel working rotating shifts to support the unit’s primary flying mission.” Paragraph 3.3, *Published Operating Hours*, states that, “AO facilities remain open to support the base flying mission. Radar facilities that support the National Airspace System (NAS) may require 24-hour operations. MAJCOM/A3s [Operations] establish airfield operating hours.” Paragraph 3.4.3.1 states that, “MAJCOM/A3s approve AO facility closures that result in USAF-controlled terminal airspace being permanently or temporarily returned for FAA control. This does not apply to requests for holiday closures that are 96 hours or less, which is at the discretion of the WG/CC [wing commander], with FAA

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<sup>4</sup> The respective missions of the FAA and certain DoD agencies, including the Air Force, require close collaboration to ensure the efficient and effective management and modernization of the National Airspace System. Consequently, the FAA and DoD have executed many agreements to provide one another with government services, goods, and other resources.

supporting facility concurrence.” Paragraph 3.4.3.1 requires that, “[t]he overall impact on the supporting FAA facility must be given careful consideration when requesting FAA acceptance of terminal airspace, particularly when more than one USAF location/MAJCOM requires support from the same FAA Air Route Traffic Control Center.” Paragraph 3.4.4 provides guidance on airfield closures. “MAJCOM/A3s approve airfield closures in excess of 96 hours. Airfield closures of 96 hours or less, such as holiday closures, are at the discretion of the WG/CC [wing commander], through coordination with the FAA if terminal airspace will be impacted.”

AFI 13-204 V3 Chapter 4 describes the *AO Flight Management Program*. Paragraph 4.1.2.5 discusses Letters of Agreement (LOA). “LOAs are established between USAF units or agencies on a particular base and a non-USAF agency from the base or any unit or agency from another location. Routinely, LOAs are established between a supported wing and an FAA Terminal Radar Approach Control (TRACON) or FAA Air Route Traffic Control Center (ARTCC). Guidance on format and content of LOAs is provided by FAAO [FAA Order] JO [Joint Order] 7210.3. LOAs with the FAA should be coordinated with the Air Traffic Representative (ATREP) assigned as liaison with the USAF facilities involved and reviewed by the AFREP [Air Force Representative] at the Service Area Office.” The approval authority for LOAs is at the MAJCOM level. Paragraph 4.4 provides guidance on the *AO Manning*. “AOF/CCs must closely monitor AO facility manning levels to ensure uninterrupted services are provided to support the flying mission.”

AFI 13-204 V3, Chapter 7, *ATC Facility Management and Operating Procedures*, provides guidance on ATC Staff Positions and the Chief Controller’s (CCTLR) (or civilian equivalent/Chief Controller) responsibilities. Paragraph 7.1.1.4.1 defines the key responsibilities of the CCTLR which is to “[d]etermine the minimum number of qualified controllers required for duty based on published facility hours, services required by assigned flying units and scheduled flying activities.” Paragraph 7.1.7.3.1 describes the Watch Supervisors (WS) responsibilities for all ATC facility operations (breaks, position assignments, etc.). “The WS or Senior Controller (SC) maintains situational awareness of the overall flow of air traffic operations at the facility assigned, and when applicable, on the controlled Movement Area (CMA). The WS is responsible for all ATC facility operations and services during their shift.” Paragraph 7.1.7.3.2. further states: “[i]f necessary, the WS or SC may limit or disapprove operations based on existing traffic congestion or complexity, staffing, weather or individual controller training and experience capabilities.”

AFI 13-204 V3, Chapter 7.3, *Facility Staffing Requirements*, gives the minimum staffing required for an ATC facility. Paragraph 7.3.1 describes the Control Tower manning as “[o]ne qualified watch supervisor/senior controller and one qualified controller.” Paragraph 7.3.2. provides RAPCON’s requirements -- “[o]ne qualified watch supervisor/senior controller and two qualified controllers.” Paragraph 7.3.2.2. states that, “[a]ll units must ensure additional controllers are on duty, as required, to cover periods of increased traffic activity.”

AFI 13-204V3, Paragraph 7.4.2, provides the *Hours of Duty* for ATC. “To enhance flight safety, air traffic controllers’ duty hours are restricted to ensure that they are not fatigued while performing ATC duty.” Paragraph 7.4.2.2 states that, “[a] normal shift should be 8 hours

and must not exceed 10 hours.” Paragraph 7.4.2.2. provides that a scheduled off-duty period between shifts is “at least eight hours for Civilian DoD controllers.” Paragraph 7.4.2.4 provides:

Duty time begins with the first scheduled duty, either ATC or non-ATC. Once duty time begins, it is continuous. After 10 hours of continuous duty, controllers must not perform further ATC duty. A 12-hour uninterrupted break (8 hours when unforeseen events occur and/or for non-UTC tasked DoD civilian controllers) must occur before the controller’s next scheduled duty time requiring performance of ATC duties. Controllers must have at least 24 hours of uninterrupted, off-duty time following 6 consecutive days of duty.

AFI 13-204 V3 Chapter 14, “*ATC Recurring, Review, and Supplemental Training*” requires that all “controllers must accomplish recurring training during the month indicated and/or scheduled by the NCOIC [Non-Commissioned Officer in Charge] Air Traffic Control Training (NATCT). Semi-annual training must be conducted once every 6 months and annual training must be conducted once every 12 months.”

*Air Force Reserve Command Manpower Standard (AFRCMS) 13E101*, dated 19 May 2004, “quantifies the manpower required to accomplish the tasks described in the process oriented description for minimum and post manning.” Paragraph 1 is the *Mission Statement*. “The mission of Air Traffic Control (ATC) is to control military and civilian air traffic in air space and locations assigned to each ATC facility.” Paragraph 2 indicates that AFRCMS 13E101 applies to the air traffic control mission at Grissom. “They are based on requirements established by the Federal Aviation Administration and AFI 13-203, *Air Traffic Control*.”

AFRCMS 13E101, Attachment 2, Paragraph 4 sets forth the “*Concept of Operations at Grissom ARB*.” Paragraph 4.1 spells out Grissom Control Tower Concept:

#### **4.1 Grissom Tower Concept:**

4.1.1. The Control Tower requires one Watch Supervisor (to the maximum extent possible) to support wing flying.

4.1.2. A Local Controller is required to control airborne aircraft and use of the runway.

4.1.3. A Ground Controller is required to control movement of aircraft and vehicles on the airport movement area.

4.1.4. A Flight Data Specialist is required for inter/intra-facility coordination, coordination of flight plans and activation of the crash alarm system. Normally at Grissom, Flight Data is combined with Ground Control.

4.1.5. During periods of light traffic, Local Control may be combined with Ground Control or Ground Control may be combined with Flight Data; however, Local Control and Flight Data may never be combined.

4.1.6. The above basic guidance requires a minimum of three controllers in Grissom Control Tower during published hours of operation. During periods of decreased activity, control positions may be combined and a Senior Controller concept may be authorized. Grissom Tower effectively manages manpower through these concepts during weekend hours of operation.

4.1.7. At Grissom the overhead staff is collocated within the RAPCON providing the opportunity for shared resources. This supports a collocation factor of -1 for the RAPCON in addition to the -1 factor for overhead staff proficiency training.

4.1.8. Tower Requirements at Grissom

Weekday: [manpower equation omitted] = 7

Weekend: [manpower equation omitted] = 2

Paragraph 4.2 sets out the Grissom Radar Approach Control (RAPCON) concept:

**4.2. Grissom Radar Approach Control (RAPCON) Concept:**

4.2.1. The Radar Approach Control (RAPCON) facility requires on Watch Supervisor (to the maximum extent possible) to support wing flying (published hours of operation).

4.2.2. An Approach Controller is Mandatory.

4.2.3. An Approach Assist Controller is mandatory.

4.2.4. An Arrival Controller is mandatory.

4.2.5. An Arrival Assist Controller is mandatory.

4.2.6. A clearance Delivery controller is required but usually combined with the Approach Assist position.

4.2.7. A Radar Final Control (RFC) function requires a dedicated controller.

4.2.8. Depending on complexity of traffic and workload, there are functions in this work center that can be combined to maximize resources as needed.

4.2.9. Radar (RAPCON) Requirements at Grissom:

[manpower equation omitted] = 16

Paragraph 4.3 states the Total Requirements for Grissom:

*Overhead staff = 4*

*Total Controllers for Tower = 9*

*Total Controllers for RAPCON = 16*

*Overhead Staff Proficiency Training Factor = - 1*

*Collocation Factor = -1*

*Total required = 4 + 9 + 16 - 1 - 1 = 27*

Air Force Personnel Center Instruction (AFPCI) 36-105, *Civilian Overtime*, paragraph 1 provides that “only overtime determined to be absolutely necessary to carry out the assigned mission on a timely basis will be considered for approval. (Reference 5 U.S.C. 5542, 5 C.F.R. 550.111, and AFI 36-807, *Weekly and Daily Scheduling of Work and Holiday Observances*).”

AFI 90-301, *Inspector General Complaints Resolution*, 23 August 2011, defines the following terms:

**Gross Mismanagement**—A management action or inaction that creates a substantial risk of significant adverse impact on the agency’s ability to accomplish its mission. It is more than trivial wrongdoing or negligence. It does not include management decisions that are merely debatable, nor does it mean

action or inaction that constitutes simple negligence or wrongdoing. There must be an element of blatancy.

**Gross Waste of Funds**---An expenditure that is significantly out of proportion to the benefit expected to accrue to the government. It is more than a debatable expenditure.

## SUMMARY OF EVIDENCE

### Grissom Air Reserve Base

Grissom Air Reserve Base (ARB) in Indiana is one of only five AFRC bases in the nation. In 1994, due to a Base Closure and Realignment Commission [BRAC] action, the Air Force active duty units at Grissom Air Force Base left the installation. The Air Force Reserve 434<sup>th</sup> Air Refueling Wing (ARW), which had been a tenant on the base, remained at Grissom and the installation became an Air Reserve Base. As an ARB, the Air Force Reserve acquired the responsibility to operate the base and provide essential services such as base security, fire department, command post and staffing of the Air Traffic Control Tower and Radar Approach Control (RAPCON) facility that had previously been accomplished by active duty Air Force personnel.

The ARW consists of three major organizations – the 434<sup>th</sup> Operations Group, the 434<sup>th</sup> Maintenance Group, and the 434<sup>th</sup> Mission Support Group. Three squadrons fall underneath the 434<sup>th</sup> Operations Group: the 72<sup>nd</sup> Air Refueling Squadron, the 74<sup>th</sup> Air Refueling Squadron, and the 434<sup>th</sup> Operations Support Squadron (OSS). The Airfield Operations Manager reports directly to the OSS Commander and has oversight over the Air Traffic Control Flight, which includes the Air Traffic Control Tower and the RAPCON facility.

The 434<sup>th</sup> ARW, one of the key aerial refueling units in the AFRC, is equipped with 16 KC-135 Tanker aircraft. The KC-135 aircraft is a military version of the Boeing 707 passenger jet that has the capability to refuel military aircraft while inflight. The inflight refueling capability provides the nation with the capability to project its forces globally in a rapid fashion by allowing military cargo, fighter and bomber aircraft to fly long distances, non-stop in times of national or international emergencies or contingencies.

The 434<sup>th</sup> ARW at Grissom ARB typically flies multiple daily local training missions Monday through Thursday throughout the day and into the evening hours. One weekend each month, the unit conducts local training missions during the Unit Training Assembly (UTA) drill weekend. Most all other weekends during the year, the unit generates weekend cross country training missions where KC-135 aircraft and aircrews depart on Friday or Saturday and return back to Grissom ARB on Sunday of the same weekend.

The 434<sup>th</sup> ARW is also tasked with a continuous, 365 day, 24 hours-a-day ALERT mission that requires the unit to be ready and able to launch up to two KC-135 tanker aircraft in a very limited timeframe when directed by the appropriate authorities. The 434<sup>th</sup> ARW ALERT missions are in support of the National Defense Strategic Objective of Global Reach and Global

Strike. The ALERT mission requirement requires the 434th ARW to maintain the necessary fully qualified aircrews physically present at the base on ALERT status at all times.

### **Whistleblower's Assertions**

Ms. Schlarf testified that Grissom management staffs the base Control Tower and the RAPCON facility with ATCs when the unit's military aircraft are not flying. She further testified that the staffing was done "to support the FAA and to support private entities who use our airfield like [Dean Baldwin]." <sup>5</sup> She explained that this unnecessary scheduling of ATCs results in the payment of overtime, night differential, weekend and holiday pay premiums. In her view, the sole responsibility of Grissom's civilian ATCs is to support and direct military aircraft.

Ms. Schlarf stated that she has "no idea" what the basic duties of the ATCs during their shifts when there is no activity at the base. Ms. Schlarf also stated that she has "no idea" what duties are performed by air traffic control personnel on weekends and holidays when no military aircraft are flying. She indicated that, as far as she knows, "based on the fact that there is no military flying," the Control Tower at Grissom does not have any duties or responsibilities on weekends or holidays. "I don't know what they're doing with themselves. I... the union steward, [Air Traffic Automation Specialist] <sup>6</sup> did tell me that they sit in the break room and they trip over each other. Those were her words. But then when we, I followed up on that, she denied that."

When asked if there was a specific law, rule or regulation she felt was being violated, Ms. Schlarf stated, "I'd have to look but I mean it's just basic, you don't pay people premium pay for ... you don't schedule people to work when there's no duties to be performed. I don't know that there's a regulation that says that." She further stated that, "I think its gross mismanagement if in fact we've been doing this for many years and they know that there's nothing to do. I can't say that I watched air traffic controllers sit around and play cards in the break room on a holiday. If in fact management saw them do it and was aware that they were doing it, and kept on doing it year after year, shame on them."

She also considered it a gross waste of funds. "It's the scheduling for payment of additional premiums when they're not entitled to them because there's no work to be performed. And this whole supporting of Baldwin and supporting of the FAA, we close from 11 p.m. to 7

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<sup>5</sup> According to Ms. Schlarf, Dean Baldwin is a "private industry company" that utilizes an old hangar near Grissom to paint commercial aircraft.

<sup>6</sup> [Air Traffic Automation Specialist] is a GS-12 STARS Air Traffic Automations Specialist with the 434<sup>th</sup> OSS. With regard to her role in the Air Traffic Control Flight, she stated: "I'm on staff, so I don't work in a, in the IFR [Instrument Flight Rules] room or the tower every single day. I maintain the systems that run the air traffic system. I do security checks. I change the tapes. If there is an incident, I will do a playback. I can make a CD, so someone can put it in their computer a[nd] watch the aircraft fly up to the point of the accident or whatever incident happened if they got too close or anything like that." [Air Traffic Automation Specialist] indicated that her position is a standard position at all ATC facilities. She has been at Grissom for seven years but in the automation position for one year. Prior to that she worked in the IFR [RAPCON] facility. [Air Traffic Automation Specialist] testified that she has "never worked holidays since I've been" at Grissom. Ms. Schlarf testified that [Air Traffic Automation Specialist] "is a fairly new steward for AFGE [American Federation of Government Employees]."

a.m. and they handle it all. Anything that we're doing is a convenience for them and we shouldn't be doing anything additional, above, beyond, extra without them paying for it, that's how it works. We do those MOAs and those support agreements for that reason, we get reimbursed."

## 2014 Winter Closures

In early 2014, due to severe winter weather, the base and airfield were closed for a number of days. On those days, Colonel (Col) [Former Wing Commander]<sup>7</sup> elected to allow the Air Traffic Control Tower personnel to stay home and not report to the base in the interest of their safety. However, Col [Former Wing Commander] still required the RAPCON Controllers to report for duty.<sup>8</sup> Col [Former Wing Commander] explained he wanted to put the minimum number of personnel on the road in the terrible snow and ice storm conditions.

On two of the days that the base was closed, the weather was so bad that the State of Indiana declared a State of Emergency and closed the roads. On these days, the RAPCON controllers were unable to report to work. On those two occasions, FAA's Chicago Center kept Grissom's airspace until they reopened. Chicago Center was able to handle the traffic in Grissom's airspace during those two days because the weather was so severe throughout the Central and Northeast United States that most airports closed and airlines cancelled all flights into and out of the affected areas stopping virtually all air traffic in those areas until the weather cleared.

[Acting Air Traffic Manager]<sup>9</sup> testified as follows:

At Grissom, we've been here for 20 years. There's been two occasions or one other occasion other than this year where we've actually shut down the RAPCON in 20 years because of weather. I think that year we had 15 or 16 inches of snow dump[ed] in one night. And the two situations this year that we shut the RAPCON down we had again six, twelve and half, thirteen inches of snow. The temperature dropped to 15 below zero with 37 mile an hour winds. Okay. ... They could not keep the runway open. They could not keep the roads open. We couldn't keep people, you know, once people got here, and in fact, I had two people, three people from my crew that spent the night. They got here on Sunday, and they did not leave until Tuesday. You know, because... they were snowed in."

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<sup>7</sup> Col [Former Wing Commander] is an Air Reserve Technician (ART) and at the time of his interview was a Special Assistant to the Commander. According to Col [Former Wing Commander], he has been at Grissom for almost two years and previously had been Wing Commander of the 434<sup>th</sup> Air Refueling Wing.

<sup>8</sup> The Grissom Air Traffic Control Flight (Air Traffic Control Tower and the Radar Approach Control operations) normally operates and is staffed daily, including all weekends. On Federal holidays, the airfield is closed and the Control Tower is not staffed. However, the RAPCON facility is staffed on all holidays (RAPCON is a 365 day a year requirement).

<sup>9</sup> [Acting Air Traffic Manager] is a civilian GS-13 and at the time of the investigation had been serving as the acting Air Traffic Manager with the 434<sup>th</sup> OSS/ATC since April 6, 2014. Prior to this temporary position, [Acting Air Traffic Manager] has served as a Supervisor Air Traffic Control since 1994.

We've released the airspace to Chicago on those days. There's nobody's flying. There's nobody landing at Grissom. There's nobody landing at Chicago, at Kokomo. ... versus days when Chicago Center or on holidays where it's beautiful out or whatever. There's lots of traffic, you know, on those days that Chicago Center just cannot handle that. Another thing is the base closure dates, although, you know, the base was closed from the 6<sup>th</sup> to the 8<sup>th</sup> of January, we closed the 6<sup>th</sup> of January. We were open the 7<sup>th</sup> and 8<sup>th</sup>. We were staffed the 5<sup>th</sup>. The snow started on the 5<sup>th</sup> so we [were] closed one day, and we opened up the facility on that next day, even though the base was closed for two more days. February 5<sup>th</sup> we closed on one day. The base didn't open up until the following day until 11 o'clock local. We opened upon at 0730 in the morning. We [were] here then. The base closures [were] directed by the Base Commander. We didn't want to close it because I knew we'd be right where we're at right now. That this is something we didn't want to deal with because somebody sticking their nose where it doesn't belong and they don't know what they're talking about is my personal opinion. ... The Champaign approach and the Terre Haute approach, they both closed. Champaign closed on 5 January and resumed, didn't resume operations until later the day in 6 January. Holman approach closed on 5 January. Reopened in the morning, then closed again on 6 January when the weather continued to beat them down.

As to the weather and wind chill hitting Chicago and the Midwest, [Acting Air Traffic Manager] stated that air traffic was almost shut down because the airlines were grounding their flights for safety purposes. "It's not just safety, they just physically cannot get them airborne ... because their runways aren't clean."

Col [Former Wing Commander] confirmed that on those days he declared snow and ice days, the tower ATCs did not come in, but the RAPCON controllers were still required to come to work. He indicated that because the controllers in the tower and those in RAPCON are dually qualified, if an emergency happened while the tower was closed on a federal holiday, one of the RAPCON controllers could open up the tower in an emergency basis and land the plane if absolutely necessary.

#### **February 4, 2014 Meeting**

During a meeting on February 4, 2014 with key staff members, Ms. Schlarf asked why the ATC Tower and RAPCON are staffed when unit aircraft were not flying. According to Ms. Schlarf, she was told by Col [Former Wing Commander], the 434 ARW CC at the time, that it was to support the FAA and civilian entities that use the Grissom airfield and ATC support. Ms. Schlarf testified that she "asked why [Grissom management staffs the base Control Tower with ATCs and radar approach control function when the unit's aircraft are not flying] in a meeting on the 4<sup>th</sup> of February and I was told that it was to support the FAA and to support private entities who use our airfield."

During the meeting, Ms. Schlarf raised a concern regarding Col [Former Wing Commander] decision that the controllers in the Control Tower were not required to report to

work on several of the inclement weather days when the airfield was closed and there were no unit aircraft flying. Since the ATC personnel were normally mission essential personnel, but in this instance were excused from reporting, Ms. Schlarf questioned why the ATC personnel were required to staff the Control Tower on all the other days the unit is not flying.

Ms. Schlarf spoke with Col [Former Wing Commander] about this issue and he suggested she was making a bigger deal out of it than it needed to be and that they had always done it that way in the AFRC. This response from Col [Former Wing Commander] is what triggered Ms. Schlarf to file her formal complaint. Ms. Schlarf testified that,

We had a terrible winter this year. We had many, many days where the base was closed. Obviously there was a high frustration level in the fire department, in the air traffic control because those folks had to get out in the weather even when the base was closed because they were considered mission critical. Um, we had some issues with that so it was coming up that why did we really need to be here if in fact, we weren't critical to the mission. And in that meeting on February 4<sup>th</sup> was where I first found out that indeed um, the air traffic controllers had been sent home on an early dismissal or closure and they just said we don't need you and I went whoa, the answer is that you've told me that they're critical to the mission just like the cops, just like the command post and that was when I got the answer not when we're not flying, not when the tower is closed and we were at that time, that was on the 4<sup>th</sup> of February. On the 13<sup>th</sup> of February we were having an arbitration and in that arbitration the air traffic controllers were complaining that they were getting eight hours, that they were being scheduled for only eight hours on holiday but they should be getting their full ten hours on a holiday. So my bigger question for management was if in fact I'm going to arbitration, and we're doing this battle over two lousy hours of overtime the bigger question is why are they here? Because if in fact you're telling me that there's no military flying and you can send them home on an LN [administrative leave] when everybody is excused from duty, then why are you requiring them to come in for additional pay when in fact, the same conditions exist and the tower is closed? So that was a meeting that was, we had the fire chief there, the command post was there, all of the Group Commanders, the Wing Commander, we all had this meeting to talk about, we knew there was bad weather coming in the very next day and we were talking about who really no-kidding needs to be here and that was when I confronted Col [74th Squadron Deputy of Operations]<sup>10</sup> when he said that about well you know, there's no problem with sending home the air traffic controllers. Whoa! I said then why am I going to arbitration? That Saturday, I work very few

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<sup>10</sup> Lieutenant Colonel (Lt Col) [74th Squadron Deputy of Operations] is the Operations Officer for the 74<sup>th</sup> Air Refueling Squadron, a position he has held for approximately three years. He is an ART. As the Operations Officer he is "in charge of all the flying operations for the, for our flying squadron and I run all the civilian um -- I'm the -- I am the superintendent for basically, on the civilian side in our squadron." He served as Interim Ops Group Commander for about four months in 2013 and prior to becoming the Operations Officer, he was the Operations Support Squadron for two years. As the Commander of the OSS between 2009-2011, Lt Col [74th Squadron Deputy of Operations] had oversight of the air traffic control tower. He testified that as OSS commander, he had an "Airfield Operations Manager and I basically let him manage his, his ah -- airfield." He has been at Grissom since January 1999.

UTAs [Unit Training Assembly], but once in a while they have me come in on a UTA. We had an FSS inspector in that weekend so they had me come in that Saturday. When the Wing Commander [Col [Former Wing Commander]] came down to my office because on a regular basis, he would come down to my office and we'd talk about issues. When he came down to my office on that Saturday of the UTA, I told him, I said sir, do you remember this conversation? I said that really bothers me. We're talking about some pretty serious fraud, waste and abuse when in fact you can send them home to give them the advantage of a closure in weather but yet, you're lining their pocket and that was the exact word I used, you're lining their pocket on a holiday for overtime. I said this is huge. And his response was well, I think you're making it a bigger deal than it needs to be and this is the way we've always done it in the Air Force Reserve Command. And then I ground my teeth and then I filed my IG complaint.

Ms. Schlarf further stated, “[a]nd it’s a greed thing that when I brought it up and twice in front of the Wing Commander, in that meeting with all of those folks and then in a separate discussion with him because obviously he’s not going to engage in front of all those people, I won’t do that to a Wing Commander, but in a separate discussion with him, and then have him go well that’s really not a big deal. I was upset.”

Col [Former Wing Commander] testified that, in his capacity as Wing Commander, Ms. Schlarf had come to him “with concerns over grievances filed by Air Traffic Control. ... Filed through the union. Overtime.” He indicated that the grievance did not come to him “[b]ut I did hear about it from [Ms. Schlarf]. [The union] were talking about some overtime pay. And this always seemed to happen on federal holidays. Memorial Day, the same grievance would get filed every three day federal holiday. ... And that’s the only time she ever came to me about that issue.”

Col [Former Wing Commander] acknowledged that Ms. Schlarf did make comments to him that the tower was being manned unnecessarily on weekends and holidays when the military planes were not flying. “She made comments, but I also told her we operate under joint use agreement that’s been good for 40 years that’s been signed off on.” “If you will, [Ms. Schlarf] never, formally put anything down on paper. It was just something we talked about either in her office, and she brought it up because Air Traffic Control was starting to file a lot of grievances about overtime pay. And that’s what they were doing.”

Col [Former Wing Commander] further stated that, “[i]t was a one time conversation, but I don’t think Tammy Schlarf understands the operation here. There’s just things that we have to do. We launch and recover airplanes, sometimes on weekends. It has to be there. We do control the airspace. Even though the runway is shut down, there’s no tower controller. Air Traffic Control is still running the airspace between Chicago and Indianapolis, and there’s a safety factor in that, and if, you know. She’s very good at what she does, but she’s not an Operator.” The IO asked Col [Former Wing Commander] whether he ever explained to Ms. Schlarf in more layman terms the requirements Grissom has up in the tower and that “it is more than what you can see with the naked eye.” Col [Former Wing Commander] responded that he had explained the requirements to Ms. Schlarf. “Yes. Absolutely. And we’ve had conversations about that, and,

and I think she was getting frustrated with the grievance process that was coming out, you know.”

With regard to there being a history of grievances, Col [Former Wing Commander] stated, “When I first got here, no, everything was, you know, kind of even keeled and good to go. It was probably within the last six months, and it started, I think, I’d have to go back and look at the records, but in the grievances out of HR but I think starting around the Memorial Day weekend was when it kicked in, and it happened again on the 4<sup>th</sup> of July weekend, and I think it happened again on the Labor Day weekend [in calendar year 2013].”

When asked how many times Ms. Schlarf complained, Col [Former Wing Commander] responded,

I wouldn’t call them complaints. It was more like conversations. I’d go down to civil service HR a couple times a day because things bubble up in this place all the time. ... I’ll get right down to brass tacks with you. I think what a lot of this comes from is what’s called mission essential. When the weather gets really bad here, and when I was the Wing Commander, we have a thing called the snow and ice control plan, okay? And you, you lived through this winter all right, how bad it was. Where I had to shut the base down for three days or delay entry. And we got, it wasn’t from the first storm. It wasn’t that polar vortex one three day where I had to shut down the base. It was that, it was that ice storm that hit. And – the wording in the labor management agreement talks about what is mission essential and it says Air Traffic Control. All right, and it’s kind of all lumped in, and it’s very – I don’t know, you can’t really – do I need Air Traffic Control? My point was I sat people down and said what is really mission essential on this page? What do I have to have? Well I have to have security forces, and I have to have the fire department, but if I’m shutting down a runway, all right, because I can’t keep control of the center line, or it’s icy down there and I shut the base down, that means I’ve shut down the airspace. All right, I’m not taking it, because nobody’s going to be landing here because the airfield is closed. So, what was happening was Air Traffic Control was considered mission essential based on the wording of the labor management agreement. And my theory was, and I was the one that brought this up, was, well, maybe they’re not. If I have no one land[ing], I’ve got nothing coming in, the airfield’s shutdown, why am I going to risk the lives of Air Traffic Controllers, the Tower Operator, and Airfield Manager coming in on icy roads and running the risk of them driving into a ditch, getting hit by a tractor trailer. If I brought them in, they’re getting paid for their eight hours. If I make them non-mission essential and I shut down the base, everyone’s on administrative leave still getting paid. ... so we made that, that’s the point I was trying to make, and we’re sitting down. And Tammy was in this meeting, the Ops Group Commander was there, all the Group Commanders, and we all agreed. Now, to change contract language in the labor management agreement, we have to have an off cycle leadership council that happens every quarter. All right. And we wanted to talk about this because we didn’t want them coming in unnecessarily. The union wanted no part of it. They said we’re going to wait

until contract negotiations open up again. ... We never got resolution on that. And she [Ms. Schlarf] kept going and going, and I just think she got irritated over the grievances that were constantly being filed.

The IO asked Col [Former Wing Commander] whether the number of union grievances brought by ATCs may have been an underlying reason for Ms. Schlarf's complaint. Col [Former Wing Commander] responded,

I think that's part of it. And I also think that Ms. Schlarf does a phenomenal job here. You know, I relied on her very heavily when I was the Wing Commander. But, I don't think she understands the operation of all the commitments that we have, and I think this probably could have been avoided if she just came and asked us. You know, I know fraud, waste and abuse, you know, I mean, they've got free reign to the IG. No one's going to stop anybody from doing that, but I think that, you know, and it's probably a good question to ask. You know, why do we do that? Well we do it because of these reasons, you know. On the weekends, we have, sometimes we have airplanes coming in. You know, sometimes we have airplanes going out. You know. Um and whatnot. Federal holidays, just because the runway's closed there's no tower. Air Traffic Control is still controlling the airspace from 4,000 to 10,000 actually surface to 10,000, between Chicago and Indianapolis and out to the borders of the state. And there's a big safety factor in there too because we also cover Indiana --, uh we cover Lafayette. We cover Fort Wayne. All the guys at the 122<sup>nd</sup>. Um, there's still a lot of traffic coming through here, so.

### **Grissom's Air Traffic Control Responsibilities**

The Air Traffic Control Flight at Grissom has two main responsibilities, the Control Tower and the RAPCON facility. The Control Tower controls air traffic within five miles of Grissom ARB and all aircraft landing at or taking off from Grissom ARB. RAPCON controls over 4,000 square miles of airspace up to 10,000 feet above ground level.

During the interview with the IO, Ms. Schlarf was asked whether the Air Force civilians employed as ATCs direct civilian aircraft in the tower. Ms. Schlarf responded, "[n]o, not to my knowledge. ... But again, that's probably a better question for the airfield management folks." Ms. Schlarf stated that she has "no idea" who assists if a civilian aircraft has an emergency in the area. Ms. Schlarf indicated her understanding is based on conversations with ATCs. "I got the impression that they don't necessarily direct traffic as much as they do keep an eye on traffic, I guess that's the way that it's been described to me." Ms. Schlarf recalled being told by one of the ATCs sometime in the past that their role was purely to support military aircraft and they did not direct civilian aircraft, but they did keep an eye on the civilian aircraft. She was not aware of any requirements for RAPCON when the military aircraft were not flying.

The evidence shows that Grissom Air Traffic Control Flight has responsibility to safely and expeditiously direct both military and civilian aircraft. Grissom ATCs provide clearance and

vectors to military and civilian aircraft ensuring that two aircraft are not in the same place at the same time. Recent monthly Air Traffic Control Activity Reports for Grissom ARB confirm that approximately 65% of aircraft controlled by the Air Traffic Control Flight at Grissom are civilian aircraft.<sup>11</sup> Witness testimony confirms Grissom's responsibility for both military and civilian air traffic.

Lt Col [434th ARW OSS Commander],<sup>12</sup> the Commander of the 434<sup>th</sup> OSS at Grissom, stated that Grissom handles both military and civilian air traffic. "That is if they're coming through our airspace, our guys are talking to them. If they're operating under Instrument Flight Rules, and a lot of guys will provide either, you know, control of them, if they're not flying under IFR, Instrument Flight Rules, or at least flight following, if they're VFR traffic, Visual Flight Rules traffic that calls us up on the radio. VFR guys don't have to, but if they're smart, they will."

[Acting Air Traffic Manager], acting Air Traffic Manager, testified that Grissom does control and provide assistance to civilian aircraft. He also explained the responsibilities of the tower and RAPCON. "Tower controls air traffic within five miles of Grissom Air Reserve Base, and anybody landing at the air, at Grissom Air Reserve Base. Radar Approach Control controls over 4,000 square miles of airspace up to 10,000 feet and entails up to 12 satellite airports in addition to Grissom." "You [Grissom's ATCs] control the airspace around them and landings and departures. Instrument landings and departures in and out of the airport."

[Air Field Operations Manager],<sup>13</sup> the Airfield Operations Manager, testified that the air traffic Control Tower controls "arrivals and departures." "It also controls what we call the VFR [visual flight rules] pattern or the tanker pattern within normally about a five mile, nautical mile

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<sup>11</sup> [ATC Functional Manager], Air Traffic Control Functional Manager for the Headquarters Reserve Command A3VA, explained that at the other Air Force Reserve air traffic control facilities, more than 50% of all traffic controlled is typically civilian aircraft. According to his testimony, [ATC Functional Manager] has been a GS-12 in this position for 3 ½ years and "provide[s] the oversight for the air traffic control operations for the Air Force Reserve Command." Grissom is one of six Air Force Reserve bases that has air traffic control responsibility. According to [ATC Functional Manager], the other reserve bases are "Pope in North Carolina, Homestead in Florida, Dobbins in Georgia, Westover in Massachusetts" and March in California. Pope is not technically an Air Reserve Base. It is an Air Reserve Wing on Pope Army air Field. The Air Force Reserve, through an agreement with the Army, operates the Army's Airfield.

<sup>12</sup> Lt Col [434th ARW OSS Commander] is an ART and has been commander of the 434<sup>th</sup> Operations Support Squadron (OSS) at Grissom since June 2013. After assuming command in June, he was deployed to CENTCOM for two months. He has been at Grissom since 1989, as a traditional reservist from 1989 to 2005 and then an ART since 2005. As commander of the squadron, he testified, "[t]he squadron has a -- multitude of missions underneath them that Air Traffic Control Section and the Air Field Operation is one of them. We've got air -- or air crew flight equipment, the life support functions are all underneath of there as well. We've got the Intel. We've got training, current ops, the our plans [sic] [airplanes] shop. And then admin and the arms section are all underneath of uh the OSS -- crew comm as well." Prior to being squadron commander, he was the Operations Officer in the 72<sup>nd</sup> Air Refueling Squadron for four years.

<sup>13</sup> [Air Field Operations Manager], a GS-13 civilian, was the Airfield Operations Manager with the 434th OSS. He had been at Grissom since May 16, 1994 until his recent retirement from the Air Force on May 31, 2014. As the Airfield Operations Manager, he testified that he "work[ed] directly for the Operation Support Squadron Commander, and Operations Group Commander." He "also serve[d] as a representative to the 434<sup>th</sup> Air Reserve Wing" and "overs[aw] the contract functions of the Airfield Management and water services." In addition, he stated that he "overs[aw] the Airfield Quality Assurance personnel in Airfield Management and Weather."

statute radius.” “The Control Tower is staffed normal irregardless of whether it’s military or civilian” airplanes flying. He also stated that the Grissom Control Tower supported civilian aircraft.

According to [ATC Functional Manager], Air Traffic Control Functional Manager for the Headquarters Reserve Command, Grissom ARB is “delegated a very large chunk of airspace by the FAA.” Grissom participates in the National Airspace System and is responsible for managing a large portion of NAS airspace in Indiana. It has a longstanding agreement<sup>14</sup> with FAA’s Chicago Air Route Traffic Control Center (referred to as Chicago Center or ARTCC) which, according to [Acting Air Traffic Manager] “was an existing document” in 1994. [Acting Air Traffic Manager] stated that the agreement with FAA and the Chicago Center “was developed well before we became civilians.” Ms. Schlarf testified that she was aware of a formal agreement between the FAA and Grissom. “I have not seen it in recent years, but I know that the agreement exists.”

Under the Federal Aviation Act, the FAA created the National Airspace System to protect persons and property on the ground, and to establish a safe and efficient airspace environment for civil, commercial, and military aviation. The Department of Transportation (DOT), through the FAA, manages the NAS because it is a vehicle for commerce. There are 21 major Air Traffic Control Centers across the United States. Throughout the country, all branches of the military services share in the responsibility to support and manage the NAS. This network of Control Towers, RAPCON, and Ground Control Facilities seamlessly fit under the 21 major Air Traffic Control Centers forming the NAS network of airways.

As part of the agreement with the FAA and its Chicago Center, Grissom provides flight safety services within its sector of national airspace up to 10,000 feet. [ATC Functional Manager] explained the NAS and Grissom’s participation:

Well, across the country, there’s 21 air traffic control centers and they’re responsible for airspace that goes from about 1200 feet above the ground as high as 60,000 feet. The [Chicago] Center is really focused on a chunk of airspace called Class A which is 18[,000] to 60,000 feet. Below that you have smaller, slower traffic. In the case of Grissom, they’re delegated a very large expanse of airspace in the middle of Indiana that has three dimensional freeways made up by ground based transmitters so you have smaller slower aircraft that are flying on these freeways and it takes up a lot of manpower for the FAA to manage upper level and lower level air ... well... part of the system. So when a... and this is standard across the world whether it’s in this country or other countries, when a military facility is delegated a chunk of airspace, it’s got really it’s two-fold, you’re accomplishing mission training which is pretty important for ah, you know, national defense, but you’re also giving the controlling agency, in this case the FAA for Grissom a little bit of a break. They couldn’t handle high volume air

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<sup>14</sup>The *Letter of Agreement with Chicago Air Route Traffic Control Center (ARTCC) and Grissom RAPCON, 434 Air Refueling Wing (ARW)* has been revised over the years. The agreement and its revisions specify the responsibilities and procedures to be utilized by Chicago ARTCC and the 434<sup>th</sup> ARW (both RAPCON and the Control Tower) in providing ATC services at Grissom ARB.

traffic from a military and civil traffic -- Chicago couldn't, no -- no facility can and that's, and that's standard whether it's in Korea when you work the Taegu Center or you're in Italy working with you know, Istrana or it doesn't matter where you are, the system is universal, so it is a standard for military bases to have large chunks of delegated airspace and we work civil traffic, military traffic, general aviation, state, it really doesn't matter.

He further testified about DoD expectations regarding military responsibility for managing NAS airspace and coordinating with the FAA.

DoD wide it's an expectation that we, we all manage and that's you know, by policy directives that we manage the National Air Space System for both defense and commerce so we don't, we don't willy-nilly just close a facility, there's a lot of coordination that has to go in ah between two facilities. The FAA, they ask us to stay open during the Super Bowl, Grissom had to assume additional responsibilities for aircraft separation because both Chicago and Indianapolis were going to be extremely busy. So and that was close coordination between the managers of the two centers and Grissom.

[ATC Functional Manager] testified that the Navy and the Army have similar responsibilities for airspace. "They do because the DOT is pretty much given the National Airspace System because it's a vehicle for commerce. The 21 centers or air traffic control centers across the United States and Hawaii have chunks of airspace that cover the entire continental United States. So all throughout the country, you have all of the branches of service that have radar approach control towers that seamlessly fit into the mass. And that's just by design that you want a standard system throughout." "There's 21 FAA centers... they're in the super-duper facilities." Grissom falls underneath Chicago Center, which is one of the 21 FAA centers." [ATC Functional Manager] explained that there are "hundreds" of second tier facilities like Grissom in the United States. "There's at least 256 contract towers. There's I can't remember how many hundreds of regional airports, they are 16 large airports that you can, I think between 16 and 20 class Bravo airspace airports like Atlanta, Jacksonville, Indianapolis, Chicago ... so there's hundreds and hundreds of air traffic control facilities." These facilities are part of a complex network of towers and RAPCONs through the country "that's all standardized." "We call it the National Airspace System."

In his testimony, [Air Field Operations Manager], the Airfield Operations Manager, agreed that Grissom provides a value to the civil aviation commerce by ensuring safe and expedient travel through its sector as well as an enhanced resource for military aviation because of the area Grissom controls and the areas that other military units can come and exercise and practice their maneuvers. He testified that he did not know why anyone would think Grissom did not provide air traffic control assistance to civilian aircraft. "We operate under the joint use agreement, which entails civil operations." He testified that Grissom has National Airspace responsibility. "We are connected to within and work with the Chicago Center. Directly. They are the controlling agency for all the airspace within our area. We work directly under them. We also are adjacent to another Air-route Traffic Control Center, Indianapolis. That's to the uh west of us. But directly the Chicago Center. And we are tied into the National Airspace System

as far as the structure because we control, our radar approach control, not control tower. Radar approach control, controls a large central portion of Indiana.” He further testified,

Grissom serves as a big set of eyes with the National Airspace System. You have a lot of general aviation traffic, VFR [visual flight rules], that fly out there. You have a lot of IFR [Instrument flight rules] traffic. We are able to provide ... the traffic advisory services that Chicago Center wouldn't because they don't have the time. Because if Chicago Center was to take this, they're not set up structurally to control the lowest driving traffic which is what approach controls. So they would have to take that on top of what they already control. So they would be doubling their workload, and by the directives of Air Traffic Controllers Vol 7110.65, its workload permitting basis where they provide traffic advisors and flight safety advisors, where approach controls have a greater latitude in doing that, and we're able to do that.

In other words, the approach control at Grissom provides an invaluable flight safety service to its sector by having eyes at the lower level and providing the clearance and vectoring to aircraft to make sure that two planes are not in the same spot at the same time.

The IO asked the witnesses some form of the question, “so if someone had the impression that the Grissom tower and RAPCON did not assist civilian aircraft, what would you say to that statement?” With the exception of Ms. Schlarf, the witnesses uniformly testified that Grissom air traffic control handles both civilian and military aircraft.

When asked what he would say if someone has the perception that your military tower here at the base services only military aircraft, Col [Former Wing Commander] responded, “that's wrong.” Col [Wing Commander]<sup>15</sup> testified that, “it would not surprise him” if a non-operational person, a more of an office working person on base was under the impression that the tower serviced only military aircraft. Lt Col [434th ARW OSS Commander] responded, “maybe lack of education. Just not familiar with it.”

[ATC Specialist #1]<sup>16</sup> replied, “I'd say that's a false statement. We assist civilian aircraft, general aviation.” An outside observer who does not see planes taking off and landing on Grissom's runway, “they're not seeing the full picture.” Similarly, [ATC Specialist #2]<sup>17</sup>

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<sup>15</sup> Col [Wing Commander] described his status as a “traditional reservist.” He became the Interim Commander of the 434<sup>th</sup> Air Refueling Wing the last week of March 2014. Prior to that, Col [Wing Commander] was the Vice Commander for just over three years. According to Col [Wing Commander], “we're an air refueling wing, we ... support sixteen airplanes. We go up, get them full of gas, they go in the air, we refuel airplanes and we come back down and we do it again.”

<sup>16</sup>[ATC Specialist #1] is a GS-11 Air Traffic Control Specialist with the 434<sup>th</sup> OSS. He has been at Grissom since 2002. He stated that his duties are “Air Traffic Control Specialist, Control Tower and radar approach control facility.”

<sup>17</sup>[ATC Specialist #2] is a GS-11 Air Traffic Control Specialist with the 434<sup>th</sup> OSS. He has been a controller at Grissom for four years, three months. He stated that his responsibilities were to “[c]ontrol airplanes, either in the tower or in the RAPCON.” He described his typical day, “[w]ell, we could either work ground control or local control. Ground control we work the airplanes that are taxiing up for takeoff or we handle the vehicles that are coming on and off the runways and local control is the one who takes care of all the airplanes in the air. ... Make

explained that he controls civilian aircraft and that if someone believed that Grissom's tower only controlled military aircraft, and did not assist civilian aircraft, they "would be incorrect." He explained why someone might get that impression. "Civilian [aircraft] are smaller and they're not easily seen from the base or from one spot because we own, the tower owns out to five miles of airspace and up to 3,000 feet. Okay, so five miles and 3,000 feet and if you're standing and looking in one direction, a little airplane could not be seen from, or easily recognized. ... we have the airspace that extends from basically over by Wabash, Indiana all the way over to the Illinois border and then from where South Bend's airspace ends and their south border to Indianapolis. So we got a pretty big chunk of airspace that we work and going between aircraft, going between Chicago and Indianapolis and back and forth that way, that's where we get most of our traffic. ... I've seen where there wasn't anything going on at the base and the RAPCON was just getting beat down, so we're pretty busy down there without the base or without the runway." [ATC Specialist #3]<sup>18</sup> said, "[s]omeone who doesn't know I guess would think that our primary role is just for the tankers because our primary mission is to support the 434th Air Refueling Wing. However, they are a very small portion of what we actually do here. Like I said, we work two sectors of air space, the tower is one aspect and then radar. We do two sectors from surface to 10,000 feet and primarily I would say seventy percent plus is civilian traffic." [ATC Specialist #3] continued, "[o]ur role expands beyond Grissom, even though a lot of people don't understand and don't want to give us credit for it. We are here as part of the National Airspace System and that is our role especially on the holidays and other times of the year. You know, it's been like that for the sixteen years I've been here."

[ATC Specialist #6]<sup>19</sup> stated that he did not have any idea why someone might think the Grissom ATCs do not handle civilian aircraft. He explained, "they d[on't] know much about air traffic control." [ATC Specialist #6] described his duties during the weekends and holidays in which there are no military aircraft flying, as "the same. Our duties are to be ready to work, whatever comes." Likewise, [ATC Specialist #4]<sup>20</sup> opined that someone might think that, "[b]ecause if you drive by or if you're not in the tower or if you do come to the tower at the wrong times, there is nothing going on. The tower has five miles around the base that it is

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sure the runway is clear and, for take offs and landings." In RAPCON, he "would make sure that the airplanes that are en-route or taking off or landing in the airspace stay clear of each other."

<sup>18</sup> [ATC Specialist #3] is a GS-11 Air Traffic Control Specialist with the 434<sup>th</sup> OSS Air Traffic Control. Describing his role, he stated, "essentially air traffic control specialist, we deal with the day to day operations in the Control Tower and in the radar facility. We own airspace in both two sectors, surface to 10,000 feet, separating en-route, arrivals, departures within our airspace and with adjacent facilities. That's the primary role of radar and the tower essentially the operations that are with the runway, landings and departures, taxiing aircraft in and out." He has been at Grissom sixteen years in August 2014. Prior to that he spent two years at the Delaware County Airport at Muncie, Indiana and then six and a half years with the Marine Corps before that. Altogether he has over twenty-four (24) years experience in an ATC capacity.

<sup>19</sup> [ATC Specialist #6] is a GS-11 Air Traffic Control Specialist with the 434<sup>th</sup> OSS Air Traffic Control. He is "a working line controller, non-supervisory. I work the daily operations in the Grissom airspace which includes Grissom airport and surrounding airports." He has been in this position for twenty (20) years at Grissom. Prior to that he had nine years military and one-year civilian experience as an ATC.

<sup>20</sup> [ATC Specialist #4] is a GS-11 Air Traffic Control Specialist with the 434<sup>th</sup> Operations Group Air Traffic Control. With regard to his role, he stated, "I am an air traffic controller here at Grissom Air Base and my job is to ... sequence and separate aircraft into and out of Grissom, provide maximum support possible to the wing here at Grissom for getting their aircraft on and off and to the local community, provide safety alerts and the majority of my job entails me helping civilian aircraft get from point to point." He has been at Grissom for five years. Prior to that, he was an ATC active duty for the Air Force for twenty years before retiring.

controlling and only up to 3,000 feet whereas the radar approach control covers, and this is obviously just a guesstimate, about 1/12th of the state and up to 10,000 feet and in between Indianapolis and Chicago. So you have a large amount of transient traffic and weather traffic moving through and to and from. Whereas, if you're driving by Highway 31, like I did growing up in the state, you drive by and wow, those planes never move."

[ATC Specialist #7] also testified that he had no idea why someone would think the air traffic Control Tower or RAPCON did not handle civilian aircraft. If asked such a question, [ATC Specialist #7]<sup>21</sup> would say, "Come watch me work, you know, and see what we do." [ATC Supervisor #1]<sup>22</sup> said, "[t]here's no reason why anybody would think that since we have Montgomery Aviation which is civil aircraft. ... we probably handle more civilian traffic ... than military." [ATC Specialist #5]<sup>23</sup> said, "[b]ecause people don't understand. We've had people that got into the career field who thought air traffic controllers were the marshallers with the lights. No, no, I mean it's a joke, people don't understand, they don't know what we do and they don't know the concept of the fact that we have civilian aircraft here on base, well, you know, on base, on the airfield itself that we take care of. We also have civilian aircraft with class Delta which is our airspace that we have here, it's up to 3,000 feet, five miles out and most everybody, like when they looked in the, at the dog park that I go to they say are you going to be affected by the runway closure<sup>24</sup> and I have to remind them that no, we own the airspace from just north of 465 all the way up essentially 31, it's a little bit lying there, but it just gives them a good idea where it is from east to west of Indiana."

As to why someone might have the impression that the Grissom Control Tower and RAPCON do not assist civilian aircraft, [Air Traffic Automation Specialist] said, "no, I'm sorry, no. ... Sorry, it just shocked me. No, I don't know. ... Well, they see them come in. I mean, if you're going down the road, you can see them come in, and if you're on the base, most people can see them."

### **Hours of Operation/Holidays**

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<sup>21</sup> [ATC Specialist #7] is currently a GS-11 Air Traffic Control Journeyman with the 34<sup>th</sup> OSS Air Traffic. His responsibility is the safe and expeditious flow of air traffic and to "support the National Airspace System." He came to Grissom in March 1994 and was a supervisor for 19 years until he resigned his commission in November 2013. His career as an ATC began in 1966. He worked 20 years in the Air Force, 8 years for the FAA, a number of years for the Canadian government and for the Department of the Army.

<sup>22</sup>[ATC Supervisor #1] is a GS-12 Air Traffic Control supervisor with the 434<sup>th</sup> Ops Group, ATC. He is a shift supervisor with six people working under him. He described his duties as follows: "Well as an air traffic control supervisor, I manage the facility and the manning and assign positions necessary. Usually we rotate. Tower, there's two people in the tower, three people down at RAPCON is the minimum manning ... So I manage both facilities." He has been at Grissom since 1997 and a supervisor since 2000-2001.

<sup>23</sup> [ATC Specialist #5] is a GS-11 Air Traffic Controller with the 434<sup>th</sup> Air Traffic Control Flight. "My job is to provide separation with the aircraft either in the tower or on the radar system or both... and to assist other people in doing the same thing. We work as a team when we do that stuff. It's a key thing." He has been at Grissom for about six months. He has twenty six (26) years of experience in air traffic control -- five years of civilian experience and 21 years in the Air Force.

<sup>24</sup> Grissom's runway was scheduled to be closed during part of the summer of 2014 for maintenance and repairs.

Ms. Schlarf testified that “[t]he tower is manned every single day,” and that the normal shifts are “from 7 a.m. to 11 p.m.” Ms. Schlarf stated that she has “no idea who determines those hours [that the tower will be open]. Those hours have been the hours for many years.” When asked whether the RAPCON function operated 24/7, Ms. Schlarf stated, “[n]o, neither one of the functions is covered 24/7. We close our airfield at 11 p.m. and we don’t reopen until 7 a.m. Everything shuts down.”

Prior to sequestration in 2013, the Air Traffic Control Tower and RAPCON capability at Grissom had traditionally been operationally staffed 16 hours daily from 0700 to 2300, with procedures in place to promptly respond outside their core 16 hours of duty in the event of an ALERT mission launch. [Acting Air Traffic Manager], acting Air Traffic Manager, explained that, “[w]e used to be open 0700 local to 2300 local, and after a sequester last 2013 we changed our hours to 0730 because that helps our schedule out a bit, and they’re [Chicago Center] screaming at us now” because Chicago Center at 0630 in the morning “is really busy.”

[Air Field Operations Manager] also stated that the airfield hours of operation for the tower are 0730 to 2300. He explained that Grissom’s airspace is handled by the Chicago Center after 2300. He further explained how he would answer the question as to why the Chicago Center cannot handle the airspace all the time.

At nighttime between the hours of 11 and 7 o’clock, I would say probably between the hours of 11 and 5 most of the airspace throughout the United States is not your peak traffic. Your peak traffic starts probably, starts at 5. More than likely, between the hours of 6 and 9 in the morning, around noontime to about 2 o’clock, and again in the evening just like your rush hour. ... So there’s peak periods, and when you’re going to have higher density levels of traffic ... [I]f Chicago was to take all the [Grissom] airspace over, there would be a large impact to the general aviation aircraft. A significant impact to the military units because it would dwarf the capabilities of what the wing could do as far as what I just explained in that one example [use of air space by military units for tactical arrival and departure procedures and combat maneuvering]. Uh essentially, what you would end up doing is having what they call a ground control approach type of system where the military unit only controls through the geographic center of the airport up to about 20 nautical miles up to 4,000 feet. All you do is control in and out. That’s it. Uh we serve seven satellite airports with what we have. ... Plus we’re also serving all the overflight traffic going to and from other um cities.

The radar systems within our area, we work with various adjacent approach control facilities. We work with Indianapolis approach, Champaign and Terre Haute. Because of our radar system coverage, our visual airport radar surveillance is located right here. It’s fairly new, and it provides a large area of radar coverage. The Chicago Center radar, their radar system [is] entirely different than an approach control system. Their radar coverage does not go all the way down to the surface. It goes down to about 4,000 feet, but they start losing radar coverage 5,000 feet depending on where they’re at in this vicinity. The approach controls the radar coverage, and the approach control from the surface all the way up. Most approach controls control from the surface up to

10,000 feet. Grissom's very unique with Air Force Reserve Command, and we're the only radar approach control facility. It's been that way since I, we changed over. We have taken additional airspace to the west without additional manning, or staffing. We will continue to do it with our present staffing, but we provide a large portion of radar approach control to the central state of Indiana. That encompasses military and civilian traffic.

[Acting Air Traffic Manager] testified that at 2300 hours, "Chicago Center assumes the airspace." He explained that during the night hours, starting at 2300, air traffic in the area is light enough that Chicago Center can take it back.

They [Chicago Center] control the traffic. But what I want to point out is that 2300 local, 11 o'clock at night, the traffic is so low that, you know... they don't see what we see during the day. So they have a controller that's controlling basically 11,000 feet up to 21,000 feet, he assumes that airspace ... From 10,000 and below, because he really don't have much traffic going on in that 10,000 feet. I'm guessing they probably only talk to maybe 20 airplanes the whole night below 10,000 feet. And that's just an educated guess. And then when we come in at 0730, we take it back.

He also confirmed that Grissom handled civilian air traffic and explained what would happen if Grissom did not assume the airspace.

Chicago Center would take it. Chicago Center's radar coverage isn't as good as Grissom's. They can't see as low as we can. They can't see the helicopters that we see, the light flight helicopters that usually fly low level at, you know, 500 to 800 feet off the ground when they're on emergency runs. So the controllers wouldn't be able to talk to those guys. Their manning since traffic increases during the day, they don't really have the manning set up to have a controller work just Grissom's airspace, and have a controller work their 10,000 or 11,000 feet and up. So they'd have to combine it together, and that controller would be overworked. A safety issue there. The personnel at Chicago Center are more trained to handle en route traffic, and en route traffic is traffic that's basically just flying through your airspace and not landing. ... They're not typically trained as well on arrivals and departures. It's a whole different ball game than it is en route traffic. Terminal traffic is what they call it. ... It's a whole different set of rules for terminal traffic than there is for en route traffic.

Lt Col [434th ARW OSS Commander] also testified that after 2300, "the Control Tower closes down. The airfield will close, and then and also at that time, the RAPCON guys will also close down, and they'll give that airspace back to Chicago Center. And, that's basically it. That's an agreement. It's always been that way ever since I've been here. And that's there's no more military flying after 2300 with very, very rare exceptions. And then, the traffic load is light enough that Chicago can accept the airspace back. And so, that's why we close it all down and send our guys home at 2300." He further explained,

There's just not that much going on after 2300, so they [FAA] don't need us handling the inbound into Indy or up into Chicago that normally transit through our airspace during the daytime. ... when the traffic loads are higher, so the airspace, you know there's no military flying going on, the Fort Wayne guys come down into this airspace as well the fighter unit up there. And, they don't fly on the backside of the clock, and neither do we. And so no military flying and then the civilian flying is, that traffic load is light enough that they just give the airspace back to Chicago, and our guys go home.

Ms. Schlarf stated her understanding of what happens during the time the Control Tower is not manned, from 2300 hours to 0700 in the morning. "Everything, um for both the RAPCON and the tower is handed off to FAA. Chicago Central and Indianapolis handle it -- between them, they cover our air space. We are a nice convenience when our tower and our RAPCON are open for the FAA."

The Control Tower at Grissom is generally closed during federal holidays. According to Lt Col [434th ARW OSS Commander], "Like federal holidays, things like that, the Control Tower itself would be closed. Okay, because there wouldn't be any military flying going on and there's nothing else happening here at the base. Now, having said that, we do have, because we've been deploying pretty frequently, pretty much ever since 9/11, and if we've got out bounds or inbound coming back in, then the airfield will obviously be open then to either launch or recover aircraft coming back in and out of here. ... But the weekends itself, the tower is usually open. its federal holidays that it's closed down."

As for closing the airfield runway, [ATC Functional Manager] stated that, "Air Force wide it's up to the Group Commander." "The majority" of Group Commanders do close the runway for holidays. "That's become a trend. In the past it wasn't, in the [19]80s and [19]90s not so much but recently with the, the [AFI] 13-204 allows up to 96 hours of closure without MAJCOM approval and I think the value of having a holiday off is you know, in the minds of most of the employees." "Grissom I think is on par with everybody else for closing during Christmas and New Year."

Lt Col [434th ARW OSS Commander] explained that, on those holidays when the tower is closed, meaning the runway is not active, the RAPCON function would be open. "Yeah, two different things. If you think of the Control Tower owns the runway, okay. And so, we've got the airfield. We've also got the outlying airspace that Grissom RAPCON owns a portion of that airspace. They participate in the National Airspace System with the FAA and the others the dimensions of it right there. And so, even though the airfield may be closed, we still own part of that airspace. And so, our RAPCON controllers are here and present even on the federal holidays, and they're controlling that airspace [for which Grissom is responsible].

[Acting Air Traffic Manager] indicated that, "[s]leepy holidays aren't really always sleepy holidays. People think oh that's a holiday. Nothing's going on. But you, July 4<sup>th</sup>, you own an airplane, people go out and fly. That's what they love to do. So they're off work, you know they're out flying. You know, so, they're not always slow holidays. ... Christmas Day, you don't get much traffic. You know, Thanksgiving Day, you, you get more traffic than you'd

think on Thanksgiving Day.” [ATC Specialist #4] agreed. During weekends and holidays, the duties “stay the same and most the times we’re actually busier.”

[Acting Air Traffic Manager] explained that controller’s “duties don’t change” on weekends and holidays. They continue to control both civilian and military aircraft. The RAPCON facility continues to operate due to their significant NAS responsibilities. “You’re still controlling air traffic. And like I say, there is some civilian traffic at Grissom. It gets pretty dead, you know, at Grissom. We don’t have a whole lot of traffic landing specifically at Grissom. But our main duty is we have the alerts that we need to be ready to, for launching alerts. So we need to have someone there manning the tower in case of an alert.”

[ATC Supervisor #2]<sup>25</sup> provided his perspective gained from his time as a supervisor at Grissom ARB and from his more than 20-year career on active duty,

I've only been a supervisor here, like I said, a little over a year. I been in other functions, you know, in the hallways, TERPS [terminal instrument procedures] and automation. So, directly, this base, from everything that I've kind of seen from the background, civilian personnel seems to take a serious interest in everything we do for some reason. And I don't know if it's being vindictive, or they think we should be part of their nine to five Air Force mentality. We're not. You know, to me, working on a holiday, working on a Sunday, or working on the weekend, or working on a night, you know, that's not a privilege, it's just one of our responsibilities. And, as part of this whole NAS System, National Airspace System, and I'm sure you've heard of this before, you know, we're just a small cog in the big team of things. You know, with the FAA, with headquarters, ASA, Reserve Command, everybody. So, we don't dictate our hours, or when were open, or how many people we have. It's all dictated to regulation.... I was on active duty for 21 years. Six, seven different facilities. I've managed three. ... McGuire, that's where I started. Went to Osan, Patrick, Kadina, Okinawa, Japan, Ellsworth, Fairfield, Lajes. My point of all that, I'm not saying anything, I did 21 years of active duty, all air-traffic control. So I've seen a lot of facilities function, I've managed them. ... Most of them, in fact all the other facilities were open twenty-four hours, not just sixteen. Twenty-four seven, three sixty-five. So, if civilian personnel is worried that we're staying open for holidays just because we want money, I think that's not right. So that's my opinion.

According to [Acting Air Traffic Manager], should there be a requirement to launch the ALERT aircraft on a Federal holiday, there are recall provisions in place to promptly call in

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<sup>25</sup> [ATC Supervisor #2] is a GS-12 ATC Supervisor with the 434<sup>th</sup> OSS Air Traffic Control. [ATC Supervisor #2] testified that his “role is direct supervision of a team of seven controllers for C-Crew. [He] oversee[s] the operations, both tower and RAPCON, make sure it’s scheduled manning, make sure the flow of traffic flows smoothly, and just overall responsible for my watch.” He has been at Grissom for a little over ten years and in his current role about a year and five months. From 2003 to 2008, he was the TERPS Manager and then he was the Automation Manager from 2008 to 2013 when Grissom got the new STARS equipment. In describing the TERPS Manager, [ATC Supervisor #2] stated, “[i]t’s Terminal Instrument Procedures. I pretty much build all of the approach and departure procedures in and out of Grissom in addition to some of our satellite airports. I pretty much just make sure the airplanes are safe flying ... in reference to obstructions, clear zones, etc.”

Control Tower staff to facilitate the launch of the ALERT aircraft. Also, all ATCs at Grissom are dual-qualified in both, the Control Tower and RAPCON positions. This means that in the event that there is a real world requirement for an aircraft to takeoff or land (*i.e.*, launch an ALERT mission or an aircraft with an inflight emergency that requires access to land on a runway immediately) when the airfield is closed, a controller on RAPCON duty can quickly go up into the Control Tower in minutes and open the airfield.

## **Letter Agreements**

In addition to controlling the air traffic within five miles of Grissom ARB, numerous Letters of Agreement (LOAs) reflect the fact that Grissom Air Traffic Control responsibilities extend well beyond handling the 434th ARW military aircraft operating out of Grissom ARB. The 434 ARW at Grissom ARB currently participates in a Joint Use Agreement and multiple LOAs that obligate the Grissom Air Traffic Control Operation to support civilian aviation at multiple civilian airports within the Grissom ARB assigned airspace.

### ***Joint Use Agreement***

The *Joint Use Agreement between the United States Air Force and the Miami County Economic Development Authority*, dated 5 September 2005, defines the responsibilities for the Miami County Economic Development Authority (EDA) using the Grissom ARB flying facilities. The Joint Use Agreement states that all ground and air movement of civil aircraft will be controlled by Grissom ARB Air Traffic Control Services. Specifically, Section 2 of the Joint Use Agreement addresses the support of civilian aircraft. Section 2.d. states, “[c]ivil aircraft using the Grissom Jointly Used Flying Facilities under the authority of this Agreement shall be entitled use for landings, takeoffs, and ground movements of aircraft and will park only in the areas owned by the Miami County EDA and designated for that purpose.”

Section 2.f. of the Joint Use Agreement further explains that all ground and air movements of civil aircraft using the Jointly Used Flying Facilities “will be controlled by Grissom ARB Air Traffic Control Services.” The provision goes on to state that should the Miami County EDA request additional hours for Grissom ARB Control Tower or other essential airfield management services, “[a]ny such additional hours or other services, however, must be at no expense to the Air Force.”

In his testimony, Col [Former Wing Commander] explained that a private company, Dean Baldwin Painting, falls under the joint use agreement with Miami County EDA. According to Ms. Schlarf, Dean Baldwin is a “private industry company that is utilizing one of our old hangers on what used to be base land and is now all private property. They are conducting, they’ve got quite a few employees. Lots of folks go there to work but they do aircraft painting.”

The airplanes that Dean Baldwin paints fly in and out of Grissom ARB, which has been a concern to Ms. Schlarf. In her interview, Ms. Schlarf testified that, “[i]f in fact we’re supporting the FAA, Baldwin painting or any other contractor that’s out there, they should be paying for it.” Ms. Schlarf described a recent discussion she had with Col [Wing Commander], the current Wing Commander, about Dean Baldwin. “[Dean Baldwin] wanted to bring in an aircraft and fly

it in at like 12:30 at night so they asked the Wing Commander because obviously they can't fly it into our airfield when the airfield is closed. So they wanted to bring somebody in at 12:30 at night and the very first thing Col [Wing Commander] said was forget it dude, that costs money. I mean I can't keep the airfield open, tell your plane to come after 7 a.m., you know, so Col [Wing Commander] I think tends to get the whole, it's very expensive to keep the airfield open."

In his testimony, Col [Former Wing Commander] intimated that the company has been the subject of discussions between him and Ms. Schlarf. "And we've had conversations about that [Grissom ATC requirements], and, and I think she was getting frustrated with the grievance process that was coming out, you know. And, you know, we do have this joint use agreement. There's things that we have to do. I'm sure Dean Baldwin has been brought up in conversation here, probably a little bit." Col [Former Wing Commander] provided the following explanation regarding Dean Baldwin.

Right, Painting Company, but that's part of the joint use agreement, and part of that agreement with Miami County is that when Dean Baldwin first opened up here, they had a very sketchy schedule because they're at the mercy of the airlines, all right. When the airlines want to take jets off the line, it's when they do – so, American Airlines, you know, a 757, call sign 1234, may be scheduled to come in at 11 o'clock on Tuesday night. Well, all of a sudden, you know, we slipped, it's going to come in 3 o'clock in the morning. So how was that handled? That's called over and above cost. That all I need to do is open this airfield. There's one Airfield Manager and a Tower Controller, and I can land the jet. That's all I need. Because Chicago Center will take the airspace from surface to, well not surface to 4,000. They'll take it from 4,000 feet and above, and bring the airplane in and hand it over to [the] tower. I still have control though so I can land the jet. But that's over and above Miami County and Dean Baldwin pays for that service."

According to Col [Former Wing Commander], Dean Baldwin gets billed for the operational hours to open up the Control Tower and it does not come from Grissom's budget and the taxpayer does not pay for it. Asked if Ms. Schlarf was aware of this, Col [Former Wing Commander] said, "I don't know if she was or she wasn't. I can guarantee that she never read the joint use agreement that's for sure. That's a pretty big document to read."

#### ***Letter Agreements with Satellite Airports***

In addition to controlling the air traffic within 5 miles of the base, through LOAs, Grissom provides ATC support to civilian aircraft for 12 satellite airports (Lafayette, Frankfort Municipal, Delphi Municipal, Monticello/White County, Flora Municipal, Logansport/Cass County, Peru Municipal, Hoosier Hammerheads, Wabash Municipal, Converse Airport, Marion Municipal, and Kokomo Municipal Airports). These airports require the control and monitoring of air traffic by the Grissom ARB RAPCON facility. These LOAs include the following:

- *Letter of Agreement with the Fort Wayne ATCT*, dated 1 July 2001, prescribes control procedures and interfaculty coordination responsibilities for the operation of Control

Tower Enroute Control Services between Fort Wayne ATCT (FWA) and Grissom RAPCON;

- *Letter of Agreement with Lafayette (LAF) ATCT*, dated 27 June 2011 – *Implementation of Operational Contingency Plan*, establishes procedures and defines responsibilities for the implementation of Operational Contingency Plan (OCP) as set for in the JO 1900.47, Air Traffic Organization Operational Contingency Plan;
- *Letter of Agreement with LAF ATCT*, dated 18 Nov 2010, delegates and specifies the responsibilities and procedures to be utilized by Grissom Approach and Lafayette ATCT in providing air traffic control services at Lafayette Airport;
- *Letter of Agreement with Terre Haute (HUF) ATCT*, dated 22 February 2013, prescribes control procedures and interfacility coordination responsibilities for the operation of Control Tower Enroute Control Services between HUF ATCT and Grissom RAPCON;
- *Letter of Agreement with South Bend ATCT*, dated 12 March 2004, establishes procedures for providing Control Tower Enroute Control Services for handling Instrument Flight Rules (IFR) traffic between South Bend ATCT and Grissom RAPCON delegated airspace;
- *Letter of Agreement with Hoosier Hammerheads IAC and Grissom RAPCON*, dated 1 June 2012, prescribes procedures and coordination responsibilities for the operation of Kokomo Aerobatic Practice Area between Hoosier Hammerheads and Grissom RAPCON;
- *Letter of Agreement with Mark K Caldwell's Airport and Grissom 434 OSS/AT* dated 8 Nov 2004, defines the general and operational procedures to be used between Mark Caldwell, other authorized airstrip users, and the Grissom 434 ARW; and
- *Letter of Agreement with Daniel Hopper Airfield and Grissom 434 Air Reserve Wing*, dated 26 July 2005, defines the general and operational procedures to be used between Daniel Hopper, other authorized airstrip users, and the Grissom 434 ARW.

## **Military Operating Areas**

Grissom ARB Air Traffic Control also has responsibility for managing the air operations inside two Military Operating Areas (MOAs): 12 Mile MOA and Hilltop MOA. [Acting Air Traffic Manager] testified that Grissom has responsibility for two military exercise areas. “They’re called Military Operating Areas. MOAs is what you’ll hear them referred to as. MOAs. We have two of them. There’s a 12 mile east and west, which is from the surface up to - (one zero thousand) 10,000 feet, and then you have a hilltop MOA, which starts at 10,000 feet and goes up to, basically whatever the user needs at the that time.” [Acting Air Traffic Manager] explained that Grissom does not have exclusive control of the two MOAs. “We used to have that, but when they redesigned the airspace, Chicago Center, actually, is the controlling agency. We own the airspace that’s entailed in the 12 mile east and west. So when Chicago wants to use it, they call us for coordination to release the airspace to them, and then they control the aircraft in and out of it.”

The MOAs serve primarily as Air National Guard (ANG) training areas with scheduling of the MOAs for military exercises controlled by the 122<sup>nd</sup> Fighter Wing, Fort Wayne, ANG.<sup>26</sup> The procedures for air traffic control and scheduling within the MOAs are covered in the 434 Air Refueling Wing Instruction 13-201, *Grissom Air Reserve Base Airfield Operations*.

[Acting Air Traffic Manager] explained that the MOAs are used for military exercises. “We have letter agreements with Andrews Air Force Base. Their tankers. We have a letter agreement with Wright Patterson Air Force Base. We’ve got about four different letters of agreements with military units that come over here and play, as we call, in a pattern.” According to [Acting Air Traffic Manager], “[t]hey need that MOA. It’s just a Military Operating Area. It’s A10s typically out of Fort Wayne use [the MOA] for practicing. They’ll do bombing runs, [strafing] runs. Dog fights, things like that. So it’s a protected airspace that no one should be entering while they’re in there operating.” He further stated that, “[s]o even though Grissom may not be flying that UTA weekend, there might be UTA for the Fort Wayne A-10s.” He indicated that, “[i]t’s a little easier to accomplish their mission here at Grissom because there’s less traffic.”

As indicated by [Acting Air Traffic Manager], Grissom has a number of LOAs with nearby military units, which detail various flying training operations that are supported by Grissom ARB.<sup>27</sup> In addition, the KC-135 reserve unit at Joint Base Andrews AFB, MD regularly sends aircraft and aircrews on training missions to Grissom instead of competing for airspace with commercial and private aviation in the congested Maryland/Washington D.C. area. The low density of air traffic in the Grissom area allows the military aircraft conducting training missions to more easily perform training maneuvers away from higher density civilian air traffic areas.

[Air Field Operations Manager], the Airfield Operations Manager, also testified regarding Grissom’s responsibility for the two MOAs. According to [Air Field Operations Manager], because of Grissom’s capabilities and the less active airspace, Grissom is attractive for other military units to come and get currency training. He testified that Grissom’s radar system “was the primary driving force of us taking up the airspace to the west. We also have a twelve mile military operations area to the northwest that’s used by military aircraft.” The

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<sup>26</sup> The IO noted that while Grissom ARB controls the air operations inside the MOAs, as the MOAs are primarily managed by the ANG, the training and utilization schedule for the MOAs would not necessarily align with the unit training schedule of the 434 ARW. The IO further noted that this is an example of air operations that require Grissom ATC support that would not be visually evident to someone at Grissom ARB.

<sup>27</sup> These Agreements include the following:

- *Letter of Agreement with 445 Airlift Wing and Grissom ARB*, 26 Jan 2009, which outlines the responsibilities and procedures for C-5 Tactical Arrival/Departure (TAD) training at Grissom ARB;
- *Letter of Agreement with 110 AW Battle Creek ANGB/Grissom ARB*, 31 Oct 2011 which outlines responsibilities for the coordination and control of C-21A aircraft accomplishing TAD training at Grissom ARB;
- *Letter of Agreement with Milwaukee ANG 128<sup>th</sup> ARW and Grissom ARB*, 18 May 2009, which outlines responsibilities and procedures for KC-135 TAD training at Grissom ARB; and
- *Letter of Agreement for Use of Night Vision Devices (NVDs) by 163<sup>rd</sup> FS Aircraft*, which defines NVD [night vision device] procedures and responsibilities for personnel assigned to Grissom ARB and A-10 aircrews assigned to the 164<sup>rd</sup> FS, Fort Wayne, IN, operating at Grissom ARB.

MOAs allow military aircraft to conduct training and practice combat maneuvering in a restricted airspace environment.

According to [Air Field Operations Manager], the military “do[es] a lot of military training [in Grissom airspace]. There’s specialty A-10s. They have a lot of DR routes that go in and out of there, and they go in there and they train. They also, once they’re finished training they come here to Grissom. They normally land, refuel, and then go back to home station.” He further stated, “I’ll give an example. Uh we have what we call a tactical arrival and departure procedures. We’re probably one of the very few bases that do it. So what we have is letter of agreements with other military units where aircraft come in here. They’re able to do combat maneuvering training in our airspace because we have such a rare space to the west. Before, we would constantly have to coordinate. We have an aircraft pulling out to the west. Now they ... we all can control it.”

### **Staffing/Scheduling**

The Air Force Reserve staffs all the Air Traffic Control functions, including the Radar Approach Control facility, with Air Force civilian employees. The AFRC Manpower Standard 13E101 identifies the functions of each Air Traffic Control facility within AFRC and determines the manning requirements. *See infra* at 7-8. The manpower standard indicates that Grissom ARB is the only AFRC base with a RAPCON function.

[ATC Functional Manager], AFRC Air Traffic Control Functional Manager, testified that, “[t]he Air Force Reserve Command uses an active duty manpower standard that prescribes the correct number of air traffic controllers based on the type of facility.” He stated that “the [manpower] standard is applied equally across ... the Department of the Air Force so every facility is driven by it’s standard which we use. We use the active duty manpower standard through A-1 [Directorate of Manpower, Personnel and Services] to provide the positions on the UMD [Unit Manning Document].” According to [ATC Functional Manager], “[A-1] tell[s] us what each facility has earned as far as a position which goes into a UMD or the manpower document that says we are authorized X number of controllers for a given operation. So we have a tower and a radar approach control at Grissom. We take the formula from the manpower standard, or we don’t, in a generic sense, AFRC takes the formula, applies it to the operation. Those positions are put on a UMD and paid for basically.” Based on long established manpower standards per AFRC Manpower Standard 13E101, Grissom is authorized a staff of 27 personnel.<sup>28</sup>

Grissom’s Air Traffic Control Facilities are staffed consistently with the way the Air Force Reserve staffed four other Air Reserve Bases (Homestead ARB, Westover ARB, Dobbins AFB and March ARB). [ATC Functional Manager] stated that while Homestead and March ARBs only have Ground Control Approach (GCA) facilities, they have a RAPCON-like responsibility (assigned civilian airspace to manage and control) similar to Grissom ARB, with March ARB being the most similar. The chart below indicates the functions and manning for each facility.

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<sup>28</sup> Grissom Air Traffic Control Flight is currently staffed with 26 personnel with one position vacant due to a recent retirement. The vacant position is expected to be filled within 60-90 days.

<b>BASE</b>	<b>Grissom ARB  Tower/RAP CON</b>	<b>Dobbins ARB  Tower/GCA</b>	<b>Westover ARB  Tower</b>	<b>Homestead ARB  Tower/GCA</b>	<b>March ARB Tower/GCA</b>
<b>Overhead Staff</b>	4	4	4	4	4
<b>Tower Manning</b>	9	12	10	14	12
<b>RAPCON GCA</b>	16	12	N/A	10	14
<b>Total Manpower<sup>29</sup></b>	27	27	13	26	29

[ATC Functional Manager] testified that Grissom has “two different facilities. We have a tower and a RAPCON or a Radar Approach Control. The standard gives the manpower professionals a formula based on the type of facility and the type of operation. They do their calculation and they give us positions earned so all of our bases are based on or all our manning documents are based on the active duty Air Force standard and that’s ah it’s maintained at A-1 ” [ATC Functional Manager] stated that the positions at Grissom are “fully funded positions from upon, from decades ago.” He further indicated that if a position is not on the UMD, Grissom cannot hire for the position. [ATC Functional Manager] testified that, “to the best of my knowledge I think there’s 26 or 27 [air traffic control positions] at Grissom.” [ATC Functional Manager] did not think that Grissom was over or understaffed. Grissom’s staffing “meet[s] the standard. They’re right on the standard.”

When asked whether there might be a perception that Grissom may be overstaffed, [Acting Air Traffic Manager] indicated that if and when something happens, you are going to want every one of those guys. “You need to be able to react quickly and you know, Sioux City, you know, you can come up with at least a half a dozen emergencies that have, the outcome has been positive because they’ve had people that were standing by.”

According to [ATC Functional Manager], AFI 13-204 “directs the facility manager, we call them ATM, Air Traffic Manager, to set up the facility’s schedule and then below that you have each supervisor that runs a crew. That supervisor by AFI 13-204 is directed to use those

<sup>29</sup> Total assigned manning is adjusted through standard manpower procedures due to proficiencies earned by collocating the ATC functions and overhead staff functions. The overall manning may be reduced by either 1 or 2 assigned personnel depending on the location and type of operation.

resources so the overall schedule is the Air Traffic Manager, the daily schedule is going to be the facility supervisor.” [ATC Functional Manager] indicated that ATC facility managers “have basic ground rules. The AFI 13-204 states what your parameters are for setting your schedule, so it depends, Grissom is not a 24-hour facility so it wouldn’t be the same as say March which is. So based on the operation that’s when the manager makes his decisions or how he makes his decisions.”

[ATC Functional Manager] explained that there is a fair amount of autonomy given to the local level to accomplish the mission. “It has to be dynamic because flying schedules flex. You could have an influx of traffic. You could have a national disaster and that’s where the 13-204 gives general overall responsibility per facility.”

The Air Traffic Control Flight (Air Traffic Control Tower and the Radar Approach Control facility) at Grissom currently operates and is staffed from 0730 to 2300 daily, including all weekends. On Federal holidays, the airfield is closed and the Control Tower is not staffed. However, the RAPCON facility is staffed on all holidays (RAPCON is a 365 day a year requirement). To ensure the safety and efficiency of the National Airspace System, there are established minimum staffing requirements for ATC functions. Grissom’s minimum staffing for the Control Tower is two controllers and the minimum staffing for the RAPCON facility is four controllers.

According to Ms. Schlarf, there are three “shift supervisors over in air traffic control” and one of the supervisors, [Acting Air Traffic Manager] “does the majority of the scheduling” and determines the staffing for the Control Tower. With regard to the days and the hours the base tower is actually manned, Ms. Schlarf stated,

The base tower as I understand it is manned, the tower is manned 24/7. I don’t know that they’re actually in the tower, that’s a better question for airfield management but I know that the manning is there even when the tower is not necessarily open is what I found out during that February meeting. ... I don’t think somebody is actually in the tower but they’re actually on the schedule, they’re being paid.

Ms. Schlarf testified that Control Tower is covered by two shifts of air traffic control personnel, which results in overtime, night, weekend and holiday pay premiums. She understands this happens “because they’re regularly scheduled during evening hours in accordance with the statute. If they’re scheduled on Sundays, they require Sunday premium pay. Ah, anything that’s, if it’s any of those requirements, we have to pay them, holiday -- if they work on a holiday, there’s holiday pay rules so it depends on the employees schedule for that day as to what type of extra entitlements they’re getting.” Ms. Schlarf indicated that, “our [union] contract makes a distinction between the RAPCON and the tower so I would assume that they are scheduled because there are people on the RAPCON but all of the tower people are not necessarily in the tower.”

According to [Air Field Operations Manager], the Air Traffic Control Tower is “open seven days a week, with the exception of federal holidays. We’re open and closed by the Wing Commander.” “We close the Control Tower on federal holidays.” [Air Field Operations

Manager] explained that, “[u]nique to this location, we staff the Control Tower with uh two personnel. We try not to staff it with uh less than two personnel, however we can staff it with one person during periods of low flying density.” He testified that in RAPCON, “[n]ormally on crew we have seven controllers. Depending on the traffic, we have two sectors. Uh it would take a minimum of five controllers in there to run the two sectors also with a supervisory oversight on that. The crews or staff of seven, that also includes staff in the Control Tower.”

[Acting Air Traffic Manager] testified that, “[w]e got three crews. Three basic crews, so on any given day, if one crew is off, then the other two crews are scheduled to work.” He stated that, “[t]he Control Tower is manned with two personnel from 0730 local until 2300 local seven days a week, except federal holidays.” He explained that, the “RAPCON would be the Radar Approach Control” which “is manned uh 0730 to 2300 local seven days a week, including federal holidays. ... And minimum manning there is four personnel per shift. So we have two shifts per day. So you’re talking eight people a day for the RAPCON, and essentially four people a day for the tower, when it’s open.”

[ATC Supervisor #2], ATC supervisor, testified that “[i]t’s a five position RAPCON. We’ve got two, east approach, west approach, arrival with two assists on the approach controls too in addition to the Watch Supervisor ... in a perfect world.” [ATC Supervisor #2] indicated that “a majority of the time the Watch Sup is actually a controller in charge which means he’s just not overall responsible for the phone’s in the Watch Sup position. He’s also working traffic.”

[ATC Supervisor #2] indicated that with the schedule, ATCs will have to periodically “work four [days] on and two off in order to get the required forty hours a week. Every five weeks the crew, that pay period, has to work ten-hour shifts. So they work four tens. So, in essence, the day crew is there from 7 to 3, and when we start, we start on our swing shifts. We come in at one o’clock. ... There’s two hour overlap [of shifts] from 1 to 3.” [ATC Supervisor #2] indicated that during that overlap, “that’s pretty much when we get our simulator problems done or we can get PRO [proficiency] Tests done, or whatever we need to get done.”

[Acting Air Traffic Manager] testified that the staffing does not change when the KC-135s, the planes assigned to Grissom, are not flying. “Because, well, the towers, we’re still manning the tower. It’s a joint use airfield, so we still have civilians that land at Grissom. So we still need to man the tower. The Radar Approach Control typically, exact numbers, I’m not sure. One time it was 20 percent of our traffic was military 80 percent of our traffic was civilian air traffic. So it typically does not change our mission that much.”

[Acting Air Traffic Manager] explained that “[a]t times, yes, we have additional manning. Like I said that’s just our minimum manning. We’re staffed with seven personnel per shift.” He indicated that, “we can go down to three in the RAPCON if need be, but four is preferably minimum.” On federal holidays when the runway is closed, Grissom “goes to four personnel total [per shift]. And they’re all in the RAPCON.” “And that’s so that we can maintain three in the RAPCON, and in the event of needing to open up the tower for a mission

we can send somebody to the tower.<sup>30</sup> And we can, we can operate with one person in the control tower on special occasions like that.”

At times of low aircraft density, the Air Traffic Control Manager has the authority to reduce the Control Tower staffing down to one controller. [ATC Functional Manager] stated that, “the minimum staffing per shift is directed by AFI 13-204. In the tower, ... the facility manager can go down to a minimum of one controller in the tower but that’s got to be periods of extremely light traffic or during periods where we know that there’s not going to be a lot of flying. In the RAPCON, that very bare minimum is two people, but again, your, you’re would have to ensure that no contingencies or you would have to make sure that contingencies are covered for emergencies or you know, you can’t always foresee those things.” [ATC Functional Manager] explained,

[AFI] 13-204 says that you can combine those positions [needed on a daily operation] up during periods of slow traffic so the overall manning is the standard versus the four positions but 13-204 is what allows you to take the approach, the approach assist and put them into one controller. Typically during a busy day, you have all of those positions individually manned, but say on a late swing shift, you can start combining positions. Same thing with the tower. There’s four basic control positions in the tower that you can combine those all into one when there’s periods of light or no traffic. So the standard says here’s what it takes to run on a daily no-kidding basic operation. The [13-]204 says you can vary that manning depending on traffic.

[ATC Functional Manager] testified that, “the supervisor on the spot is given the broad authority to reduce the number of positions that are open, if, so if they want to send somebody to the break room, they can combine positions up if there’s low traffic. If the traffic starts to pick up then it’s the supervisor’s responsibility to start to de-combine those positions, so those four positions can really go down to two positions but that’s not the standard. The standard is we open up those positions during normal flying.”

[Acting Air Traffic Manager] also testified that, “the minimum numbers are established by Air Force Instruction. AFI 13-204 [Volume 3] ... However, the Chief Controller, the Air Traffic Manager has leeway to, to change those numbers. They [AFI] just give minimum set numbers.” He explained that during periods of light aircraft flying activity, they may have more people than they need, but due to the unpredictability of the aircraft workload, they need to be staffed and ready to provide air traffic control services to all aircraft, at all times. “There could be very long lulls. But you can’t base your manning on that because that long lull may turn into a busy hour that you need two people there right then, and you don’t have time to bring them in to, to do that.”

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<sup>30</sup> [Acting Air Traffic Manager] testified that, “[a]ll controllers are certified in both facilities [Control Tower and RAPCON].” With all controllers at Grissom being both RAPCON and Control Tower qualified, they are able to work in either capacity. This gives the Air Traffic Control Manager maximum flexibility to staff shifts to meet minimum manning and often avoid incurring overtime expenses.

[ATC Functional Manager] was asked what he would expect the manning for air traffic control on those days when the runway was closed. “Ah, that’s kind of dynamic as well. If you have a tower only and they’re closing the airport, I would expect that the tower would be closed. If you have a letter of agreement in the case of Homestead, March or Grissom and they have a radar approach control that, that controls that chunk of airspace or class E airspace, they may or may not close depending on what obligations they have to the FAA. We try to be consistent, ah partner with the FAA.”

### *Overtime*

According to [ATC Functional Manager], “Grissom’s overtime over the last twelve months we’ve noticed a change pre-furlough period for sequestration and then post. Leading into the furloughs we, we spoke to each of the six managers and expressed a concern that ah, they would have to find some efficiencies and we’ve had some of our facilities that have, have probably done a little bit better at finding efficiencies and some that haven’t, nothing that’s egregious but it’s, it’s noticeable at all six locations.”

Between July 1, 2013 and October 31, 2013, due to Sequestration and the Federal Government shut down (due to a lapse in appropriations), no overtime was authorized. This fiscal constraint required Air Traffic Control Flight management to reduce the hours of operation from 0700-2300 to 0730-2300. By opening 30 minutes later each day, it eliminated the 15-minute shift overlap that had previously resulted in 15 minutes of overtime pay for each non-supervisory worker on shift. Opening 30 minutes later required Chicago Center to work Grissom’s airspace 30 minutes later into the morning, adding additional workload on Chicago Center during peak morning air traffic. At 2300 hours each day, Grissom’s airspace reverts back to Chicago Center. During the midnight hours, the much lighter, off peak air traffic is more easily handled by Chicago Center.

[Acting Air Traffic Manager] testified that the situation with overtime, which was a bigger issue three or four years ago, has changed. He stated that, “for a while there was no overtime authorized, especially during sequester it wasn’t allowed.” He indicated that, “[i]t [overtime] was changed first off as our schedule or our operating hours changed. That has reduced a lot of overtime.” [Acting Air Traffic Manager] explained that, “[m]ainly the big change has been the scheduled hours. Reducing our scheduled hours [from 16 hours a day to 15 ½ hours a day], that has saved us a lot of overtime. And the fact that we’re sometimes in the tower, you know, need be, we can go down to one person in the tower, you know, in the worst-case scenario. And there’s been times where we just haven’t filled a second controller in on the weekend to work in the tower. We just left one person up there.”

The Air Traffic Control Manager also explained that they have recently adjusted the schedule of two Standard Terminal Replacement System (STARS) automation specialists that has resulted in the virtual elimination of overtime for STARS support. (STARS is a digital radar system which replaced 1970’s technology radar system used by the controllers in RAPCON.)

[Acting Air Traffic Manager] also discussed this second change resulting in less overtime needed relating to the STARS automation positions. [Acting Air Traffic Manager] explained that, “STARS is, it’s a Standard Terminal Replacement System is what it’s called, or

Radar Scopes is what it is. It's a digitized radar system. It is based on all computer generated targets, versus in the old days prior to digital, you'd see what they called skin-paint. We'd get a radar return, but we were actually seeing the airplane. Now it's all digitized, and it's a computer generated target." [Acting Air Traffic Manager] stated that, with "the automation folks. Their overtime has been reduced because they're not coming in every day. If somebody's off sick, then they're just off sick. They do their tape changes the next day." According to [Acting Air Traffic Manager],

[e]verybody's certified to, to use the [ATC] equipment, but not everybody's certified to maintain the equipment. ... And we have two STARS automation specialists. They have program loads that they need to do. Sometimes they can't do those program loads during normal hours because it shuts the system down. Yeah, they have duties where they have to record the radar. What it does, STARS is able to record the day's events of radars so that you can play back that radar tape in case something happens. In case an incident or whatever. So they have tapes that they have to change and make sure that those get changed daily. I'm not sure their exact time limit they have on those tapes. I don't think it's daily because I know they go sometimes without changing them. Since sequester, we have cut that overtime down to basically none, and they don't typically get overtime for that unless it's a program change that they have to do.

In addition, [Acting Air Traffic Manager] testified as to other measures to cut down on overtime. "They were willing to give up airspace and let Chicago Center control before they wanted us to use overtime. So we went to the fact that if well, you know what, we'll just go with one man instead of two and keep the facilities open. That is what we opted to do in air traffic. And it's not always the most ideal thing to do, but it'll get you through an event if there's light traffic days." "After sequester, if we needed to go to one person we went to one person versus closing the place down or calling in overtime."

By opening 30 minutes later at 0730 hours, adjusting the STARS automation specialists schedule and at times going down to one controller in the Control Tower during periods low traffic density, it has significantly reduced the use of overtime within the Air Traffic Control Flight. Overtime reports for the Grissom Air Traffic Control Flight over the past 10 months were reviewed and a total of 14.6 hours of overtime had been logged.<sup>31</sup> This is down considerably from pre-sequestration levels.

### **Activity While On Duty**

During the investigation, the IOs took an unannounced physical tour of the Air Traffic Control Tower and RAPCON facilities. At the RAPCON facility, which is located approximately 150 yards from the Air Traffic Control Tower, there are four stations with radar scopes to work the national airspace assigned to Grissom. Just off of the large RAPCON room,

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<sup>31</sup> The IO asked Ms. Schlarf if she was aware of how much overtime had been used with regard to the ATCs in the last ten months at Grissom. Ms. Schlarf responded, "[n]ot a clue. ... I wouldn't even want to begin to guess. ... I, literally I don't know."

there is a separate training room and a break room. The training room has two computer workstations along with air traffic control and FAA related material. In the break room, there is a small kitchenette with a sink and refrigerator, a 27" flat panel TV mounted on the wall as well as two chairs. The TV received only six stations that included weather and news type programming. A DVD player was also connected to the TV.

The shift supervisor's office is located between the training room and the break room off of the RAPCON center, which allows the supervisor to easily monitor the RAPCON center, the training room and the break room. [Air Field Operations Manager] testified that the facility "was designed with the operations room with a break room right next to it" and "the supervisor's room right next to it, so they never have to leave the immediate area."

### ***In Position***

The evidence shows that each duty station (scope) has a computer, which is connected to the Internet. [Acting Air Traffic Manager] indicated that the ATCs have access to computers at the control center that allow access to Internet.

"Oh at the radar work station and the Control Tower work station, yes those are AFAS is what it's called. Airfield Automation System. We used to have radio reference files. And as a controller, you've got to have a vast amount of knowledge quickly available to you. Because you can't remember it all. So those computers replaced mountains of books. All right, so a click away is the information that used to take you a minute to find because you were searching through a book to find it. But they also have Internet capability for weather and also for what they call NOTAMS. Notice to Airmen. And those Notice to Airmen that tell you about equipment outages and stuff at other airports, at all the airports so that you can make sure the pilots have the most current information."

Controllers use the computers and Internet as part of their pre-duty requirements as well. [ATC Functional Manager] explained that, "[w]ell, there's a pre-duty familiarization that the supervisors can build in and by AFI you have to have a pre-duty briefing so that. You can't just walk in to an air traffic control facility and turn on; you have to get [the] runway in use. You have to get weather. You have to get flying for the day. Then there's an entire checklist based on not only facility transfer responsibility, but position responsibility. So the four positions that you see on the manpower standard, if those four positions are open, there are four independent briefings that are going on so that you can have max situational awareness by the time you sign on the position."

As described by [Acting Air Traffic Manager], a typical beginning day for an air traffic controller involves the use of their computer and Internet while in position.

Open up at 0730. Required to be there at 0715. We have recorders every, because every conversation is recorded, and every phone call, every transmission is, is recorded. So yeah, first thing you do is you stop in the equipment room, check the recorders. You go upstairs to the tower cab. You start your opening checklist, that's checking all of your equipment. Checking your NOTAMs, which

I said NOTAMS are Notice to Airmen. It tells about outages and specific closures or whatever at airports and things like that. Get your weather forecast, your trim so you can select an active runway and use. Make your phone calls that you're open and basically you're open for business.

[Acting Air Traffic Manager] explained that in RAPCON, it is a "similar thing, except for runway of choice is it's selected by tower so that's the only thing that RAPCON doesn't do."

According to [ATC Supervisor #2], these in position computers are connected to the Internet and are "called the AFITS system, and its main function is for ready reference or whatever we need for weather, approach plates, if need be for our satellite airports, and any information on any airport that we can, that we need to." Explaining how there are computers available to controllers who are in position, [ATC Specialist #3] explained that the primary uses of those computers is "weather ... most of the stuff we use in our day-to-day [are] operations regulations, approach plates, which airplanes use to follow instrument procedures and things like that. All of that stuff is on there. Phone numbers, I mean the list just goes on and on of the information that we have accessible that we need to get to so we use those, weather information that we can access, type aircraft, characteristics, rules and again regulations and things like that."

Similarly, [ATC Specialist #4] explained the purpose of access to the Internet while in position, "[f]or me it's going to be first and foremost weather. Ah, in between you know, normal daily, well on a daily basis, we have everything from ground delays and other weather reports that come out for various airports so just in our air -- in our airspace, we have three different airports that we can get weather from so aircraft arriving we can tell them what's going on, hazardous weather moves in, we know it as it's happening because in the radar, you can't see it. The other thing that we use on there often is a website called flight aware and the FAA's new next gen or next generation radar...." While [ATC Specialist #4] indicated he is not aware of people browsing non-aviation related websites while people are in position, [ATC Specialist #3] did acknowledge that people infrequently use the Internet for unofficial, non-air traffic control related reasons while in position.

[ATC Supervisor #2] and [ATC Supervisor #1], ATC Supervisors, testified that they did not allow controllers to read material other than material relating to their air traffic control duties or browse the Internet while performing air traffic control duties. [ATC Supervisor #1] testified that he has seen ATCs browse the Internet, read books and watch movies while "on shift." He indicated that technically the controllers were "on shift" during their breaks. While on break, "they're allowed to do that [read a book, etc] then and I've seen people read books before when there's nothing going on," but that they put the book up when there is traffic. He stated that he is "comfortable that [his] operation is safe at all times, yes." He further testified that as a supervisor, "I would not want them [controllers] to be cruising anything and I would say something if I caught it."

When asked whether he saw controllers in position go to non-work Internet sites, [ATC Specialist #6] stated, "not normally, I don't see that." Conversely, over the years, [ATC Specialist #7] has seen people search the Internet for non-traffic control reasons, but "nothing

that has taken them away from their responsibilities.” He indicated that such use was “minimal.” [Acting Air Traffic Manager] also stated that on duty Controllers “at the position” are not allowed to surf the Internet during low times. “When they’re on break yeah I see no reason why not.”

[Air Field Operations Manager] has not seen air traffic control staff browsing the Internet, reading books or watching movies while on shift, except during their personal break. “While on shift, depending what they were doing. I mean, if they’re on their personal break, then that’s their personal break, and if they’re watching TV and they’re on break, or if they’re reading a book, which they, they do, I mean there is a conference room there that they basically go in there and put their newspaper or book or take a book or ... that is, but now to sit in front of the position and be reading a book, no.”

[ATC Functional Manager] indicated that it would be inappropriate to read a personal book like a novel “in position. If you were sitting at the scope, you still have to maintain surveillance over it, whether there’s an aircraft flying or not. You can’t be sitting at the scope playing games or playing with your phone. You have to be watching because you can have a no radio situation, you could have an aircraft flying into your airspace, same thing with the tower. If you’re sitting in the tower, if the runway lights are off, the possibility that you could have unauthorized entry into the airport is very real and it happens daily around the country so sitting in the tower is a little less ah – I guess convenient that sitting in the radar. In the radar room you can break it down to two controllers and the majority can be in the break room swapping in and out where in the tower, you’re kind of a captive audience for the airport.”

According to [ATC Functional Manager], “[reading a book during a slow time] would not be ideal because that is your back up. So if you’re in the facility, at the scope, you’re supposed to be focused on what’s in front of you. If you have professional material in front of you or you’re learning or reviewing parts of the map then you’re fine, but um, any distractions from what you’re supposed to be doing should be the purview of the supervisor not allowing that to happen. So he’s responsible for the overall operation.”

[ATC Specialist #2], an ATC Specialist, has witnessed air traffic controllers read books and browse the Internet while on shift in the tower, which does not have a break room. [ATC Specialist #2] did not consider such activity excessive, “it’s rare, because you’re always getting, you know, if you were doing it, ... if traffic pops up, you stop it.” What [ATC Specialist #2] described is discussed with greater clarity by [ATC Specialist #5]. Answering whether people read for leisure while in position, [ATC Specialist #5], a controller with 26 years of air traffic control experience, explained that individuals do look at other non-work sites on the Internet “but not when they’re working in position. When you’re working the scope itself, ah, people don’t do that.” He testified that he has seen people

read books, yes, but not necessarily for leisure. Yeah they’re doing it, as a leisurely purpose, but it’s to keep your brain involved. Let’s go back to that, let’s keep your brain flowing. You want somebody there who is just staring into the scope, looking here and then all of a sudden drool starts coming down your chin, no, you want somebody alert, aware, and mentally cognizant of what’s going on. In my career, I’ve seen another thing is crossword puzzles. They keep people

alert. ... anything to stay alert. Back in the old days, we used to play cards to keep alert.

[ATC Specialist #6] echoed [ATC Specialist #5]'s analysis. [ATC Specialist #6] was asked if he ever saw anybody read leisure books while in position. He responded, "it's probably happened." It is not a regular occurrence because "generally we have some traffic, if there's a, say early in the morning or things haven't gotten going yet, there might be nothing going on and somebody might look at something, either training material or even a regular novel or something like that just to stay alert." When asked whether he has seen anyone read books for leisure when they were actually in position at their work station, [ATC Specialist #3] answered, "[t]here might be a book or a newspaper or something, again, it's used when you know, there's nothing going on and you don't have a whole day full of airplanes or something and you're off, catching up on your reading. You know, if it's slow and stuff but that also includes you know training material."

[ATC Specialist #4] stated that he is aware of "leisurely reading at their work station.... Yes. But not in a control position. ... Unless it's late at night and you have one person monitoring and the other person is reading a book and again nothing is going on. In the approach control, I don't see the controller reading a book or a tablet or e-reader or whatever you want to call it. When they're working the assist position and it's one of those moments where it's slow. A perfect example was my first month after being certified here. ... So I was working and it was slow. I probably had two or three, there was some weather moving in, but if the weather was bad enough then people weren't flying and the person working my assist said, 'hey, I'm going to read this book.' Okay. I've got these guys miles apart, thousands of feet apart, they're never going to get close, we're good. Well, all of a sudden we started getting more traffic. And you know, a testament to that person and to air traffic controllers in my opinion was the minute I started talking more, the book went down and he was right there. So yeah, I've seen people do it but on the same token most of the people that I've worked with have been professional enough to know when to turn it off and turn it on."

As for reading material while in position, [ATC Supervisor #2] explained, "I discourage it, unless it's reference material. I'll be honest with you, if it's a snow day, we're in there, and there's absolutely no flying, there's nothing proposed, I'll kind of allow them to read a book. ... But I will monitor what is going on at the facility just to make sure that I, that nothing gets missed." If something pops up, "the book is closed. They'll put it away, and then work their traffic."

In response to whether she has seen people watching TV, surfing the Internet or reading a book while at their duty station, [Air Traffic Automation Specialist] stated that "[i]f they're out of position? They may read a book. They may watch some TV. They may look on the Internet for something. While they're in position, normally we'll engage in conversation." She indicated that while controllers are in position they do "not [watch] TV, [are] not surfing the Internet, because we're not allowed. You may see somebody pick up the manual, maybe one of our regulations or something or read something, but I mean if that's reading. ... Because a lot of times you'll get in conversations, and you'll debate whether something's right or wrong."

[ATC Specialist #7] perhaps sums it up best: as for reading leisure books, [ATC Specialist #7] has read a personal book, “when there’s a blizzard. ... I have read a book there and I’ve read a book in every facility that I’ve worked in, which is numerous ... I mean my career started in 1966.... If I have one airplane that is going from point A to point B and he’s got fifty miles of point A to point B that I’m responsible for. If he’s it and he’s flying along, it’s not a constant vigil. If it was a constant vigil, I wouldn’t have done it for over ... since 1966.”

[ATC Supervisor #2] testified that controllers have “monthly training requirements, supplemental requirements that just come out of the blue, so generally yes [controllers are required to complete regular training during their shifts.] There’s always something going on that we’ve got to review and train on.”

The training room is located across the hall from the break room and has computers with access to the Internet. Often during slower times, controllers accomplish required ongoing formal training including monthly Control Tower and radar simulator training, monthly proficiency tests and study of reference material. [Acting Air Traffic Manager] explained that controllers accomplished their required training during lulls between operations. “There are additional rooms that are training rooms. Used mostly for training. There are two computers in the work stations that they can use to do their pay and like you said, they’ll surf the Internet.” With regard to training conducted during shift, [Acting Air Traffic Manager] stated, “[w]e have two simulators. We have a tower simulator, and we have a radar simulator. There’s required monthly amounts [of training] that they [the controllers] need to accomplish on both of those.” They have additional proficiency training that’s bookwork type. It’s a [monthly] closed book [proficiency] test. So there’s references that they have to study for.”

### ***Out of Position -- Breaks***

When controllers are working their shifts, they are regularly afforded breaks on a rotational basis, based on workload, air traffic density and number of controllers on the shift. Controller breaks are utilized in the interest of air safety to prevent burnout. [Acting Air Traffic Manager], the acting Air Traffic Control Manager, explained that having a controller in position for hours and hours without breaks is not a safe practice.

The AFRC Functional Manager for Air Traffic Control, [ATC Functional Manager], advised it is standard in DOT and DoD for controllers to be given regular breaks to prevent burnout and to recharge their batteries. [ATC Functional Manager] indicated that, it is common during a slow period that controllers can take breaks, watch movies, read books, as long as it does not interfere with their duties. “That’s, as the [AFI] 13-204 states, that the facility watch supervisor has the overall responsibility to ensure that the facility is being managed. So it’s a double-edged sword. If you leave a controller in a position too long and fatigue sets in, you could be causing a hazard. If you give breaks that are extremely generous and you have too few people working, then you cause a hazard, so that’s what we pay our managers to do is really mitigate risk.” “And that goes up the hill to the facility manager. The facility manager’s got to ensure that the schedule isn’t overly taxing. I mean we have to deal with circadian rhythms and you know, rotating shifts over a period, which you know, causes its own hazards.”

According to [ATC Functional Manager], the supervisor “that’s on duty” decides who gets a break and when they get a break. “They basically have to sign on to a document called a 36-16. They become responsible for that facility at that point so they dictate the tempo of rotating people in and out of those four positions or combining the positions or taking breaks or get leave for that particular eight hour period.” As a supervisor, [ATC Supervisor #1] provides his controllers breaks on a periodic basis. “Yes, yes, we usually rotate every hour or two hours. To try to give everybody a break.” [ATC Supervisor #2] stated that the controllers under his supervision take breaks “when they can.” He elaborated that, “[i]f we are down to minimum manning downstairs is three people, so we’ve got three positions open. So we’re constantly it’s musical chairs. So we kind of, if somebody has to take a bathroom break and eat real quick, they can, and then they’re back in position. But if we’ve got four or five, then we’ve got the opportunity to give somebody a break. Go to the bathroom. You can go sit in the break room to eat or take a break, or if you want to watch some TV.”

[ATC Functional Manager] discussed the common practice of providing a break room to air traffic controllers. “And that’s DoD and DOT wide so FAA controllers, Department of Defense controllers, it’s standard to have a, in a RAPCON or Radar Approach Control to have a break room that could have, I’ve seen them with ping-pong tables, with dart boards, with TVs and that’s so the controllers can do something other than air traffic while they recharge their batteries or rest and then reassign the position.” He indicated that there is a benefit to air traffic control safety to have break room with those type of amenities: “Well, when you’re working traffic, it’s pretty much, it’s akin to be[ing] on a really busy freeway say in Atlanta during rush hour, so it’s a lot of sensory overload and that’s why typically the one supervisor, and there’s nothing that specifically states that two hours in position but during peak travel or during peak traffic periods, two hours is pretty mentally taxing so to pull a controller out to let them kind of wind down is standard and over thirty years, I’ve seen that at both FAA and Air Force and Marine and Navy facilities that I’ve been to.”

Multiple witnesses confirmed that the break room at Grissom has a television, a telephone, a digital video disc player, microwave, coffee pot and a table and chairs. When controllers are on their break, they are afforded the opportunity to check their work email, browse the Internet, read, watch any of the six TV stations or watch a movie on DVD. According to [ATC Specialist #6], “there’s a TV in the break room that’s provided. It’s limited as to what you can watch. It’s news, basically, weather channel, CSPAN, it’s not exciting but it’s just something to engage your mind so you are actively thinking about things.” [ATC Specialist #1] indicated that “telephones, TV, Internet, work station” are available to the controllers in the break room.

When asked whether it would be uncommon for ATCs to watch TV or watch movies or just chill out during a break, [ATC Supervisor #2] said, “not at all. I strongly encourage it, just to get some, a little downtime and some stress relief. I think that’s important. ... Just a break from, you know, working airplanes.” Explaining why breaks are important, [ATC Specialist #5] stated, “When you get people who have done it for a while in the position who didn’t get a break, who don’t get out, who don’t get a chance to reset their whole thing, they start making stupid mistakes. They start turning guys, turn left at heading 2-9. Oh I said right, I was thinking of my other left, or they make stupid mistakes with a, through a call sign error or they make little things which in the process again builds up a link to a chain of events which you have a big chain that

links to an accident... But it allows the build up to get there and that's why you need to reset and you need to clear everything. You know control, alt, delete I guess would probably be the better way to do it in today's world, and that's what we do. We go in there and take a quick, little break, chill out, come out refreshed and we're ready to go."

[ATC Supervisor #1] explained, "[w]hen they're not in position they're allowed to read what they want. They're allowed on the Internet." [ATC Specialist #7] was asked whether he has ever seen anyone sit and watch a full length movie from beginning to end. He replied, "I'd say over 20 years, I probably have." He explained that the circumstances allowing such an occurrence would be "a blizzard ... A tornado. Zero traffic and someone taking their break and possibly watching something." [ATC Specialist #4] explained that when they are on their break, controllers use the computers in the break room. "[W]hen you're on a position and you've had a day where you're [sic] mind is just frazzled ah yeah, sitting there and looking at puppies on YouTube makes you feel a little bit better and go back in to do what you need to do."

[Acting Air Traffic Manager] stated that, "normally on break, you know, typically I don't know what they're doing on break, I don't get involved with. I've been a supervisor for almost 20 years. And when they're on break, you know, I really don't monitor or enforce what they're doing. As long as they're completing their monthly training. They're doing their job when they're sitting in position, it's just the nature of the business. You know, sometimes you have more people than you need, but you need them there in case crap hits the fan. ... You have no depth. And what some people don't understand is I don't want a controller sitting there in position for hours and hours and hours without breaks. Without being relaxed when he's going in their in position. It's a different story between pushing paper and pushing airplanes. You know, you got to have the right mind when you're sitting at that scope. And they've got to have their breaks. They've got to be relaxed when they go in there. They can't [go] in an uptight work environment where everybody's constantly looking at what are you doing. What are you doing? You know, it's like come on. You have to be in a relaxed mode."

[Acting Air Traffic Manager] testified that "as long as their duties are taken care of first" and "done in proper amount," in his opinion, breaks and time away from the scope, whether the controllers are browsing the Internet, watching TV in the background, whatever, and that is just a mental break, that's actually a positive for air safety. "In fact there's studies out there that even the FAA specialist suggest that they allow controllers to nap during their breaks."

## ANALYSIS

The premise of the whistleblower's complaint is that Grissom ARB does not service civilian aircraft and that when Grissom's military aircraft are not flying, there is no need for Grissom to staff the Control Tower or RAPCON, especially on weekends and holidays, when air traffic controllers would earn holiday and premium pay. The evidence and testimony collected during the course of the investigation supports a determination that the Grissom ATC Flight provides Control Tower and RAPCON air traffic control services to both military and civilian aircraft during the course of their daily duties, to include weekends and holidays.

The testimony and evidence show that Grissom ARB participates in the National Airspace System and provides complementary services to the FAA for a large swath of Indiana. While the whistleblower takes issue with the fact that the FAA does not compensate Grissom for its NAS services, the evidence shows that both FAA's statutory framework and DoD policy contemplate military participation in the NAS without compensation. The testimony also supports a finding that Grissom's participation in NAS serves both a commercial purpose as well as a National Defense mission.

In addition, the 434 ARW at Grissom ARB is currently a partner in numerous LOAs and a Joint Use Agreement that obligate the Grissom Air Traffic Control Operation to support civilian aviation using Grissom's runways as well as multiple civilian airports within the Grissom ARB assigned airspace. The Joint Use Agreement calls for reimbursement for Control Tower services outside of normal hours of operation. In addition, Grissom ARB Air Traffic Control also has responsibility for two Military Operating Areas where ANG and other military units participate in training exercises.

The evidence indicates that the Grissom ATC is manned in accordance with standard Air Force Personnel manning guidance and AFRC Manpower Standard 13E101. Moreover, there is no evidence to support the allegation that air traffic control personnel are being unnecessarily scheduled to work overtime, federal holidays or weekends.

Practices and procedures at Grissom Air Traffic Control Flight were found to be proper and are in line with all other AFRC Air Traffic Control facilities. During the course of an ATC's shift, it is standard practice throughout DOT and DoD to provide regular breaks to controllers to prevent burn out and ensure flight safety. Controllers are allowed to read books, browse the Internet or watch TV/movies in their break room during their breaks. They are available to be recalled to their duty position on a moment's notice.

In sum, the investigation revealed no violations of law, rule or regulation, gross mismanagement or gross waste of funds. The whistleblower's allegation that Grissom only supports military aircraft is simply not consistent with the evidence adduced. As such, the allegations were not substantiated.

## **ACTIONS TAKEN OR PLANNED AS A RESULT OF THE INVESTIGATION**

No actions have been taken or are planned as a result of this investigation.

## **CONCLUSION**

Upon review of the evidence and testimony obtained during the investigation, and based upon a preponderance of the evidence, there were no findings of any violation of law, rule, or regulations, gross mismanagement or gross waste of funds. The investigation did not reveal a criminal violation. Therefore, referral to the Attorney General, pursuant to 5 U.S.C. §§ 1213(c) and (d) is not appropriate. This Report is submitted in satisfaction of my responsibilities under 5 U.S.C. §§ 1213(c) and (d).

## APPENDIX

### WITNESSES INTERVIEWED

(Alphabetical Order)

Col [Former 434<sup>th</sup> ARW Operations Group Commander]  
Col [Former Wing Commander]  
Lt Col [434<sup>th</sup> ARW OSS Commander]  
[ATC Specialist #1]  
[ATC Specialist #2]  
[ATC Functional Manager]  
[ATC Supervisor #1]  
[ATC Supervisor #2]  
[Acting Air Traffic Manager]  
Col [434<sup>th</sup> ARW Operations Group Commander]  
Lt Col [74<sup>th</sup> Squadron Deputy of Operations]  
[ATC Specialist #3]  
Col [Wing Commander]  
[ATC Specialist #4]  
[ATC Specialist #5]  
Ms. Tammy Schlarf (Complainant)  
[ATC Specialist #6]  
[ATC Specialist #7]  
[Air Field Operations Manager]  
[Air Traffic Automation Specialist]

### ABBREVIATIONS USED

AFI – Air Force Instruction  
AFGE – American Federation of Government Employees  
AFPCI – Air Force Personnel Center Instruction  
AFRC – Air Force Reserve Command  
AFRC/A1 – Air Force Reserve Command Personnel Management  
AFRC/FM – Air Force Reserve Command Financial Management  
AFRMS – Air Force Reserve Manpower Standard  
ALERT – Air Land Emergency Response Team  
ANG – Air National Guard  
AO – Air Operations  
AOF – Air Operations Flight  
ARB – Air Reserve Base  
ARTCC – Air Route Traffic Control Center  
ART – Air Reserve Technician  
ARW – Air Refueling Wing  
ARW/CC – Air Refueling Wing Commander  
ATC – Air Traffic Control  
ATCs – Air Traffic Controllers  
ATCM – Air Traffic Control Manager  
ATCT – Air Traffic Control Tower

BRAC – Base Realignment and Closure  
CC – Commander  
CCTLR – Chief Controller  
Col – Colonel  
CMA – Controlled Movement Area  
DoD – Department of Defense  
DOT – Department of Transportation  
EDA – Economic Development Authority  
FAA – Federal Aviation Administration  
FAAO – Federal Aviation Administration Order  
FBO – Fixed Base Operation  
FSS – Force Support Squadron  
FWA – Fort Wayne ATCT  
GCA – Ground Control Approach  
HR – Human Resource  
HRO – Human Resources Officer  
HUF – Terre Haute, IN  
IFR – Instrument Flight Rules  
IG – Inspector General  
JO – Joint Order  
LAF – Lafayette  
LN – Administrative Leave  
LOA – Letter of Agreement  
Lt Col – Lieutenant Colonel  
MAJCOM – Major Command  
MOA – Military Operations Area  
NAS – National Airspace System  
NATCT – Non-Commissioned Officer In Charge Air Traffic Control Training  
NCOIC – Non-Commissioned Officer In Charge  
NOTAMS – Notice to Airmen  
NVD – Night Vision Device  
OG – Operations Group  
OSC – Office of Special Counsel  
OSS – Operations Support Squadron  
RAPCON – Radar Approach Control  
SC – Senior Controller  
STARS – Standard Terminal Replacement System  
TAD – Tactical Arrival and Departure  
TERPS – Terminal Instrument Procedures  
TRACON – Terminal Radar Approach Control  
USAF – United States Air Force  
USD(AT&L) – Under Secretary of Defense for Acquisitions, Technology and Logistics  
UTA – Unit Training Assembly  
VFR – Visual Flight Rules  
WG/CC – wing commandeer  
WS – Watch Supervisor