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January 6, 2015

Karen Gorman
U.S. Office of Special Counsel
1730 M Street, N.W.
Suite 218
Washington, D.C. 20036-4505

Dear Karen,

Thanks again for your time and patience in addressing the safety issue plaguing the entire National Air Space (NAS).

This response will cover the supplemental information for OSC File No. DI-13-4206.

In Joseph Teixeira's, AJI Vice President of Safety and Technical Training, Weekly Report dated August 21, 2014 (Attachment A) it states, "*Since multiple flight plans are more of a workload issue than a serious safety concern, NAS (National Airspace System) policy and automation changes needed to reduce multiple flight plans are not expected to be implemented until 2015 (or later).*"

The Weekly Report goes on to state, "*Even though the FAA initially (before the Task Force and SRM Panel) advised OSC that we would conduct an audit in 2014, an audit would not be productive until the NAS automation changes are implemented.*"

Per ORDER 1100.167B, the Office of Audit and Evaluation (AAE) was established as an independent office for the investigation of aviation safety-related whistleblower disclosures. The order states, "*The realignment augmented....enhanced agency accountability for internally identified safety concerns, and revalidated the agency's commitment to providing an independent vital and effective mechanism for addressing and resolving safety-related employee disclosures and safety-related whistleblower disclosures.*"

The order goes on to state, "*....the ultimate responsibility for implementing corrective actions identified on safety-related issues remains with the appropriate FAA organizations. AAE also serves as the FAA's primary liaison for audits and investigations on aviation matters conducted the U.S. Office of Special Counsel (OSC).*"

This charge of safety was substantiated not only locally, but nationally.

In the Executive Summary from the Report of Investigation (ROI) dated April 2014, it states, *“Duplicate flight plans introduce a safety risk into the air traffic control system with potentially conflicting information being acted upon by air traffic controllers (ATC) and pilots.”*

The Findings and Details of the ROI state, *“FAA management has failed to properly address frequent and systemic problems with computer based systems designed to automate the filing and amending of flight plans and delivery of departure clearances. Findings: Substantiated”*

Also in April 2014 in a memorandum to the Chief Operating Officer (COO) of the Air Traffic Organization (ATO) Teri Bristol, Clay Foushee, Director of AAE states, *“In August 2013, the group briefed carriers and the major associations representing business aviation and general aviation that duplicate flight plans were associated with safety risk and increased controller workload that directly affected FAA efficiency.”*

In May 2014, Terry Biggio, Vice President, Air Traffic Services, sent a memorandum to the COO on how the safety risk will be addressed.

Secretary of Transportation, Anthony R. Foxx signed the following statement to Special Counsel Carolyn Lerner on May 16, 2014, in response to the findings of AAE, *“The investigation found that duplicate flight plans introduce a safety risk into the air traffic control system with potentially conflicting information being acted upon by controllers and pilots. The investigation found that ATC facilities across the NAS are encountering this problem on a regular basis and that it is significantly more common during inclement weather periods.”*

Mr. Foushee also sent a memorandum in July 2014 to Assistant General Counsel for General Law, Terence W. Carlson, updating the status of the corrective actions.

After correspondence exchanges with the respective heads within the DOT and FAA, Mr. Teixeira’s office not only ignored the findings in their entirety, but summed up the substantiated safety risk as “more of a controller workload issue”, as if it is acceptable to overburden a controller. Mr. Teixeira’s office also under mind the corrective actions sought by AAE and AAE’s communication channel with OSC.

The lack of respect for the Congressional Acts and laws that established the Office of Special Counsel and the Office of Audit and Evaluation and their authority is troubling. Not to mention the risk and danger to the flying public and placing pilots and controllers in potentially unacceptable situations.

In the supplemental document dated July 23, 2014, the Agency talks about “additional meetings, changes, establishing and guidance” and use other nouns and verbs, yet there is no corrective actions put into place to address the safety risks and none in the foreseeable future.

The October 2, 2014 supplemental update further confirms the Agency’s inactivity and lack of concern. The update just covers more meetings, telcons, publications and et cetera. It also discusses our second Clearance Delivery position. The equipment has been installed and the

required procedures have been briefed and in place for months, yet the position is still not operational.

The supplemental update also includes a November 13, 2014 memorandum from Joseph Teixeira, AJI-0 Vice President. While this document really only covers more of the same “self promoting, listen to what we saying and not doing” nonsense, Mr. Teixeira addresses the August 2014 update. Mr. Teixeira states, “...*a robust review of pertinent data...to identify the causes*”, yet their actions do not show that any proper review or subsequent identification has been accomplished.

Mr. Teixeira goes on to state, “*Our internal pre-decisional document, which was not intended to be construed as Agency policy, included an unfortunate description of the issue by one of our staff members.*” Remember, ORDER 1100.167B states, “...*the ultimate responsibility for implementing corrective actions identified on safety-related issues remains with the appropriate FAA organizations.*” Mr. Teixeira, nor his staff, has the latitude for deciding the safety issue, only the fate.

Now bear in mind, the statement made was over the discovered safety issue. They said, “...*more of a workload issue than a serious safety concern.*” They then moved forward after their self proclaimed conclusion in a manner to address a workload issue and not a safety concern. They continued forward with more of the same absurdities as listed in November 2014 bullets.

Bullet seven mentions the briefing of local safety counsels with a completion date of December 2014. This has not been accomplished here at Detroit. Bullet six is asking controllers to be more vigilant. These accomplish one thing and one thing only; the Agency has a briefing guide with controller’s initials on it so they can say “see you were made aware of this, so it is your fault” when something goes wrong.

Attachment B is more reports to varying degrees. Number one; flight plans with different times. Number two; flight plans with different altitudes, improper or incomplete FRCs and the inability to find original strips. Number 3; different destinations, different departure structures and different routes. Detroit continually submits these reports and for the life of me, I cannot figure out what the Agency is doing with the information. Especially after the Agency repeatedly states they have to collect and analyze more data. What more do they need? Just look at the mess we give them on a daily basis.

The next to the last problem report in Attachment B3 is totally unacceptable. Here we have two flight plans in the system going to the same airport with two different routes and two different PDRs. The company gave the pilot the route associated with strip 003. As stated, the pilot contacted us and was confused as to what “clearance” he should fly. There was only one “clearance” issued to flight 4957. It was strip 233. A flight plan or route is entirely different than an issued clearance.

The Agency is dangerously expecting the users of the NAS to address, comply or follow what is clearly the responsibility of the Federal Aviation Administration to rectify. There is no degree or amount of notices, telcons and the like, that is going to properly address this safety issue. The

Agency has done nothing more than moved forward in a manner more closely aligned with their "controller workload" statement than a safety risk in the NAS.

Thank you again in assisting, supporting and addressing safety concerns not only here at Detroit, but the entire National Airspace System.

Respectfully and Sincerely,

A handwritten signature in black ink that reads "Vincent M. Sugent". The signature is written in a cursive style with a large, stylized initial 'V'.

Vincent M. Sugent