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Karen Gorman
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 300
Washington, D. C. 20036-4505

Dear Karen,

Thanks again for your time, patience and effort in addressing safety issues and improprieties at Detroit Tower. This follow up only adds to the concern as to the competency of not only local management in executing the mission of the Agency, but regional and national management as well.

Since the intersecting/nonintersecting flight paths of Runway 22L and 27L as well as the dependency and independency and wake turbulence issues have been covered in great and complete detail, I will briefly cover a few more contradictions and inconsistencies of this report.

The IG response to OSC request 1 states, *"In a memorandum dated August 6, 2008, then Detroit Air Traffic Control Tower Operations Manager Kevin Grammes proposed that Mr. Barttelt serve a seven calendar day suspension for directing three Southwest Flow departures on July 21, 2008, in violation of DTW Notices 7110.156 and 159 and written guidance from the Operations Manager."*

Then the IG response to OSC request number 3 the Agency states, *"....(ii) Mr. Barttelt has already served a suspension for his violation of that order during the departure of those jets;...."* This calls into question whether Mr. Barttelt was suspended for insubordination or violating a local order. Ms. Strawbridge has already stated in the January 14, 2010 report that controllers are not charged with an operational deviation when a local order is violated. Local order violations are not recognized nationally or regionally as operation deviations, yet this violation here at Detroit was treated with a severe punishment of suspension instead of a decertification and/or review prior to return to work?

The following is an excerpt for the January 14, 2010 report; *"Ms. Strawbridge further advised that she and her staff were not aware of the specific procedure contained in local Notice DTW N7110.156 during their review of DTW's reclassification request. During our interview of Ms. Strawbridge, we showed her a copy of local Notice DTW N7110.156. She advised that the July 21, 2008, events would not constitute an operational error or deviation, because the departures had only violated local, not*

national standards. In order to be classified as an operational error or deviation, the event must be a violation of the national, not local, standard.”

“Additionally, then AOV Air Traffic Investigator Scott Proudfoot, reviewed the radar replay tapes and confirmed that although the three alleged operational errors constituted a violation of local Notice DTW N7110.156, the departures did not constitute operational errors or deviations.”

“Moreover, we learned that facilities are not required to report violations of local procedures to FAA headquarters or its regional service center when the facility reports operational errors or deviations. Ms. Strawbridge added, moreover, that she and her staff are only responsible for reviewing events for non-compliance with national standards which result in operational errors or deviations or unsafe conditions as defined in the national standards. She added there was no requirement on the national level to have reviewed the alleged violation consisting solely of a local procedure, even if it was reported to them. Therefore, we did not substantiate the allegation that FAA officials improperly reclassified the three alleged operational errors as non-occurrences.”

The IG response to OSC request number 3 (b) states, *“Mr. Figliuolo stated that even if Detroit officials allegedly incorrectly charged a controller with an operational deviation for violating a local order, the alleged deviation was independently reviewed outside the facility and subject to reversal. The Operations Evaluation Team Manager for the Central Service Area Quality Control Group confirmed that, at the time of our investigation into this matter, her group would have reviewed all operational deviations reported within the Central Service Area. According to the Operations Evaluation Team Manager, her group received paperwork from the reporting facility, asked follow-up questions, briefed the FAA Air Traffic Organization - Office of Safety (ATO-Safety) in Washington, DC, and then reviewed the data of the incident with ATO-Safety before determining whether an operational deviation occurred.”*

Could the Agency possibly be more contradictory between two documents covering the same issue?

The IG response to OSC request number 3 (b) also states, *“FAA Order 7210.56C, Chapter 5, defines an operational deviation. A violation of a local order is not necessarily an operational deviation, unless the same event is also a violation of 7210.56C. Should a controller violate both a local order and 7210.56C during the same event, the controller would be charged with an operational deviation in violation of both the national and local order.”* This statement would lead you to believe that this verbiage is in FAA Order 7210.56C, Chapter 5. There is no such verbiage. On the contrary; there is no delineation between local and national orders when describing an operational deviation in chapter 5.

Response 3 continues with, *“Mr. Figliuolo advised that the facility uniformly applies the policy on violations of local vs. national orders. We found no evidence that Detroit*

officials incorrectly charged controllers with operational deviations for violating local orders.” This is just not true. It is a regular occurrence.

The other interesting piece to the deviation explanation in FAA Order 7210.56C is the violation quip. You cannot violate the 7210.56C as an air traffic controller. The only way you can violate 7210.56C is to not follow the specific direction for the reporting, investigation, and recording of air traffic incidents. This is not the task of an air traffic controller. This is presented in 7210.56C, Chapter 1, General, 1-1-1; Purpose which states, *“This order provides specific direction for the reporting, investigation, and recording of air traffic incidents. Additional guidance is provided for the identification and correction of performance deficiencies through establishing a quality assurance program at the facility and regional level. This order is designed to work in concert with current Federal Aviation Administration (FAA) Orders concerning facility evaluations, air traffic technical training, performance management systems, and bargaining unit contractual agreements.”* The Forward even states, *“This order is derived from a mutual goal of addressing quality efforts at the national, regional, facility and individual level. It provides specific guidance on investigation, reporting and recording types of incidents that impact the quality of air traffic services. This order represents several new ways of addressing quality assurance in a manner designed to improve the system. All concerned personnel shall familiarize themselves with the provisions pertaining to their responsibilities.”*

The IG response to OSC request number 4 (b) states, *“Because there are many variables involved, it is virtually impossible to develop a standard list of duty priorities that would apply uniformly to every situation. Each set of circumstances must be evaluated on its own merit, and when more than one action is required, controllers shall exercise their best judgment based on facts and circumstances known to them. That action which is most critical from a safety standpoint is performed first.”*

“Further, the order provides additional general guidance that applies to go-arounds, as well as wake turbulence. Paragraph 1-1-1, for example, states, “Controllers are required to be familiar with the provisions of this order that pertain to their operational responsibilities and to exercise their best judgment if they encounter situations that are not covered by it.” Additionally, 7110.65, paragraph 2-1-20b, instructs controllers to “[i]ssue cautionary information to any aircraft if in your opinion, wake turbulence may have an adverse effect on it. When traffic is known to be a heavy aircraft, include the word ‘heavy’ in the description.”

“FAA is still working on more specific instructions for dealing with go-arounds and wake turbulence. In the meantime, controllers at Detroit are expected to be aware of the guidance provided in FAA Order 7110.65, including the requirement to use their best judgment to apply safe separation during, for example, a go-around and to minimize the adverse affects of wake turbulence in such an instance.”

For the Agency to use this statement as a catch all to protect themselves from their insidious conduct is appalling. The Agency actually believes that they can put whatever

they want into writing, have it go horribly wrong, try to pen their way out of it and when it goes awry; use the above statement to protect them.

As of yesterday, June 2, 2010, the wind instruments were still not working properly. The ASOS was displaying the wind as 27015G24 and the TDWR was displaying the wind as 26008. The inaccuracies and the certification issues with the equipment has still not been addressed.

This entire situation is due to poor managerial performance and oversight. I believe this can be directly attributed to incompetent leadership and the lack of air traffic knowledge, experience and competency.

Thank you very much for your time and the opportunity to review, evaluate and comment on the report. If you any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent M. Sugent". The signature is written in a cursive, flowing style with some loops and flourishes.

Vincent M. Sugent