



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

GENERAL COUNSEL

1200 New Jersey Ave. S.E.
Washington, D.C. 20590

February 1, 2010

Karen P. Gorman, Esq.
Deputy Chief, Disclosure Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Re: OSC File Nos. DI-08-0591 and DI-08-1696

Dear Ms. Gorman:

This is in response to your e-mail of January 21, 2010, in which you inquired about the status of two actions planned by the Federal Aviation Administration (FAA) in the whistleblower complaints filed by Mr. Vincent Sugent.

Regarding reconsideration of whether formal disciplinary action is warranted for the managers who failed to timely clarify incorrect information provided to Senator Levin, FAA advises that the employees' manager re-examined the circumstances surrounding this incident and determined that the original counseling that she provided these employees was appropriate and that no further disciplinary action is necessary. She based her determination on the fact that the employees based their communications on a verbal briefing they believed to be accurate and did not intentionally provide incorrect information. She believes counseling was appropriate under the circumstances. She counseled the managers on ensuring all communications are correct and to timely clarify any incorrect communications to Congress.

Regarding the follow-up audit by FAA's Air Traffic Safety Oversight Service (AOV), FAA advises that the audit was conducted in November 2009. AOV is currently finalizing its report which is expected to be complete in the very near future.

Sincerely,

Judith S. Kaleta
Assistant General Counsel for General Law