

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
WASHINGTON FIELD OFFICE**

ROBERT MACLEAN)	
Complainant,)	
)	EEOC No. 570-2017-00631X
v.)	Agency No. HS-TSA-26032-2016
)	
KIERSTJEN NIELSEN, Secretary,)	
U.S. Department of Homeland Security,)	
Transportation Security Administration,)	
Agency.)	September 24, 2018
)	

**AGENCY'S FIRST RESPONSE TO COMPLAINANT'S INTERROGATORIES,
REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR
ADMISSIONS**

The Transportation Security Administration (Agency), provides the following responses to Complainant's Interrogatories, Requests for Production of Documents, and Requests for Admission dated August 10, 2018, to Complainant, Robert MacLean, in the above-captioned matter. The Agency has reproduced each of Complainant's requests below in verbatim fashion and responds to each request separately. The Agency reserves the right to supplement its responses. This Agency reserves the right to supplement its responses.

**GENERAL OBJECTIONS TO COMPLAINANT'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. The Agency objects to Complainant's discovery requests to the extent that they seek information protected by the attorney-client privilege, the deliberative process privilege, or any other applicable privilege, or the attorney-work product doctrine.
2. The Agency objects to Complainant's discovery request to the extent that they are vague and ambiguous, overly broad and unduly burdensome, or seek information not relevant to the claims or defenses in this proceeding.
3. The Agency objects to Complainant's discovery requests to the extent that they seek information within Complainant's possession or that Complainant could readily obtain.
4. The Agency objects to Complainant's discovery requests to the extent that they seek information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interfere with the privacy rights of others.
5. The Agency objects to Complainant's discovery requests to the extent that they seek information protected from disclosure under 49 C.F.R §1520, et al, which prevents the disclosure of Sensitive Security Information that the Agency has determined may reveal a

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systemic vulnerability of the aviation or maritime system, or a vulnerability of aviation or maritime facilities, to attack.

6. The above general objections are hereby incorporated into each and every individually numbered response as if set forth therein.

INTERROGATORIES

1. Identify each and every person who contributed information and documentation provided in the Agency's answers to Complainant's Discovery Requests, specifying as to each such person the number of the Interrogatory, Document Request, or Admission for which information was provided.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome.

Notwithstanding these objections, the Agency identifies the following individuals, and references its document production and the Report of Investigation (ROI):

1. Rose Tancredi
2. Brian Belcher
3. Ryan McCormick
4. Todd Schumacher
5. Sukeena Stephens
6. Conrad Raines
7. Jeffery Buzzi
8. Matthew Hudren
9. Roy Wright
10. Edward Ronan
11. James Moore
12. Christopher Muller
13. Matthew Ryan

2. Identify each and every person who the Agency reasonably believes has relevant knowledge pertaining to the matters set forth in the instant EEO complaint. Include in your response a description of the knowledge each identified person possesses regarding the instant EEO complaint, specifying what is known to them by their own observation, what is known to them by their own personal knowledge, and what is known to them by virtue of being so informed by another.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome, and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term "matters set forth in the instant EEO complaint."

Notwithstanding these objections, the Agency references the following employees:

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1. Rose Tancredi
2. Brian Belcher
3. Ryan McCormick
4. Todd Schumacher
5. Sukeena Stephens
6. Conrad Raines
7. Jeffery Buzzi
8. Matthew Hudren
9. Roy Wright
10. Edward Ronan
11. James Moore
12. Christopher Muller
13. Matthew Ryan
14. Karen Otten

3. Identify and describe the complete factual basis regarding the investigation of Complainant identified by the Incident Tracking Report Number 9658. See ROI at 287, 306.

Answer: The Agency references Agency EEO Production MacLean 0218-0393.

4. Identify and describe the complete factual basis regarding the investigation of Complainant identified by the Incident Tracking Report Number 9569. See ROI at 306.

Answer: The Agency references Agency EEO Production MacLean 0218-0393.

5. Identify each and every person the Agency intends to call as a witness in the trial of, at any hearing in, or in any other proceeding in this matter. Include in your response the expected testimony and/or relevancy of each person.

Answer: Objection. The Agency objects to this interrogatory, as worded, as premature, overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term “any other proceeding in this matter.” Agency reserves the right to supplement its response.

6. Describe any and all communications, whether written or oral, drafted, revised, sent, received, or forwarded by any Agency employee (including Complainant) from 2016 to the present that relate or refer to Complainant’s protected EEO activity, including but not limited to Complainant’s opposition to discriminatory practices. Include in your response: the date of each communication; the participants of each communication; the method of each communication (i.e., in person, via e-mail, telephonic); and, in as verbatim form as possible, the substance of each communication.

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Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the terms “relate or refer,” “Complainant’s protected EEO activity” and “Complainant’s opposition to discriminatory practices.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, or deliberative process privilege.

Notwithstanding these objections, the Agency references ROI 207-214.

7. Describe any and all communications between any Agency employees (including Complainant) from 2016 to the present that relate or refer to Complainant’s race. Include in your response: the date of each communication; the participants of each communication; the method of each communication (i.e., in person, via e-mail, telephonic); and, in as verbatim form as possible, the substance of each communication.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome, and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term “relate or refer.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, or deliberative process privilege.

Notwithstanding these objections, the Agency has no documents responsive to this request at this time.

8. Provide the complete factual basis for Brian Belcher’s decision not to recommend Complainant for the Mid-Level Leadership Development Program, Job Announcement No. PH-16-CF-1692379. Include in your response all proposed or implemented disciplinary actions, if any, which Brian Belcher considered or relied upon in determining not to recommend Complainant.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the terms “proposed or implemented disciplinary actions” and “considered or relied upon.”

Notwithstanding these objections, the Agency notes that Mr. Belcher did not recommend Complainant for the Mid-Level Leadership Development Program as Complainant was the subject of pending discipline. See ROI 270-271.

9. Identify the complete factual basis for Rose Tancredi’s assertion that Complainant “failed to begin or complete” the “majority” of the tasks she assigned to Complainant. See ROI at 196.

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Answer: Objection. The Agency objects to this interrogatory, as worded, as irrelevant to the claims and defenses at issue in this complaint.

Notwithstanding these objections, the Agency notes that Complainant did not accomplish tasks Ms. Tancredi requested that he perform, to include familiarizing himself with Emergency Preparedness Division documents and records management. See ROI 211.

10. Identify the complete factual basis for Brian Belcher’s assertion that “VIPR was the best option for [Complainant].”

Answer: The Agency notes that there were very few assignments in the Washington Field Office that did not involve flying. As Complainant was not on flying status due to fear of public recognition, the only viable position for him was VIPR. See ROI 236-240, 260-261.

11. Identify all assignments within a fifty-mile radius of Chantilly, Virginia in April of 2016 which were both available to Federal Air Marshalls and did not require the assigned employee to fly as part of that assignment.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the terms “available to Federal Air Marshalls” and “did not require the assigned employee to fly as part of that assignment.”

Notwithstanding these objections, the Agency notes that Complainant had voluntarily requested to be assigned to the Washington Field Office.

12. Identify all instances where Rose Tancredi reported misconduct by submitting an Incident Tracking Report to the Incident Activity Coordination and Trends Office.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term “misconduct.”

Notwithstanding these objections, the Agency references Agency EEO Production MacLean 0548.

13. For each instance identified in your response to Interrogatory No. 12, identify the complete factual basis of the misconduct Rose Tancredi reported, including but not limited to the race of the individuals Rose Tancredi alleged to have committed misconduct and whether those individuals had engaged in any prior EEO protected activity.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The

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Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term “prior EEO protected activity.”

Notwithstanding these objections, the Agency references Agency EEO Production MacLean 0548. The Agency also notes that Ms. Tancredi has filed ITRs concerning employees other than Caucasians.

14. Identify and describe all discrimination complaints, including EEO actions, either formal or informal, resolved or otherwise dismissed, in which one or more of the responding management officials in the instant complaint, including Rose Tancredi, Conrad Raines, and Sukeena Stephens, is named as a responding management official.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to the interrogatory, as worded, as vague and ambiguous as to the terms “discrimination complaints” “informal” and “EEO actions.”

Notwithstanding these objections, the Agency notes that it has no relevant record of any formal adverse EEO findings against any of the Management Officials named in this complaint.

15. Identify and describe any and all disciplinary actions, formal or informal, proposed, considered, or taken against one or more of the responding management officials in the instant complaint, including Rose Tancredi, Conrad Raines, and Sukeena Stephens.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory as vague and ambiguous as to the term “formal or informal, proposed, considered, or taken against one or more of the responding management officials.” The Agency also objects to this interrogatory, as worded, to the extent that it seeks information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interferes with the privacy rights of others.

Notwithstanding these objections, the Agency notes that is has no relevant documents responsive to this interrogatory.

16. Identify and describe all discrimination complaints, including EEO actions, either formal or informal, resolved or otherwise dismissed, in which Brian Belcher is named as a responding management official.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to the interrogatory, as worded, as vague and ambiguous as to the terms “discrimination complaints,” “informal” and “EEO actions.”

Notwithstanding these objections, the Agency notes that it has no relevant record of any formal adverse EEO findings against any of the Management Officials named in this complaint.

17. Identify and describe any and all disciplinary actions, formal or informal, proposed, considered, or taken against Brian Belcher.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory as vague and ambiguous as to the term “formal or informal, proposed, considered, or taken.” The Agency also objects to this interrogatory, as worded, to the extent that it seeks information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interferes with the privacy rights of others.

Notwithstanding these objections, the Agency notes that is has no relevant documents responsive to this interrogatory.

18. Identify and describe all discrimination complaints, including EEO actions, either formal or informal, resolved or otherwise dismissed, in which Jeffrey Buzzi is named as a responding management official.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to the interrogatory, as worded, as vague and ambiguous as to the terms “discrimination complaints,” “informal” and “EEO actions.”

Notwithstanding these objections, the Agency notes that it has no relevant record of any formal adverse EEO findings against any of the Management Officials named in this complaint.

19. Identify and describe any and all disciplinary actions, formal or informal, proposed, considered, or taken against Jeffrey Buzzi.

Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory as vague and ambiguous as to the term “formal or informal, proposed, considered, or taken.” The Agency also objects to this interrogatory, as worded, to the extent that it seeks information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interferes with the privacy rights of others.

Notwithstanding these objections, the Agency notes that is has no relevant documents responsive to this interrogatory.

20. Provide the complete factual basis for the Agency’s decision not to grant Complainant’s requests for lateral reassignment to TSA’s Law Enforcement Information Coordination Section.

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Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the terms “requests” and “decision not to grant Complainant’s requests for lateral reassignment to TSA’s Law Enforcement Information Coordination Section.”

Notwithstanding these objections, the Agency notes that Complainant was assigned to work at the Washington Field Office. The Agency also notes that it has no record that Complainant formally applied to vacancy #16-20, Lateral Reassignment Opportunity to the Information Coordination Section. See Agency EEO Production MacLean 0394-0395.

21. Provide the complete factual basis for Complainant’s non-selection for the “I Band lateral reassignment position in the Law Enforcement Section (LIA) located at OLE/FAMS Headquarters in Reston, VA.” See ROI at 525.

Answer: The Agency notes that Complainant was not selected for the “I Band lateral reassignment position in the Law Enforcement Section (LIA) located at OLE/FAMS Headquarters in Reston, VA” #16-19 because he was not the most qualified applicant. Furthermore, no one was selected from that announcement. See ROI 244-245, 283-286, 291-293, 297-298, 553-570; Agency EEO Production MacLean 0396-0529.

The Agency further notes that Complainant did not submit a formal application for the #16-20 “I Band lateral reassignment position in the Law Enforcement Section (LIA) located at OLE/FAMS Headquarters in Reston, VA” referenced at ROI 525. See Agency EEO Production MacLean 0394-0395.

22. Provide the complete factual basis for Complainant’s non-selection for the Supervisory Federal Air Marshal position, announcement number FAM-16-997714. Include in your response the criteria and methods utilized in creating the April 5, 2016 “referral list,” the identity of all individuals who contributed to the creation of that list, and the total number of applicants who were not placed on the April 5, 2016 “referral list.” See ROI at 404–05.

Answer: Objection. The Agency objects to this interrogatory, as worded, as vague and ambiguous as to the terms “criteria and methods” and “contributed to the creation of that list.”

Notwithstanding these objections, the Agency notes that Complainant’s application to the FAM-16-997714 vacancy (comprised by his composite score) did not rank high enough to be placed on the referral list under the J-Band promotion process. Referral lists are created by ranking the top candidates by composite test scores.

The Agency references ROI 256-259, 335-354, 359-418, 420-425, 488; Agency EEO Production 0530-0547.

23. Identify and describe any and all assignments assigned to Complainant by any of Complainant’s supervisors from 2016 to the present.

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Answer: Objection. The Agency objects to this interrogatory, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the terms “any and all assignments” and “by any of Complainant’s supervisors.”

Notwithstanding these objections, the Agency references ROI 183-185, 211-213, 225, 231-233, 238-240, 260-261, 276-280, 531-535; Agency EEO Production MacLean 0549-0550.

24. Provide the complete factual basis for the Agency’s decision to make Complainant “an operational VIPR member” on July 27, 2016. See ROI at 261. Include in your response the reason why the Agency had not made Complainant “an operational VIPR member” prior to July 27, 2016.

Answer: The Agency notes that on July 26, 2016, Complainant met with Mr. Brian Belcher to discuss his duties with VIPR. Previously, Complainant had expressed concern over being recognized as a FAM while in public, leading him to be coded as “restricted duty” and taken off flying and operational VIPR status. When Complainant expressed a desire to Mr. Belcher to operationally deploy with VIPR teams, Mr. Belcher made Complainant an operational VIPR team member.

The Agency references ROI 225, 531-535, 264, 273-280.

25. For each Request for Admission for which the Agency did not answer with an unqualified admission, provide the complete factual basis for the Agency’s response.

Answer: The Agency references its responses to Complainant’s Requests for Admission.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Provide a copy of any and all documents and communications which the Agency relied upon, referred to, consulted, or identified in answering the Complainant’s Interrogatories and/or Requests for Admission.

Answer: The Agency references the Report of Investigation (ROI) and Agency EEO Production MacLean 0001-0557.

2. Provide a copy of any and all documents and communications which relate or refer to any issue raised by Complainant in the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “relate or refer.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, or deliberative process privilege.

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Notwithstanding these objections, the Agency references the ROI and Agency EEO Production MacLean 0001-0557. The Agency anticipates supplementing its response to this request.

3. Provide a copy of any and all documents and communications which the Agency intends to use at hearing in or at any proceeding in this matter, either as evidence or to assist in the presentation of evidence.

Answer: Objection. The Agency objects to this request, as worded, as premature, overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “any proceeding in this matter.”

Notwithstanding these objections, the Agency anticipates supplementing its response.

4. Provide a copy of all documents and communications contained within any personnel file regarding Complainant, whether it is Complainant’s Official Personnel File or any unofficial file maintained by a member of management.

Answer: Objection. The Agency objects to this request, as worded, as vague and ambiguous as to the term “unofficial file maintained by a member of management.”

Notwithstanding this objection, the Agency references Agency EEO Production MacLean 0001-0217.

5. Provide a copy of any and all documents and communications drafted, edited, revised, sent, or received by any Agency employee referring or relating to Complainant’s race.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency has no documents responsive to this request at this time.

6. Provide a copy of any and all documents and communications drafted, edited, revised, sent, or received by any Agency employee referring or relating to Complainant’s protected EEO activity.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory, as worded, as vague and ambiguous as to the term “protected EEO activity.” The Agency also objects to this request, as worded, to the extent it requests

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information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 207-214.

7. Provide a copy of any and all documents and communications drafted, edited, revised, sent, or received by any Agency employee referring or relating to Complainant as racist, or words to that effect.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency has no documents responsive to this request at this time.

8. Provide a copy of any and all audio recordings of interviews, including the interview of Rose Tancredi, conducted during the Office of Inspection investigation titled “Federal Air Marshal (FAM) Misuse of Facebook,” case number I17-0414.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint.

9. Provide a copy of any and all documents and communications referring or relating to any discrimination complaint, EEO complaint, informal or formal, lawsuit, or civil action wherein one or more of the responding management officials in the instant complaint, including Rose Tancredi, Conrad Raines, and Sukeena Stephens, is named as a responding management official. See ROI at 32.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to the interrogatory, as worded, as vague and ambiguous as to the terms “discrimination complaint,” “informal” and “civil action.”

Notwithstanding these objections, the Agency notes that it has no relevant record of any formal adverse EEO findings against any of the Management Officials named in this complaint.

10. Provide a copy of any and all documents and communications referring or relating to any of Complainant’s performance evaluations, including but not limited to any documents or communications between Roy Wright and Rose Tancredi.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency

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also objects to this request, as worded, as vague and ambiguous as to the term “performance evaluations.”

Notwithstanding these objections, the Agency references Agency EEO Production MacLean 0001-0217, 0549-0550.

11. Provide a copy of any and all documents and communications referring or relating to any disciplinary actions, formal or informal, proposed, considered, or taken against one or more of the responding management officials in the instant complaint, including Rose Tancredi, Conrad Raines, and Sukeena Stephens. See ROI at 32.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this interrogatory as vague and ambiguous as to the term “formal or informal, proposed, considered, or taken against one or more of the responding management officials.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement. The Agency also objects to this interrogatory, as worded, to the extent that it seeks information protected from disclosure by the Privacy Act, 5 U.S.C. 552a, or otherwise unduly interferes with the privacy rights of others.

Notwithstanding these objections, the Agency notes that it has no relevant documents responsive to this request at this time.

12. Provide a copy of any and all documents and communications drafted or received by Rose Tancredi referring or relating to Complainant.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references Agency EEO Production MacLean 0549-0550. The Agency anticipates supplementing its response.

13. Provide a copy of any and all documents and communications drafted or received by Rose Tancredi referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

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Notwithstanding these objections, the Agency references ROI 207-214. The Agency anticipates supplementing its response.

14. Provide a copy of any and all documents and communications drafted or received by Sukeena Stephens referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 216-219. The Agency anticipates supplementing its response.

15. Provide a copy of any and all documents and communications drafted or received by Todd Schumacher referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 221-226. The Agency anticipates supplementing its response.

16. Provide a copy of any and all documents and communications drafted or received by Jeffrey Buzzi referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 180-187, 228-234. The Agency anticipates supplementing its response.

17. Provide a copy of any and all documents and communications drafted or received by Matthew Hudren referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the

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attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 247-250. The Agency anticipates supplementing its response.

18. Provide a copy of any and all documents and communications drafted or received by Brian Belcher referring or relating to the instant EEO complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 252-271. The Agency anticipates supplementing its response.

19. Provide copies of any and all policies, guidance, and/or regulations that relate or refer to any issue raised by Complainant in the above-captioned complaint.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “policies, guidance, and/or regulations that relate or refer to any issue raised by Complainant.”

Notwithstanding these objections, the Agency references ROI 359-418, 601-603.

20. Provide a copy of any and all documents and communications referring or relating to Complainant’s protected EEO activity.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “protected EEO activity.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references the ROI.

21. Provide a copy of any and all documents and communications relating to Complainant’s transfer requests.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency

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also objects to this request, as worded, as vague and ambiguous as to the term “transfer requests.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 427-475, 525-528.

22. Provide a copy of any and all documents or communications relating to the selection process for the “I Band lateral reassignment position in the Law Enforcement Section (LIA) located at OLE/FAMS Headquarters in Reston, VA.” See ROI at 525.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint.

Notwithstanding this objection, the Agency references ROI 427-448, 525-528, 553-570; Agency EEO Production MacLean 0394-0529.

23. Provide a copy of any and all Incident Tracking Reports submitted by Rose Tancredi in 2016.

Answer: The Agency references Agency EEO Production MacLean 0218-0393, 0548.

24. Provide a copy of any and all documents and communications drafted or received by Rose Tancredi containing the word “racist” or any variation of that word.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “or any variation of that word.”

Notwithstanding these objections, the Agency notes that it has no relevant documents responsive to this request at this time.

25. Provide a copy of any and all documents and communications drafted or received by Rose Tancredi which relate or refer to her engaging in a romantic relationship with any Agency employee.

Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “engaging in a romantic relationship with any Agency employee.”

26. Provide a copy of any and all documents and communications which relate or refer to any disciplinary actions, formal or informal, proposed, considered, or taken against Complainant.

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Answer: Objection. The Agency objects to this request, as worded, as overly broad and unduly burdensome and irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “formal or informal, proposed, considered, or taken.” The Agency also objects to this request, as worded, to the extent it requests information protected by the attorney-client privilege, attorney work product doctrine, deliberative process privilege, or any confidentiality agreement.

Notwithstanding these objections, the Agency references ROI 303; Agency EEO Production MacLean 0551-0557.

REQUESTS FOR ADMISSION

1. Admit that Brian Belcher submitted his non-concurrence with Todd Schumacher’s recommendation to consider Complainant for the Mid-Level Leadership Development Program on June 14, 2016.

Answer: Admitted in part, denied in part. Mr. Belcher submitted his non-concurrence with Todd Schumacher’s recommendation to consider Complainant for the Mid-Level Leadership Development Program on May 19, 2016.

2. Admit that Rose Tancredi submitted multiple Incident Tracking Reports alleging Complainant had engaged in misconduct.

Answer: Deny. Ms. Tancredi submitted one ITR concerning Complainant.

3. Admit that, on March 16, 2016, Rose Tancredi discussed with Complainant the race of the person in the Twitter video Complainant had shown to Ms. Tancredi.

Answer: Admit.

4. Admit that Rose Tancredi believes Agency leadership does not hold Complainant accountable for his behavior because he is a white male.

Answer: Objection. The Agency objects to this request, as worded, as irrelevant to the claims and defenses at issue in this complaint.

Notwithstanding this objection, admit.

5. Admit that Rose Tancredi believes Agency leadership does not hold Complainant accountable for his behavior because they are afraid of him because of his past lawsuits against TSA.

Answer: Objection. The Agency objects to this request, as worded, as irrelevant to the claims and defenses at issue in this complaint.

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6. Admit the Agency failed to retain the ranking sheets of the candidates for the “I Band lateral reassignment position in the Law Enforcement Section (LIA) located at OLE/FAMS Headquarters in Reston, VA.” See ROI at 525.

Answer: Objection. The Agency objects to this request, as worded, as irrelevant to the claims and defenses at issue in this complaint.

Notwithstanding these objections, deny. See Agency EEO Production MacLean 0396-0529.

7. Admit that Brian Belcher had a romantic relationship with a subordinate Agency employee.

Answer: Objection. The Agency objects to this request, as worded, as irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “romantic relationship with a subordinate Agency employee.”

8. Admit that Brian Belcher was disciplined for having a romantic relationship with a subordinate Agency employee.

Answer: Objection. The Agency objects to this request, as worded, as irrelevant to the claims and defenses at issue in this complaint. The Agency also objects to this request, as worded, as vague and ambiguous as to the term “disciplined” and “romantic relationship with a subordinate Agency employee.”

Sincerely,

September 24, 2018



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CERTIFICATE OF SERVICE

I certify that the Agency's First Response to Complainant's Interrogatories, Requests for Production of Documents, and Requests for Admission were served, as indicated, on September 24, 2018 to:

Via FedEx:

Complainant

Robert MacLean
883 Rhonda Place SE
Leesburg, VA 20175

Via E-mail and FedEx:

Complainant's Representatives

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September 24, 2018



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