

October 29, 2013

F/O Gregory R. Cordes  
AA Flow-Thru Pilots Coalition  
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Mr. Edgar James  
James & Hoffman  
1130 Connecticut Ave. NW, Suite 950  
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CERTIFIED MAIL  
EMAIL

Re: Request for FLO-0108 Remedy Award Transcripts

Dear Mr. James,

In response to your letter of September 27, 2013, I appreciate you confirming that the APA did not previously represent, and will not now represent the interests of the AE Flow-through Pilots in our efforts to have our A Plan pension credited YOS multiplier adjusted to reflect the time that we should have been at AA, had we not been improperly withheld from transfer with the concurrence of the APA.

It is important to remember that while the Flow-through pilots were being withheld, these pilots were on the AA Pilot System Seniority List and held an AA seniority number, just as were the group of pilots furloughed directly from TWA LLC. What is ironic is that it was clearly APA's policy to represent the former TWA LLC pilots during the same time that the APA now states that it was not representing the Flow-through pilots. Both pilot groups, the TWA LLC pilots, and the Flow-through pilots, held the same status, which was that both groups held AA pilot seniority numbers but neither group had transferred to AA. In fact, in FLO-0108 as well as several other arbitrations, FLO-0903 for example, APA was overtly working to benefit the former TWA pilots at the expense of the Flow-through pilots by attempting to eliminate, and/or delay the transfer of the Flow-through pilots to AA. When TWA LLC pilots "flowed-back" to American Eagle, the APA chose to represent the TWA pilots, even going as far as attending checking events at the American Eagle Flight Training Academy, even though the TWA LLC pilots were at American Eagle Airlines and represented by ALPA. So when you say, "you will recall that APA did not represent you and other then-Eagle pilots in those proceedings at all", it strikes a raw nerve in about 500 AA Flow-through pilots who categorically assert that the APA had a duty to represent all pilots on the AA Pilot System Seniority List, or at the very least had an obligation to not cause harm to the Flow-through pilots.

If the APA's contention is that ALPA, and not the APA, represented the Flow-through pilots at the time, is it also the APA's contention that ALPA should negotiate directly with AA management on issues that affect Flow-through pilots, particularly the remaining AE pilots with AA seniority numbers, or the 824 pilots who may come to AA under some other agreement?

With respect to the timeliness issue that you raised, we reject your argument entirely. The recent equity distribution calculations have only now brought to light the interpretation and harmful application of the Nicolau Award. Furthermore, the actual financial harm resulting from the A Plan credited YOS date difference is just now beginning to be realized by the affected Flow-through pilots. This issue has now just become "ripe".

The bottom line is, the Flow-through pilots have been discriminatorily financially harmed in this process, and APA acknowledges it will not represent the Flow-through pilots. Therefore, as you suggest, the Flow-through pilots will be forced to pursue this dispute without APA representation.

In light of the APA's refusal to assist the Flow-through pilots, it is requested that the APA make available all pertinent documentation relating to previous Supplement W arbitrations.

Mr. McDaniels and others have stated that the meetings, which culminated in the Nicolau Award should be characterized as formal discussions or negotiations. As such, official or unofficial transcripts, records and/or notes exist. These documents would shed light on Mr. Nicolau's intent, also what information he was given to render his award, and what the Flow-through pilot's pension rights were bargained away for. Mr. McDaniels also stated that AA had told Mr. Nicolau that it was not legal, or simply impossible for AA to utilize the date these pilots should have transferred to AA for pension credit purposes. Any information or records that show AA's statements to that effect would be helpful.

The Flow-through pilots are therefore formally requesting copies of any documents, official or unofficial, transcripts, records and/or notes pertaining to the remedy award meetings, and any information supplied to Arbitrator Nicolau, by the AA, AMR, ALPA and APA that he might have used in arriving at his Award.

In light of the APA's confirmation that it did not previously represent, and will continue to not represent the Flow-through pilots in these matters, we trust that the APA will at least not oppose these AA pilots, who are also APA members, in their actions to correct this blatant and obvious injustice.

Sincerely,

Gregory R. Cordes  
AA Flow-Thru Pilots Coalition