



U.S. Department of  
Transportation

Office of the Secretary  
Of Transportation

February 6, 2008

Departmental Office of  
Civil Rights

Fort Worth Regional Office  
Empire Central Building  
7701 North Stemmons Freeway - Suite 130  
Dallas, TX 75247

FAA's response to your allegations of discrimination

Mr. Darrin W. Wargacki v. DOT  
(DOT#: 2007-21335-FAA-05)

Mr. Wargacki:

Regarding your allegation of discrimination that you were subjected to discrimination on the basis of your age (40; date of birth: 07/03/1966) and in reprisal for your prior participation in protected activity when:

- a. during your tenure, on an ongoing basis, you were provided inappropriate, inadequate and incomplete training;
- b. during your tenure, on an ongoing basis, you were denied appropriate feedback regarding your conduct and performance;
- c. your requests for a transfer were denied;
- d. in May 2007, you were falsely accused of stealing government property;
- e. on May 11, 2007, during your probationary period, you were terminated from your position of Aviation Safety Inspector, FG-1825-12; and
- f. in July 2007, you were falsely accused of making threatening statements and consequently, you were banned from federal property.

Regarding your allegation that you were provided inappropriate, inadequate and incomplete training:

**FAA Response:** Management stated that you were not given inappropriate, inadequate training. However, management did state that your training was incomplete. Management (Mr. Robert E. Talmadge) stated that you never completed your on-the-job training (OJT). He asserted that you were hired to assist an Aviation Inspector, Mr. Wilbur Keith on the Petroleum Helicopters Incorporated (PHI) certificate as a Rotorcraft/EMS Inspector due to your skill set and military experience. He contended that the PHI certificate is the largest and most sophisticated certificate held in the office. He said that Inspector Wil Keith, the Principal Operations Inspector, (POI) is a very experienced POI.

He is knowledgeable about the operator and familiar with training of assistants due to his extensive military and FAA background. He stated that Mr. Keith was properly briefed to accomplish the training. According to Mr. Talmadge, at the time your training commenced, the guidance did not require for all OJT instruction to be accomplished by a trained OJT instructor, only that the certification of job tasks be certified by OJT trained inspectors. He indicated that there were two OJT qualified inspectors in the office. He stated that Inspectors Mr. Bruce Watts, Mary Donahue, Dan Malone, Clyde O'Neill, and Tony Michelli assisted in your on the job training. He maintained that all of the inspectors were accomplished journeymen. He said that Inspector Michelli had extensive supervisory experience as your immediate supervisor until you returned to line staff status. He indicated that from the start of your tenure your supervisor and he stressed the importance of and your responsibility for tracking your OJT completion so that you could complete your probation and take advantage of advancement opportunities toward the next grade as soon as possible.

Mr. Talmadge asserted that he learned a few months after you reported to the office that Inspector Keith was displeased with your attitude and that the carrier had asked that you not visit PHI unless you were accompanied by the POI. He stated that this made it more difficult to plan your training. However, your supervisor paired you up with other journeymen inspectors and attempted to accomplish the many tasks required of a new hire as the opportunities became available. Mr. Talmadge stated that this was exacerbated, however by your steadfast procrastination toward completing your OJT records. He contended that at one point your supervisor and he even recommended that you interact with another new hire inspector who was doing a good job of accomplishing the input. Little improvement resulted. He indicated that you did not embrace your responsibilities associated with accomplishing recordation of your OJT training to the satisfaction of your supervisor.

Additionally, Mr. Talmadge stated that you were not treated differently than Mr. Chris Houghton and Mr. Dan Thompson regarding being assigned qualified OJT instructors to train you in the completion of OJT tasks in accordance with IAW applicable FAA Orders, etc. during the relevant period in question. He stated that you were under the Operations specialty. Mr. Chris Houghton and Mr. Dan Thompson are under the Airworthiness specialty. He contended that there were fewer trained OJT inspectors in the operations group. It was more difficult to arrange for the certification events necessary to complete the phases of the training. Again, he stated that your lack of initiative toward the documentation in your personal OJT record became problematic when trying to ensure all tasks were being accomplished so that they could be evaluated by a trained OJT inspector.

Regarding your allegations that during your tenure, on an ongoing basis, you were denied appropriate feedback regarding your conduct and performance:

Mr. Talmadge stated that it is untrue that during your tenure, on an ongoing basis, you were provided "zero" feedback with regards to your conduct, performance, work program or any aspect of your responsibilities or duties in the organization.

Regarding your allegation that your requests for a transfer were denied:

Mr. Talmadge stated that your requests for a transfer were denied. He stated that your requests were denied because of current policy (as relayed to him by Human Resource) which required that individuals had to serve a year before they were considered for IPP.

Regarding your allegation that in May 2007, you were falsely accused of stealing government property:

Mr. Talmadge stated that to his knowledge, you were not falsely accused of stealing government property prior to your termination. However, you did state to police officers that you lost your office door key. He stated that you never reported to the Administrative Officer (Ms. Sue Teubert) that you lost your key. According to Mr. Talmadge, because of the turmoil surrounding your termination, Mr. Jude Sellers coordinated with security and then supervised changing all of the entrance locks to the Flight Standards District Office (FSDO) at their direction.

Regarding your allegation that on May 11, 2007, during your probationary period, you were terminated from your position of Aviation Safety Inspector, FG-1825-12:

According to Mr. Talmadge, you were terminated because of your behavior while associated with certificate holders and coworkers. He indicated that you failed to continuously demonstrate the courtesy, tact and judgment in dealing with clients and coworkers that is critical to success as a representative of the Federal Government and the Federal Aviation Administration.

Regarding your allegation that in July 2007, you were falsely accused of making threatening statements and consequently, you were banned from federal property:

Mr. Talmadge stated that you were not falsely accused. He stated that your threatening actions and comments, as witnessed by officers of the Baton Rouge City Police Department and a special agent of the Louisiana State Police as well as an agent of the EPA, both of whom were domiciled in the same building, precipitated a legitimate concern for the safety of personnel assigned to the office. According to Mr. Talmadge, as a result of your behavior during and after the delivery of the notice to terminate your employment as an Aviation Safety Inspector at the Baton Rouge Flight Standards District Office, on advice of FAA Security and the special agency of the Federal Protective Service assigned to the investigation of the incident, the locks at the Baton Rouge Flight Standards District Office were changed, preventing you from accessing the office. It is also his understanding that following an incident at the Southwest Regional Headquarters complex at Fort Worth, Texas, you were subsequently banned from access to that facility as well.

Please feel free to submit a rebuttal statement regarding the FAA's response to your allegations of discrimination by **February 15, 2008**.

**I HEREBY SOLEMNLY SWEAR (OR AFFIRM) THAT:**

**I have been informed by Marie Mageto, DOT Investigator of the FAA's response to this complaint.**

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**SIGNATURE**

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**DATE**

