



United States
Office of Government Ethics

1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

May 7, 2002

The Honorable George Allen
United States Senator
204 Russell Office Building
Washington, DC 20510-4604

Dear Senator Allen:

This is in response to your letter dated April 24, 2002, which forwarded recent correspondence from a constituent, David A. Lantzy. We appreciate the opportunity to be of continuing assistance in this matter.

As you may know, Mr. Lantzy, an employee of the Federal Aviation Administration (FAA), has appealed a disputed FAA personnel action involving him to the U.S. Merit Systems Protection Board (MSPB), and is also pursuing his concerns with the Department of Transportation Office of Inspector General. Under the circumstances, we believe these agencies can best respond to Mr. Lantzy's concerns.

We, of course, understand the importance of this matter to Mr. Lantzy, as well as to your office. Accordingly, we have reviewed all of the documents provided by Mr. Lantzy, and have carefully considered the questions presented by Mr. Lantzy. However, based on the facts made known to us, we adhere to our prior position that we do not have any basis to warrant interfering with the MSPB process. Similarly, the FAA analyzed the applicable conflict of interest law as it applies to Mr. Lantzy's conduct and concluded that his conduct was improper. We do not have any reason to believe the FAA's conclusion was arbitrary or otherwise contrary to the law, and therefore, give deference to the FAA's findings.

In the interests of providing further assistance to Mr. Lantzy, we note that a Federal employee who is dissatisfied with the final decision of the MSPB generally may seek review of the MSPB's decision by the U.S. Court of Appeals for the Federal Circuit. Mr. Lantzy may wish to pursue this remedy in the event the MSPB does not grant him the relief he seeks.

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If you have any questions concerning this matter, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy L. Comstock". The signature is written in dark ink and is positioned above the typed name and title.

Amy L. Comstock
Director