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Whistle-blower wins fight against United

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United Airlines wrongfully fired a veteran aircraft mechanic because he raised concerns about a safety incident at the carrier's Denver hub, a federal judge has ruled.

United must pay David [redacted] \$104,274 in back wages, as well as \$15,000 in damages for causing emotional distress, Joseph E. Kane, an administrative law judge for the Department of Labor in Cincinnati, ordered Friday.

Inside

■ Hotels around DIA stop accepting United vouchers.

■ Employees will pay service charges on tickets.

[redacted], 43, who was fired in May 2001, sought reinstatement and payment for lost wages under a whistle-blower law that protects airline workers who report safety problems.

[redacted] returned to his United job at Denver International Air-

port in August, following a preliminary ruling in his favor by the Occupational Safety and Health Administration.

"Most people will not risk their

Flip to UNITED on 6B

United: Judge's ruling to be appealed

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jobs for the truth or for other people's safety," said Steve Silvern, one of [redacted]'s attorneys. "[redacted] (a Denver-based United mechanic who has appealed a defeat in a similar case) and other whistle-blowers deserve the thanks of all airline travelers."

Chicago-based United, DIA's dominant carrier, plans to appeal Kane's decision, spokesman Jeff Green said.

Silvern said he's "hopeful" United will have to make all payments to [redacted] even though the company is operating under bankruptcy-court protection from creditors.

Kane agreed with [redacted]'s contention that United, a unit of UAL Corp., fired him because he aggressively and repeatedly asked the airline to address a 2000 incident involving maintenance on a jet.

United says it fired [redacted] because he cursed at a manager, Steve Sanborn, and intimidated Sanborn in April 2001. "We believe our actions were unrelated to any whistle-blower" allegations, Green said.

Kane ordered United to expunge

all references in [redacted]'s personnel file to his pursuit of a safety investigation, as well as disciplinary actions United took. He also ordered United to pay [redacted]'s legal fees and \$2,400 in lost employee benefits.

"This is a foundation for the (2-year-old) air whistle-blower act," said [redacted], who started at United in 1985. "I hope others will come forward in the future when confronted with similar situations.

"It's a shame that hundreds of thousands of dollars have to be spent on a trial for a safety concern that could have, and should have, been dealt with by local management."

The incident occurred in the early hours of July 6, 2000.

[redacted] and Jim Pommerer were repairing a system that controls temperature on a plane and pressurizes the aircraft. Pommerer shut off the air that supplies the system and told the flight crew it should remain off until they finished.

Without conferring with either worker, a supervisor, Kevin Huber, told the flight crew that maintenance was complete and the plane

was ready for dispatch, [redacted] alleged.

The crew turned the air back on. [redacted] was away from the jet, but Pommerer was working. Startled, he immediately jumped to the ground. He was not harmed, but Lawson said he feared a more serious incident in the future.

[redacted] admitted cursing at Sanborn on April 2, 2001. He said he was upset with Sanborn because he thought Sanborn had botched the investigation into the incident.

Also, [redacted]'s attorneys argued that United had never fired another mechanic at DIA for "similar reasons" as [redacted]'s, even though several mechanics testified that they, too, had cursed at managers.

Kane found Sanborn's testimony in a June 2002 hearing in Denver was "totally lacking credibility." For one, he said, Sanborn told supervisors he met with [redacted] numerous times after the incident in response to an order to do so, but no meeting took place.

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