

**UNITED STATES DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

_____)	
MARK ESTABROOK,)	
)	
Complainant,)	
)	CASE NO. 2014-AIR-00022
v.)	
)	ADMINISTRATIVE LAW JUDGE
)	SCOTT R. MORRIS
FEDERAL EXPRESS CORPORATION,)	
)	
Respondent.)	
)	
_____)	

DECLARATION OF DR. THOMAS BETTES

I, Thomas Bettes, declare as follows:

1. I am a licensed physician currently working in the state of Texas.
2. In the fall of 2013, I was working as paid contractor/consultant with Harvey Watt & Co., during which time I also served FedEx as an aeromedical advisor. I left Harvey Watt in 2015 and have not had further interactions with either FedEx or Captain Estabrook.
3. Among my duties as aeromedical advisor for FedEx was the scheduling of medical evaluations for FedEx pilots who were required by their employer to undergo fitness-for-duty assessments. All medical and psychological evaluations and/or examinations were completed by other contracted physicians or neuropsychologists with some knowledge or expertise in aviation medicine.
4. At no time did I conduct a physical or psychological evaluation or in-person examination of Mr. Estabrook. Rather, I scheduled him for a psychiatric assessment of his mental health at the request of FedEx.

5. The initial recommendation made by me to his employer, based on the report of psychiatrist Dr. George Glass, was that he remain on a temporary Sick Leave-of-Absence while completing some psychological counseling. As you are aware, FedEx pilots are allowed by their labor agreement to pursue a second medical opinion as part of the process; because there were conflicting opinions rendered, Estabrook was eventually sent for a third medical Fitness-for-Duty determination by a mutually agreed-upon examiner. Upon receiving and reviewing the results of this third physician's evaluation I advised FedEx officials of his ability to resume flying activities and exercise the privileges of his FAA medical certificate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on March____, 2016.

 **no**
Dr. Thomas Bettes