



475 N. CENTRAL AVE ATLANTA,
GA 30354
TELEPHONE (800) 241-6103: Ext 244
(404) 767-7501: Ext 244
FAX (404) 334-4600

<http://www.harveywatt.com>

October 2, 2013

Captain Mark Estabrook (EE#: 88775)
10026 Wild Dunes Drive
Austin, TX 78747

Re: 2nd opinion request

Dear Captain Estabrook,

Thank you for your letter of Sept 26, 2013 concerning your referral for a medical evaluation and required contractual obligations. As the FedEx aeromedical advisor, I think I understand your position that FedEx has not complied with certain provisions of the FedEx/ALPA CBA, and that you have filed grievances regarding your position. I also appreciate that you have submitted to the Section 15.D. Company-mandated Medical Exam "under protest." I hope you can appreciate that I am striving to meet my obligations as the FedEx aeromedical advisor and that Harvey Watt & Co. is also striving to keep your Section 15.D. exam in compliance with the provisions of the CBA.

I am informed that FedEx does not agree with your claim that Section 15.G.2. of the CBA has any application to your case. FedEx informs me that their position is that the applicable provision now in process is Section 15.D.7. and not Section 15.G.2.

Apparently, that difference of opinion is an issue for eventual resolution in the grievance process. In any event, I'm certainly not qualified to debate that question, and I am writing to ask if it is your intention to challenge my determination that you are not fit for duty.

Assuming that Section 15 D.7. of the CBA is now applicable to your case, please let me know if it is your intent to pursue a 2nd medical opinion under Section 15 D.7. If so, as indicated in that provision of the CBA, please notify us immediately whether you wish to engage a physician of your own choice, or have the 2nd physician be ALPA's designated aeromedical advisor physician or some other ALPA-designated physician. We need to have that information to begin preparing for the "Medical Review Panel" process established in Section 15 D.7.

Further, it is our understanding that as provided in Section 15.D.7, you have a 30 day deadline for your designated physician to complete his review, although the CBA also provides that this deadline can be extended "if warranted by extenuating circumstances."

Thank you for your prompt attention to this matter.

Sincerely,



Thomas N. Bettes, MD, MPH

cc: Phil Tadlock, Federal Express
Cindy Sartain, Federal Express
Terry McTigue, ALPA, Fedex MEC

RECEIVED

OCT 04 2013

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