

## CHAPTER 18. CONDUCT A REEXAMINATION TEST OF A MECHANIC OR AN INSPECTION AUTHORIZATION UNDER TITLE 49 OF THE UNITED STATES CODE

### SECTION 1. BACKGROUND

#### 1. PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODES.

*A. Maintenance:* 3532

*B. Avionics:* 5532

**3. OBJECTIVE.** This chapter provides guidance and describes procedures for determining whether an airman of questionable competence is qualified to exercise the privileges of a particular certificate or rating.

#### 5. GENERAL.

*A. Authority.* Title 49 of the United States Code (49 U.S.C.) § 44709 (formerly 609 of the FA Act of 1958) authorizes the Administrator to reexamine any airman at any time. If an airman fails to comply with a request for reexamination, § 44709 provides legal procedures to enforce reinspection or reexamination. Punitive enforcement action may be undertaken during the reexamination process, as necessary. FAA Order 2150.3, Compliance and Enforcement Program, contains detailed information on the enforcement aspects of § 44709 actions.

*B. Cause for Reexamination.* The reconsideration of an airman's competence is a serious issue and requires that there be ample cause. In most cases, a reexamination will follow the investigation of an accident or incident apparently caused by the airman's incompetence.

**7. BASIS FOR REEXAMINATION TEST.** The aviation safety inspector (ASI) will determine whether a reexamination test is necessary based on personal knowledge, reliable reports, or evidence obtained through an accident, incident, or enforcement investigation.

*A. Notification.* The ASI will notify the airman by letter that a reexamination is necessary. The letter must be sent via certified mail and include a return receipt. The letter should state that the Federal Aviation Administration (FAA) is promoting air safety by ensuring the airman's competence through reexamination of the applicable skills and knowledge. In no way should it suggest that the FAA considers the reexamination a punishment for an act the airman may have committed.

*B. Contents of Reexamination Letter.* The reexamination letter must specify the following:

(1) The reasons for the reexamination, such as an accident, incident, or occurrence;

(2) The specific certificate and/or rating(s) in question;

(3) The specific subject area(s) or skill(s) under review, if appropriate;

(4) The type of reexamination (knowledge, oral, practical);

(5) The category and class of aircraft required, as applicable;

(6) The location of the district office where the reexamination will take place (typically left to the discretion of the airman); and

(7) A reasonable time limit for the accomplishment of the reexamination. The reexamination normally occurs within 15 days after the airman receives the letter of notification.

#### 9. SPECIAL CONSIDERATIONS.

*A. Handling an Airman's Response to a Reexamination Letter at an Office Other than the Requesting Office.* In most cases, the office issuing the reexamination letter conducts the reexamination test and undertakes any needed enforcement action. However, an airman may contact a different district office. In such a case, the receiving district office must contact the requesting office.

(1) Immediately upon scheduling the reexamination test, the ASI must inform the requesting office of the appointment and request a copy of the original reexamination letter;

(2) After completion of the test, the receiving office forwards a copy of the test results to the requesting office; and

(3) If enforcement action is necessary as a result of the test, the ASI who conducted the reexamination advises the office manager. The requesting and receiving office managers should coordinate responsibility for the enforcement action. See FAA Order 2150.3.

*B. Airman Scheduling Appointment at a Later Date.* An airman may request an appointment for the reexamination beyond the time limit stated in the letter. The airman either

must schedule the reexamination within a reasonable time, or place the certificate and/or rating on temporary deposit at the district office. If the airman chooses temporary deposit, an ASI issues a 30-day temporary airman certificate with specific limitations. The Airmen Certification Branch, AFS-760, should be notified if the certification or authorization is placed on temporary deposit.

*C. Airman Refusal to Submit to Reexamination.* If the airman does not submit to a reexamination within the stated time limit, the investigating district office shall initiate emergency enforcement action to suspend the airman's certificate.

(1) The ASI should fill out section A of FAA Form 2150-5, Enforcement Investigation Report, citing 49 U.S.C. § 44709. Any documentation supporting the need for reexamination, a copy of the original notification letter, and any evidence of the efforts made to obtain voluntary reexamination should be attached. The investigating district office shall forward a copy of FAA Form 2150-5 through channels to the regional counsel.

(2) The regional counsel will continue enforcement action if the evidence submitted is sufficient to establish that the airman is not qualified to hold the certificate or ratings, or that air safety and the public interest require such action.

(3) This emergency order suspends the certificate, ratings, or authorization until the airman agrees to reexamination and proves qualified to continue to hold the certificate and exercise its privileges.

*D. Voluntary Cancellation of Certificate, Rating, or Authorization.* The airman may volunteer to surrender the certificate in question for cancellation. If this occurs, the airman has no re-issuance rights other than passing all knowledge, oral, and practical tests.

**11. REEXAMINATION FOR A MECHANIC CERTIFICATE.** To conduct a reexamination test, use FAA Form 8610-2, Airman Certificate and/or Rating Application. The reexamination should be accomplished according to the appropriate practical test standards for the certificate or rating involved. The ASI conducting the reexamination test should hold the same ratings for which the airman is being tested.

*A. Extent of Reexamination.* The ASI should test the airman only in the areas specified in the letter of reexamination; but the ASI may note other deficient areas during the reexamination that may constitute reason for failure of the

test. If either situation occurs, the ASI should discontinue the reexamination and inform the airman that he or she has failed the test based on the deficiency noted.

*B.* The ASI may conduct the reexamination using an oral or knowledge test if the area to be reexamined is one of knowledge rather than of skill. The ASI may design the knowledge test or seek assistance from a specialist in the Operations Standards Development Section, AFS-631. In addition, AFS-631 specialists are available to conduct the retest, as requested by the ASI.

*C. Standards.* The airman must meet the appropriate practical test standards for the applicable certificate or rating. The airman cannot be tested to a more difficult standard than initial certification requires. The field office conducting the reexamination may select a Designated Mechanic Examiner (DME) to conduct the test, for appropriate compensation.

**13. REEXAMINATION FOR AN INSPECTION AUTHORIZATION.** The reexamination should be given according to testing standards appropriate for the authorization.

*A. Extent of Reexamination.* The ASI should test the airman only in the areas specified in the letter of reexamination. If the suspected deficiency is a skill rather than knowledge, consideration should be given to reexamination for a mechanic certificate.

*B. Knowledge Reexamination.* The field ASI may design the knowledge test or seek assistance from a specialist in AFS-631.

## 15. REEXAMINATION RESULTS.

*A. Airman Satisfactorily Completes Reexamination.* Upon successful completion of the reexamination, the ASI will issue a letter of results to the airman. If the airman's certificate was on temporary deposit, it will be returned to the airman. The airman then may continue to exercise the privileges of the certificate and/or rating.

*B. Airman's Performance Is Unsatisfactory.* If the reexamination test was unsatisfactory, the ASI will issue a letter of results. The airman must be informed in detail of each deficiency and the pending enforcement action. Legal enforcement action must be taken to revoke the airman's certificate, rating, or authorization. See FAA Order 2150.3, chapter 8.

## SECTION 2. PROCEDURES

### 1. PREREQUISITES AND COORDINATION REQUIREMENTS.

*A. Prerequisites.* This task requires knowledge of Title 14 of the Code of Federal Regulation (14 CFR) part 65.

*B. Coordination.* This task may require coordination with the ASI (operations). It may also require coordination with regional counsel and other Flight Standards district offices (FSDO).

### 3. REFERENCES, FORMS, AND JOB AIDS.

#### *A. References:*

- 14 CFR parts 1, 13 and 65
- FAA Order 2150.3, Compliance and Enforcement, current edition
- AC 65-19, Inspection Authorization Study Guide, current edition

#### *B. Forms:*

- FAA Form 2150-5, Enforcement Investigative Report
- FAA Form 8060-4, Temporary Airman Certificate
- FAA Form 8610-1, Mechanic's Application for Inspection Authorization
- FAA Form 8610-2, Airman Certificate and/or Rating Application

#### *C. Job Aids:*

- Figure 18-1, Letter of Notification of Reexamination
- Figure 18-2, Letter of Results

### 5. PROCEDURES.

*A. Need for Reexamination Test.* Determine if a reexamination test is necessary. If a reexamination test is required, send a letter of notification to the airman.

(1) Ensure that an airman scheduling a reexamination test provides the ASI with the following information:

- (a) The office and person who issued the reexamination letter and the reasons for the reexamination;
- (b) The certificate and/or ratings being reexamined;
- (c) The kind of aircraft specified, if applicable;
- (d) Any areas of special emphasis; and
- (e) The time limit (date) for completing the examination.

(2) Ask the airman to bring the letter of notification to the reexamination.

(3) Request a copy of the original letter from the issuing district office, if applicable.

*B. Schedule Appointment.* Schedule a date, time, and location for the reexamination test.

(1) If the airman's knowledge is in question, administer the knowledge test and obtain the results before scheduling the oral and practical tests.

(2) If the requested date is beyond the time limit in the letter, and the delay is excessive or unjustified, accomplish one of the following:

(a) Suggest that the airman attempt to make the appointment within the time limit.

(b) Recommend that the airman place the certificate on temporary deposit.

(3) If the airman refuses to comply with either option, advise the airman that emergency legal enforcement action will be initiated to suspend the certificate or rating.

(a) Refer to FAA Order 2150.3 for emergency suspension procedures.

(b) If another district office issued the reexamination letter, advise that office of the situation. If another office is handling the enforcement investigation, forward any records of telephone conversations, visits, and other evidence needed for the enforcement report.

(4) If another office issued the letter of notification, inform that office of the date, time, and location of the reexamination.

#### *C. Prepare the Reexamination Test.*

(1) Determine which subject areas and related tasks are to be examined. If a knowledge test is required, devise the test or contact AFS-631 for assistance. If oral and practical tests are required, identify the related tasks. If a DME will administer the oral and practical tests, discuss the tasks to be tested with the DME.

(2) Prepare an agenda for the reexamination appointment. At the appointment, collect the airman's documentation.

(a) Compare the airman's copy of the letter of notification to the district office copy to verify that they are the same.

(b) Assist the airman in completing the application. Review the application for accuracy.

(c) Inspect acceptable forms of identification to establish the airman's identity.

- For an inspection authorization, have the airman complete blocks 1 through 4b on FAA Form 8610-1. Indicate in block 12 (Remarks) that the application is for a reexamination of an inspection authorization and print “44709 Retest” across the form.
- For a mechanic, have the airman complete section I of FAA Form 8610-2 and sign in section IV. Mark the certificate or ratings being tested in the header of the form. Indicate that the application is for a re-examination of a mechanic under Title 49, U.S.C. on the line labeled “Specify Rating” and print “44709 Retest” across the form. Use the “Remarks” section on the back of the application to identify subjects to be tested during the oral and practical test.

(d) If there is a problem with the application, the aircraft documents, or the airman's identity, return the application and any documentation to the airman. Explain what must be corrected before the reexamination test can be conducted.

#### D. Conduct the Test.

(1) Review with the airman the areas to be covered in the reexamination. Resolve any questions or concerns the airman may have.

(2) Conduct the reexamination test according to the agenda, using the devised test and practical test standards, and any related tasks.

(a) If a knowledge test is required, record the results in the “Remarks” section of the application; and

(b) If oral and/or practical tests are required, the administering ASI should use the reverse side of the FAA Form 8610-2 to record the results.

(3) Upon completion of the test, inform the airman immediately of the results and the options open to the airman.

## 7. TASK OUTCOMES.

A. *File a Completed PTRS Data Sheet.*

B. *Satisfactory Reexamination.* If the airman's performance was satisfactory, issue a letter of results indicating the satisfactory status of the rating or certification (figure 18-2).

(1) If another office originally issued the letter of notification, inform that office of the results and forward a copy of the letter of results.

(2) If the airman's certificate or authorization is on temporary deposit pending the results of the reexamination, return the certificate or authorization immediately.

C. *Unsatisfactory Reexamination.* If the airman's performance was unsatisfactory and a repeat test would be inappropriate, have the airman surrender the certificate, rating, or authorization for cancellation or begin legal enforcement action to revoke the certificate, rating, or authorization. (See FAA Order 2150.3.)

(1) Inform the airman that the certificate, rating, or authorization can be reissued only after the airman has passed all knowledge, oral, and practical tests.

(2) If the airman refuses to comply, advise the airman that emergency legal enforcement action will be taken to revoke the certificate or rating.

(3) If another office requested the reexamination, forward a copy of the results to that office. If enforcement action is required, inform the district office manager so that the requesting and receiving offices can coordinate.

D. *Inspector's Report.* Complete the application as described in FAA Order 8610.4 or AC 65-19, as appropriate. Attach required documentation and forward the completed file to AFS-760.

## 9. FUTURE ACTIVITIES.

A. The airman may return for further reexamination, as needed. Follow procedures as above.

B. Possible enforcement investigation in connection with the reexamination may be necessary. (See vol. 2, ch. 213, Conduct Violation Investigation.)

**FIGURE 18-1**  
**LETTER OF NOTIFICATION OF REEXAMINATION**

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FAA Letterhead

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Date

Airman's Name and Address

Dear \_\_\_\_\_:

Investigation of the *[accident, incident, occurrence, or other event that led to the reexamination]*, which occurred on *[date and time]*, at *[location]*, involving you as a *[describe airman's role]*, gives reason to believe that a reexamination of your airman competency is necessary under Title 49 of the United States Code.

Therefore, we request that you appear at or telephone this office no later than 10 days from receipt of this letter to arrange for the reexamination. The reexamination will consist of appropriate *[insert grade of certificate or rating]* practical test maneuvers with emphasis on *[include any special emphasis items]*.

If you elect to take the reexamination at another Flight Standards District Office (FSDO), please advise us by completing and returning the enclosed notification form in the self-addressed envelope which is enclosed for your convenience.

If you do not accept this opportunity for reexamination by the date indicated above, it will be necessary for us to start proceedings to suspend your mechanic certificate and/or inspection authorization certificate unless other arrangements are made. A reasonable later date may be arranged when required by circumstances beyond your control.

Please note that the incident which occurred on *[insert date]*, is still under investigation to determine whether enforcement action is appropriate. If enforcement action is to be taken you will be advised in a separate letter.

Inspector *[name of inspector]* is available to discuss this matter and provide any information to assist you.

Signed by Inspector Making Report

\_\_\_\_\_  
 District Office Address

Dear Inspector *[name]*:

I have made an appointment with \_\_\_\_\_ Flight Standards District Office for reexamination at \_\_\_\_\_ *[time]* on \_\_\_\_\_ *[date]*.

Signed by Airman

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**FIGURE 18-2**  
**LETTER OF RESULTS**

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FAA Letterhead

Date

Airman's Name and Address

Dear \_\_\_\_\_:

This letter is to inform you that a reexamination of your ability to exercise the privileges of *[type of certificate or rating]*, conducted on *[date]*, at *[location]*, was satisfactory.

- If enforcement action was pending or the airman certificate was suspended pending reexamination, inform the airman that a copy of this letter is being forwarded to the Regional Counsel.

The results of this reexamination are a matter of record and will be forwarded to the Airman Certification Branch, AFS-760 in Oklahoma City, OK.

Signed by Inspector Conducting the Test