

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

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National Policy

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6/20/20

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SUBJ: Handling and Investigating Complaints

1. Purpose of This Notice. This notice expands guidance for handling and investigating complaints.

2. Audience. The primary audience for this notice is Federal Aviation Administration (FAA) Flight Standards Service (FS) personnel assigned to handle, supervise, or otherwise conduct complaint investigations, including those from the FAA Hotline.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at https://employees.faa.gov/tools_resources/orders_notices. Inspectors can access this notice through the Flight Standards Information Management System (FSIMS) at <https://fsims.avs.faa.gov>. Operators can find this notice on the FAA's website at <https://fsims.faa.gov>. This notice is available to the public at https://www.faa.gov/regulations_policies/orders_notices.

4. Background and Policy Clarification.

a. Background. This notice expands guidance to inspectors for handling and investigating complaints and hotlines. The change is being driven by Administrator and Inspector General recommendations to enhance Office of Audit and Evaluation (AAE) and FS Office of Foundational Business (AFB) accountability and tracking of controlled correspondence, congressional inquiries, allegations about FAA offices, programs, or action/inaction of FAA personnel, and safety-related complaints. The changes provide guidance to inspectors and managers for coordinating with AAE through the Safety Risk Management Division, and enhances guidance for documentary obligations (i.e., Program Tracking and Reporting Subsystem (PTRS) records).

b. Controlled Correspondence and Congressional Inquiries – Mandatory Coordination With the Office of Audit and Evaluation (AAE).

(1) Typically, complaints are received by responsible Flight Standards offices via telephone calls, letters, email, or other electronic communication; in person; or via the FAA Hotline. However, there are certain circumstances in which a complaint or allegation may be included within the context of a controlled correspondence or congressional inquiry. For example, a letter may be addressed to the FAA Administrator, processed through the controlled

correspondence units, and assigned directly to a responsible Flight Standards office. This controlled correspondence may include allegations of wrongdoing or call into question actions, or lack thereof, by an FAA employee or an FAA office.

(2) Therefore, all controlled correspondence and congressional inquiries must be evaluated by the responsible Flight Standards office's management to determine if the correspondence includes any information that may be interpreted as containing allegations about FAA offices, programs, or actions/inaction of FAA personnel, or is a safety-related complaint. If the correspondence appears to include such information, the correspondence must be promptly referred to the Quality Control and Investigations A Branch (9-AWA-AVS-AFX-AFB440@faa.gov), which will coordinate with AAE management for review and determine appropriate handling. Handling will be unique to the particular circumstance; therefore, the result of this coordination must be documented in the PTRS by the responsible Flight Standards office.

c. AAE Coordination. For AAE tracking, all complaints must be submitted through the FAA Hotline by the complainant or are sent to AAE by the responsible FS personnel. The FAA Hotline excludes certain types of reports. Certain complaints will be investigated by the responsible Flight Standards office, while other complaints will be referred to other agencies or offices. This will be discussed in later paragraphs.

d. Complaints Received Within the Responsible Flight Standards Office.

(1) It is FAA policy to respond to all complaints (whether by mail, email, phone, or in person) that come to the attention of FS. Encourage individuals who bring a complaint by telephone to submit their specific complaint(s) in writing. Document the telephone complaint on FAA Form 1360-33, Record of Visit, Conference, or Telephone Call, and in the PTRS (see Appendix A, Complaint Process Flowchart).

(2) All incoming complaints will be entered in PTRS.

(3) FS personnel must determine if the complaint should be submitted through the FAA Hotline. All complaints must be sent to AAE via the Hotline (see subparagraph 5c) unless the type of complaint is listed as one of the exclusions below.

- Low-flying General Aviation (GA) aircraft or noise when FS personnel do not know the aircraft registration number (N-number) or owner/operator. These complaint investigations will be handled by the responsible Flight Standards office.
- Drone (small Unmanned Aircraft System (sUAS)) operations when FS personnel do not know the drone registration number (F-number) or owner/operator. These complaint investigations will be handled by the responsible Flight Standards office.
- Security or screening of passengers, aircraft, cargo, airport, tarmac, or ramp operations. These complaints are specifically referred to Transportation Security Administration (TSA) Customer Service at www.tsa.gov/contact/customer-service.

- Noise from commercial aircraft or airports, or Next Generation Air Transportation System (NextGen)-related noise. These complaints are generally referred to the responsible Flight Standards office or to the FAA Noise Ombudsman. Refer to www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/airport_aircraft_noise_issues/noise.
- Laser incidents. Refer to www.faa.gov/aircraft/safety/report/laserinfo.
- Lighting outage (existing structures) or obstruction markings. Refer to <https://oeaaa.faa.gov/oeaaa/external/content/lightOutageReporting.jsp>.
- Bird or wildlife strikes. Refer to <https://wildlife.faa.gov/home>.
- Consumer or airline service-related issues (e.g., ticketing, baggage, or flight delays). These complaints are referred to the Department of Transportation (DOT) at <https://www.transportation.gov/airconsumer/file-consumer-complaint>, or sent directly to the operator in question.
- Condensation trails in the sky. Refer to https://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/contrails/.
- Pets or service animals on passenger flights. Refer to www.faa.gov/travelers/fly_pets/cabin_pets.

Note: Office managers may request deviations from subparagraph 4d(3) by coordinating with AAE via the Safety Risk Management Division Quality Control and Investigations B Branch. For example, in offices that have data to support that they receive a high number of unsubstantiated and/or anonymous low-flying aircraft complaints, and where those complaints include call sign or aircraft registration information from third-party flight trackers, the office manager may request a deviation.

e. Complaints About FAA Personnel. The inspector will forward all complaints that involve actions or behavior of FAA personnel to the FAA Hotline at <https://hotline.faa.gov>, and to the responsible Flight Standards office manager to be investigated through the appropriate FAA Human Resources (HR) process. Due to the potentially sensitive nature of the complaint, do not create a PTRS record for this type of complaint.

f. Complaints Outside FAA Responsibility: Referrals. If it seems clear that the nature of the complaint is not within the scope of the FAA, the inspector will explain to the complainant that the concern should be handled by another agency. The inspector will provide the responsible agency's contact information to the complainant (see subparagraph 5c(3)). The inspector must record the complaint in the PTRS.

g. Notification. All complaints will receive prompt handling, including a written FAA response.

(1) FS personnel should provide an acknowledgement of receipt of the complaint within 10 business-days of receipt. Document this response/acknowledgement in the PTRS record.

(2) Even if the complaint investigation does not result in a finding, there must still be a final written response to the complainant explaining the results of the investigation.

(3) The final written response must directly address the concerns or issues cited in the complaint. A final response should be courteous and concise, and, when possible, free of generalities. The response must indicate if the FAA is taking additional action to address the issue and to prevent reoccurrence of the problem.

(4) Before replying to complaints concerning sensitive or significant issues, the responsible office should discuss the form and manner of the response with the Quality Control and Investigations B Branch at 9-AVS-AFB470QCIInbox@faa.gov.

(5) Due to the provisions of the Privacy Act, specific information regarding actual or possible Compliance Action (CA) or enforcement action will not be discussed within the written response to the complainant.

5. Procedures for Handling and Investigating Complaints.

a. Initial Notification. Except for complaints regarding FAA personnel, all complaints must be documented in the PTRS. The PTRS record must include “AAE” in the “National Use” section unless the complaint subject matter is specifically excluded by subparagraph 4d(3).

b. Determine the Nature of the Complaint.

(1) Assess whether it can be resolved within your office or transferred to another office, or if it should be referred to another government agency listed in subparagraph 5c(3).

(2) If the complaint is received verbally, be sure to record the specifics of the complaint. Collect the applicable information in FAA Order 8900.1, Volume 7, Chapter 5, Section 1, Figure 7-18, Sample Witness Statement and Referral Job Aid. FAA Form 1360-33 may be used as a record. This data must be entered into the comments field in the PTRS.

c. Determine Appropriate Initial Action.

(1) No Action. If complaint can be resolved by explanation and does not require AAE notification, populate the data fields in the PTRS record with the name and contact information of the complainant. Enter a description of the complaint in the Remarks section, including “No Action.”

(2) Action. If the responsible Flight Standards office decides to conduct a preliminary investigation, begin a preliminary investigation. If the complaint is a safety-related complaint that is not referenced in subparagraph 4d(3), AAE *must* be notified. AAE will be notified by completing and submitting the FAA Hotline Reporting Form at <https://hotline.faa.gov/>. AAE will accept and process the submission and provide a tracking number that must be included in the PTRS record. Once processed by AAE and sent to the Quality Control and Investigations B Branch, the complaint will be assigned/transferred to the responsible Flight Standards office. If the complaint is within the receiving office’s area of responsibility, begin the complaint investigation immediately; do not wait until AAE assigns it as a hotline.

Note: Ask the complainant to file directly with the hotline and provide you the reference number provided through the system. When filing on behalf of the

complainant, do not file the report as an “FAA Employee.” Instead, select the box the best describes the complainant. When completing the form, please include the contact information for the complainant in the “Reporter Contact Information” section. In the “Narrative Description,” please note that the complaint is being filed on behalf of the complainant and list your name and contact information.

(3) Referral of Complaints Outside FS Jurisdiction. If deemed necessary, refer the complaint to the appropriate FAA office or other government agency. Refer to the listing of U.S. Government agencies at <https://www.usa.gov/federal-agencies/>.

(a) Refer complaints about noise to the local airport noise abatement office, airport manager, or city noise office, and to the FAA noise abatement office at 9-AWA-NoiseOmbudsman@faa.gov.

(b) Refer complaints about agricultural chemicals sprayed by Title 14 of the Code of Federal Regulations (14 CFR) part 137 operators to the National Pesticide Information Center (NPIC) local extension office or Environmental Protection Agency (EPA) office when no aviation safety issues are involved. You can find the NPIC local extension office at <http://npic.orst.edu/pest/countyext.htm>.

(c) For consumer complaints concerning air operators, inform the complainant that he or she must contact the operator. Inform the complainant that he or she may also contact the DOT Office of Aviation Enforcement and Proceedings at <https://www.transportation.gov/airconsumer/file-consumer-complaint>.

(d) Refer complaints about flight procedures to the FAA Flight Procedures and Airspace Group at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/afs/afs400/afs420/.

(e) Refer complaints about faulty Navigational Aids (NAVAID) to the controlling air traffic control (ATC) facility by radio or phone, or to Flight Service. Flight Service can be reached at 1-800-992-7433 (1-800-WX-BRIEF) or <https://www.1800wxbrief.com>. Additionally, Global Navigation Satellite Systems (GNSS) problems should be reported to https://www.faa.gov/air_traffic/nas/gps_reports/.

(f) Refer complaints about obstruction warning light outages to the FAA Obstruction Evaluation Group at <https://oeaaa.faa.gov/oeaaa/external/content/lightOutageReporting.jsp>.

(g) Refer complaints about air traffic procedures to the appropriate air traffic facility manager.

(h) Refer complaints about hazardous airport conditions to the Office of the Associate Administrator for Airports (ARP), whose contact information is available at https://www.faa.gov/about/office_org/headquarters_offices/arp/.

(i) Refer complaints about airport and passenger security to the TSA through the TSA website at <https://www.tsa.gov/contact-center/form/security-issue>.

(j) For complaints about military airports or military personnel, contact the appropriate military base. If a military pilot deviation (PD) is determined from the investigation, refer to Order 8900.1, Volume 7, Chapter 1, Section 2, Pilot Deviations, Incident Investigations, and Occurrences.

(k) Refer complaints about criminal activity to the Office of Security and Hazardous Materials Safety (ASH), or local law enforcement agency in exigent circumstances.

d. Follow Up With the Complainant. The responsible Flight Standards office must follow up with the complainant to advise them of the results of the inspector's preliminary or final investigation. (Refer to Order 8900.1, Volume 7, Chapter 5, Section 1, Figure 7-19, Sample Response of Closing Out a Complaint That Requires Further Action, or Figure 7-20, Sample Response of Closing a Complaint Without Further Action, as appropriate).

(1) If there is not enough information to proceed with an investigation, inform the complainant and indicate what additional information is required from the complainant. Provide the complainant with a suspense date for the additional information. If that information is not received by the suspense date, close out the complaint in the PTRS.

(2) If the inspector is proceeding with the investigation, inform the complainant that the matter is being investigated by the office and appropriate action will be taken based on the findings. Indicate that the complainant will be informed of the disposition of the investigation.

(3) When the investigation of the complaint is complete, the complainant will be notified of the results of the investigation. Specific information regarding potential or actual CAs or enforcement actions *will not* be provided.

(4) The inspector must document the followup with the complainant in the PTRS Comments field.

e. Prepare the Office File. Prepare a file that includes any evidence, correspondence, witness statements, and the final disposition of the complaint.

f. PTRS. Close the complaint investigation PTRS record.

Note: If the investigation substantiates at least one of the allegations, enter "sub" in the Regional Use field; if the investigation did not substantiate any of the allegations, enter "unsub" in the Regional Use field.

6. Additional Procedures for FAA Hotline Complaints. FAA Order 1070.1, FAA Hotline Program, identifies the procedures and guidelines used in responding to FAA Hotline items.

a. The FAA Hotline Program. The FAA Hotline Program is managed by AAE.

(1) The FAA Hotline accepts reports from the general public, aviation industry, and FAA employees. The FAA Hotline receives reports of unsafe and unauthorized aviation activity that violates an FAA regulation or order, or other provisions of Federal law related to aviation safety. The FAA Hotline also accepts reports related to suspected unapproved parts (SUP); improper

maintenance reports; and fraud, waste, abuse, mismanagement, or misconduct related to FAA programs, personnel, organizations, or facilities.

(2) The hotline analyst inputs the information submitted by the reporting individual into the automated hotline tracking system, creates a hotline report/brief, and provides an acknowledgement of receipt to the reporting individual. The hotline report/brief is transmitted by email, along with supporting documentation provided by the reporting individual, to the Quality Control and Investigations B Branch for responsible Flight Standards office action or information.

b. Confidentiality. Confidentiality is a significant concern of hotline operations. Inspectors must guard against inadvertent disclosure of the complainant's identity and of confidential sources during investigation.

c. Hotline Complaint Classification.

(1) Action Item. The Quality Control and Investigations B Branch will assign a Branch point of contact (POC). The Quality Control and Investigations B Branch POC will assign an action hotline to the responsible Flight Standards office to investigate the allegations contained in the safety hotline report/brief.

(a) Responsible Flight Standards office responsibilities include but are not limited to investigating and reporting the results of the assigned safety hotline complaint and responding to the Quality Control and Investigations B Branch POC with the written Investigative Results Report (IRR).

(b) The IRR is due to the Quality Control and Investigations B Branch POC 7 business-days prior to the due date assigned by AAE. Any due date extension requests will be coordinated by the Quality Control and Investigations B Branch POC.

(c) The Quality Control and Investigations B Branch POC will conduct a sufficiency review of the findings and is responsible for forwarding the IRR to AAE. Responsible Flight Standards offices will not send the IRR directly to AAE.

(d) All action item complaints must be documented by the responsible Flight Standards office in the PTRS.

(2) Information. The responsible Flight Standards office receives the information in the safety hotline report/brief as a courtesy. These items do not require any further action by the responsible Flight Standards office. The responsible Flight Standards office must document all Information complaints in the PTRS. To take further action, the assigned responsible Flight Standards office must contact the Quality Control and Investigations B Branch POC for instructions. If an investigation is appropriate, it will change to an action item. See subparagraph 6d.

d. Investigation of an Action Item Hotline Complaint.

Note: When a hotline report/brief includes allegations of wrongdoing by FAA employees, individuals with no direct or indirect involvement in allegations or issues identified must conduct the safety hotline investigation. Individuals with involvement include any individuals named or working in the same FAA office identified in the hotline complaint.

(1) The responsible Flight Standards office is to investigate the hotline complaint and prepare the IRR. Investigation of a Hotline includes addressing all allegations identified, reviewing supporting documentation provided by the reporting individual, conducting interviews with witnesses identified, and following up with the reporting individual per the results of the investigation.

(2) The responsible Flight Standards office must contact the complainant (reporting individual) when contact information is provided or available (in the case of confidential contacts) to ensure a complete understanding of the issue(s) being reported.

(3) If a hotline complaint is related to other hotline complaints, or is part of an existing hotline investigation, the responsible Flight Standards office will notify the Quality Control and Investigations B Branch POC. The Quality Control and Investigations B Branch POC will coordinate with the AAE analyst to relate and track all hotline complaints. In such cases, only one IRR is required by the investigating office. The IRR must reflect all hotline numbers.

(4) The IRR is a summary report of the investigation. The IRR is in memorandum format addressed to the Quality Control and Investigations B Branch POC who will review and perform a sufficiency review. The summary report will include all information required in the Flight Standards Administrative Manual (FSAM) "Safety Hotline Processing" section.

(5) The responsible Flight Standards office must communicate the findings of the investigation to the complainant. Refer to Order 8900.1, Volume 7, Chapter 5, Section 1, Figure 7-19 or Figure 7-20, as appropriate.

(6) If there is not enough information to proceed with an investigation, inform the complainant and indicate what additional information is required from the complainant. Provide the complainant with a suspense date for the additional information. If that information is not received by the suspense date, close out the complaint in the PTRS.

(7) When the investigation of the complaint is complete, the complainant receives notification of the results of the investigation. Specific information regarding potential or actual CA or enforcement action *will not be provided*.

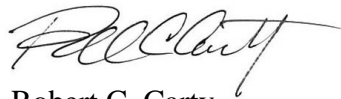
(8) The inspector must document the followup with the complainant in the PTRS comments section, and the IRR.

(9) Close the complaint investigation PTRS record.

(10) Due date extension: The responsible Flight Standards office may request a due date extension by contacting the Quality Control and Investigations B Branch POC via email. Extension requests will include how long an extension is needed in terms of days or a newly proposed due date. *Do not* contact AAE directly for extension requests.

7. Action. Personnel assigned complaint and hotline investigations must comply with this policy to ensure all appropriate events are routed through AAE as described above.

8. Disposition. We will incorporate the information in this notice into Order 8900.1, Volume 7, before this notice expires. Direct questions concerning the information in this notice to the General Aviation and Commercial Division, Commercial Operations Branch at 9-AFS-800-Correspondence@faa.gov, or the Safety Risk Management Division, Quality Control and Investigations B Branch at 9-AVS-AFB470QCIInbox@faa.gov.



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Appendix A. Complaint Process Flowchart