



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

May 2, 2019

The Honorable Roger F. Wicker
Chairman, Committee on Commerce,
Science, and Transportation
United States Senate

Dear Mr. Chairman:

This letter supplements the previous response of the Federal Aviation Administration (FAA) to your April 2, 2019, letter regarding allegations of insufficient training and improper certification of FAA Aviation Safety Inspectors (ASIs). The FAA has identified a whistleblower disclosure and investigation performed by the Office of Audit and Evaluation (AAE) that we believe is responsive to your request. Enclosed is AAE's memorandum report, including the statutorily required response from FAA management.

The FAA welcomes scrutiny that improves aviation safety. The FAA takes this AAE report very seriously and, as noted in the management response, is taking action to address the issues identified.

It is not accurate, however, to suggest that this whistleblower disclosure and investigation implicated the qualifications of the Boeing 737 MAX Flight Standardization Board (FSB) and the FSB's evaluation of the Maneuvering Characteristics Augmentation System (MCAS) on that aircraft. As we clarified in our interim response to you on April 4, all of the ASIs who participated in the Boeing 737 MAX FSB certification activities were fully qualified for those activities. The allegations raised to AAE by one of the FAA's ASIs did not relate to the FSB for the Boeing 737 MAX, but rather concerned the fulfillment of training requirements by ASIs working on a different aircraft. Furthermore, it is important to note that upon review, the FAA determined those ASIs who worked on the other aircraft were in fact qualified for the activities they performed.

Nevertheless, if you or your staff receives any safety-critical information that may not be known to the FAA, we respectfully urge you to disclose such information promptly to the FAA so that appropriate action can be taken.

To address further the questions raised in your April 2 letter, as well as to provide additional clarity and transparency about the FAA's response to the findings and recommendations detailed in the AAE memorandum, below is a description of AAE's role and function, the facts and circumstances of this specific matter, and the FAA's responsive actions to date.

AAE serves as the Aviation Safety Whistleblower Investigation Office established within the FAA under 49 U.S.C. § 106(t). AAE's responsibilities include receiving complaints and information submitted by certificate holders and FAA employees regarding alleged violations of an order, regulation, or other provision of Federal law relating to aviation safety. The statute authorizes AAE to assess those complaints and information submitted and, based on its assessment and findings, to make recommendations to the Administrator regarding further investigation or corrective actions. The law provides the Administrator sixty days in which to respond to those recommendations.

Although AAE formally addresses its memorandum reports to the Administrator, under FAA's standard correspondence procedures, the reports are initially routed to the appropriate line of business for subject matter expert review. Once the appropriate FAA line of business has reviewed the memorandum report and drafted a response, the AAE memorandum report and the proposed response are sent to the Administrator's immediate office for review and approval. The memorandum report at issue here related to matters within the expertise of the FAA's Aviation Safety (AVS) organization, and accordingly was referred to that office for review and drafting.

Notably, 49 U.S.C. § 106(t)(5) provides an exception to the normal process for matters that may require immediate corrective action. Specifically, the law *requires* the AAE Director to "report [a] potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation" *if* the Director "determines there is a substantial likelihood that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action." The AAE Director did not make such an incident report reflecting a need for immediate corrective action in this case. Therefore, consistent with the FAA's standard process, the AAE memorandum was still under review by the Aviation Safety organization and had not reached the Administrator's office when your April 2 letter arrived.

The FAA's review of this matter has established that on July 2, 2018, an ASI in the Long Beach AEG notified his frontline manager (FLM) that two ASIs assigned to the Long Beach AEG had not completed required training prior to conducting pilot certification activities. The two ASIs who were the subject of the allegations were involved in FSB activities related to the Gulfstream GVII aircraft. After a review of the allegations, the FLM determined on July 3, 2018 that the ASI who chaired the Gulfstream FSB could continue to complete the board check rides for the Gulfstream GVII aircraft based on prior experience and completion of on-the-job Training (OJT) as an FSB chair on June 27, 2010.

On July 24, 2018, the Long Beach Office Manager received an email from a representative of the Professional Airways Systems Specialists union about the training issues. The manager forwarded the email that same day to the Aircraft Evaluation Division (AFS-100), which, also on the same day, initiated an internal inquiry of the adequacy of the training of ASIs performing FSB activities. In conjunction with that inquiry, AFS-100 ordered a stop to Gulfstream GVII FSB work at all offices until the training histories of AEG ASIs had been reviewed. AFS-100 assigned its training focal point to coordinate the review of all training records for Operations

ASIs assigned to the AEG. The AFS-100 inquiry verified that, with the exception of newly hired ASIs, all Operations ASIs at Long Beach and Seattle AEGs had completed the required applicable OJT. The AFS-100 inquiry was closed in October 2018.

Also in October 2018, the ASI elevated his concerns about the training of ASIs assigned to the AEG to the U.S. Department of Transportation's Office of Inspector General, which referred the complaint to both AAE and the FAA's Office of Security and Hazardous Materials (ASH) on November 7, 2018. On November 8, 2018, ASH referred the complaint to the Flight Standards Service, which also submitted it to AAE for further evaluation. AAE initiated a formal investigation into the ASI's concerns that same month. The Flight Standards Aircraft Evaluation and General Aviation and Commercial Divisions cooperated with AAE throughout the investigation, which lasted from November 2018 to February 2019.

On February 22, 2019, AAE issued its memorandum report, which substantiated that ASIs assigned to the Long Beach and Seattle AEGs did not meet certain training requirements under FAA policy. AAE further substantiated that Long Beach AEG management took retaliatory actions against the complaining ASI. AAE made three recommendations related to these two findings.

The enclosed management response to the AAE investigation was completed on April 22, 2019, within the statutory sixty-day period for response. The response agrees with AAE's recommendations and describes the FAA's responsive actions. With respect to the training issue, the Flight Standards Service carefully reviewed the AAE report and conducted a thorough evaluation of the training requirements for ASI AEG functions. The evaluation confirmed that the completion of either formal training or OJT by ASIs assigned to an AEG is acceptable to conduct certification or type rating work. Further, as to the two ASIs working on the Gulfstream GVII aircraft whose qualifications were questioned, the evaluation determined that the two ASIs in fact met all requirements needed to perform assigned tasks, but that the complaint reflected some confusion about what the mandatory training requirements are. To resolve this confusion that led to the complaint and subsequent investigation, the FAA is reviewing and revising the written policy regarding training requirements for AEG functions, with the revision expected to be completed by September 2019. The evaluation also confirmed that all Operations ASIs at Long Beach and Seattle AEGs have completed the required OJT for the activities each performs.¹

With respect to the suggestion that the February 22, 2019 AAE memorandum had any connection to the Boeing 737 MAX, it is worth reiterating that the allegations AAE received related exclusively to training requirements for ASIs conducting pilot certifications on a different aircraft. The concerns were not directed at the training received by ASIs on Boeing 737 MAX systems, procedures, or handling, nor were there allegations that ASIs were unqualified to conduct AEG tasks other than pilot certification, such as reviewing technical documents, evaluating aircraft differences, or administering other FSB responsibilities.

¹ Except ASIs new to the AEG in training and participating in the OJT program.

Regardless, the concerns raised by the Long Beach ASI ultimately revealed ambiguities in the FAA's policy on ASI training requirements, and thereby provided the FAA with an opportunity to improve our internal systems and procedures. Retaliation for raising such concerns is unacceptable. The FAA has confirmed that no derogatory information was added to the ASI's personnel and performance files. In addition, as noted in the FAA's interim response to you, the FLM is no longer with the FAA.

The AAE Director has concurred that this matter will be satisfactorily resolved upon completion of the follow-up activities specified in the management response.

If you have any questions or require additional information, please do not hesitate to contact me or my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "DK Elwell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Daniel K. Elwell
Acting Administrator

Enclosure

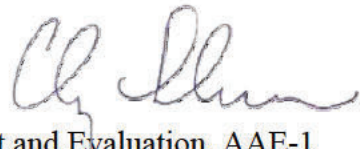
- AAE Memorandum Report and Management Response



Federal Aviation Administration

Memorandum

Date: February 22, 2019

To: Daniel K. Elwell, Acting Administrator 

From: H. Clayton Foushee, Director, Office of Audit and Evaluation, AAE-1

Subject: Report of Internal Whistleblower Contribution, Long Beach Aircraft
Evaluation Group, Inspector Training, AAE File #IWB19801

As required by the "FAA Modernization and Reform Act of 2012" (P.L. 112-95, Section 341), this memorandum summarizes our investigative findings and recommendations stemming from a whistleblower safety disclosure concerning the Long Beach Aircraft Evaluation Group Office (AEG).

In November 2018, the Office of Audit and Evaluation (AAE) initiated an investigation of concerns contained in a disclosure from [REDACTED], an Aviation Safety Inspector (ASI) assigned to the Long Beach AEG. [REDACTED] consented in writing to the disclosure of [REDACTED] identity.

[REDACTED] asserts that numerous Operations ASIs assigned to the Long Beach and Seattle AEGs are conducting aircraft type certification evaluations, but do not meet mandatory training requirements to do so in accordance with FAA Order 8900.1. [REDACTED] also asserts that [REDACTED] Frontline Manager (FLM), [REDACTED], took retaliatory actions against [REDACTED] for raising these concerns.

Executive Summary

AAE investigated two specific allegations which included three areas of concern. Both allegations were substantiated, and additional concerns were identified. The investigation found that:

- The FLM retaliated against the contributor;
- Operations ASIs at the Long Beach and Seattle AEGs have not completed the required formal training for the activities they perform;
- On-the Job Training (OJT) for Operations ASIs in the AEG does not provide OJT tasks for issuing type ratings;

- AEG offices are not completing a Qualifications Assessment required by FAA (Order 3410.26 for Operations ASIs transferring into the AEG.)

These findings are very serious and could have far-ranging ramifications regarding the type ratings of hundreds of certificate holders. Because it involves AEG ASIs, the proverbial “tip of the pyramid” for pilot qualification and certification, every type rating issued by an unqualified ASI potentially creates another potentially unqualified pilot, including other ASIs, and the most senior pilots and check pilots at FAA-certificated operators.

A complete methodology of our review is included as Appendix A.

Allegations

1. Operations Inspectors assigned to the Long Beach and Seattle AEG offices do not meet the training requirements stated in FAA Order 8900.1.
 - Operations Inspectors have not completed required formal training.
 - Operations Inspectors OJT does not include tasks for the issuance of a new type rating.
2. Long Beach AEG management took retaliatory actions against the contributor.

Findings and Details

Allegation 1: *Operations Inspectors assigned to the Long Beach and Seattle AEG offices do not meet the training requirements stated in FAA Order 8900.1.*

Finding: This allegation was substantiated.

Details: The contributor discovered that two of the three members of a Flight Standardization Board (FSB)¹ did not meet the formal and OJT training requirements specified in FAA Order 8900.1². In July 2018, the contributor notified ■ FLM that FSB Chairmen ■ and FSB member ■ had not completed OJT level three training required to issue a new type rating for their assigned Gulfstream GVII aircraft. At that time, the FLM told all three assigned inspectors to complete the type ratings, and that ■ would accept responsibility. ■ issued GVII type ratings to the contributor, ASI ■, and 16 others, despite not being qualified to do so. The contributor then issued eight type ratings, despite having gotten ■ rating from an unqualified evaluator.

In the following weeks, the contributor had several conversations with ■ FLM and Office Manager to discuss the mandatory training requirements. They discovered that not only

¹ The FSB’s primary responsibilities are to determine the requirements for pilot type ratings, to develop minimum training recommendations, and to ensure initial flightcrew member competency in accordance with the current edition of Advisory Circular (AC) 120-53.

² Specifically, Volume 5, Chapter 1, Section 2, “Aviation Safety Inspectors (Operations) Qualifications and Status

did the AEG OJT not address the specific job functions required, but that ASIs [REDACTED] and [REDACTED] had not had the formal training course required by FAA Order 8900.1.

For the Long Beach and Seattle AEGs, AFS-810³ confirmed that FAA Course 21000138 or 21000026, and job function specific OJT is required in order for an Operations ASI to complete a type rating certification event/check ride. We reviewed training records for all Operations ASIs currently assigned to these offices and found 16 of 22 (73%) have not completed the required formal training course. Worse yet, at least 11 of the 16 do not qualify to enroll in the course because they do not hold a Certified Flight Instructor certificate.

AAE reviewed the Program Tracking and Reporting Subsystem (PTRS) entries documenting level three OJT for ASIs [REDACTED] and [REDACTED] and determined that at the time of the assignment to the Gulfstream GVII FSB, neither had completed the required OJT for this type rating certification task. We also found that the AEG's OJT program does not include all the functions required for issuing a type rating certification check ride.

Allegation 2: Long Beach AEG management took retaliatory actions against the contributor.

Finding: This allegation was substantiated.

Details: The contributor alleges that [REDACTED] was subjected to retaliatory actions by management due to [REDACTED] inquiries concerning required training for Operations ASIs assigned to the AEG. These actions included removal from most work assignments and denial of training.

Our investigation found through interviews, documents and emails that:

- The FLM removed the contributor from participation on the GVII and G600 FSBs.
- The FLM started an inquiry/investigation into the contributors' performance and behavior during the GVII FSB.
- The FLM discussed the contributors' complaint with one of the contributors' peers⁴. This peer then:
 - Removed the contributor from all FSB email discussions.
 - Told other AEG team members that the contributor "was out to get them but we won't let that happen."
- The FLM denied contributor's telework requests while approving similar requests from [REDACTED] peers.

The actions by the FLM led the contributor to seek a transfer out of the AEG to another organization within the FAA. The contributor was not provided either an exit interview or any type of recognition for [REDACTED] tenure within the AEG.

³ [REDACTED], Airmen Training and Certification Branch

⁴ ASI [REDACTED]

Other Concerns

- Interviews determined that the AEG management team is not applying procedures in FAA Order 3410.26, *Flight Standards Service Air Carrier and General Aviation Qualifications Assessment Tool for AFS Aviation Safety Inspectors*, when ASIs transfer into the AEG. This Order states:

“The Manager is responsible for insuring that the necessary training is provided to the transitioning ASI so that they can achieve the fully successful level of performance in the new position. This is accomplished by bridging the transitioning Inspector’s current formal and OJT training and identifying any additional training needs essential for the selected position including position essential indoctrination training courses. The training conformance procedures are included in the QAT following the QAT Check Sheets.”
- Flight Standards management has been aware of the training shortcomings identified by the contributor since July of 2018. To date, management has failed to adequately address the missing training requirements for the 16 Operations ASIs identified.
- There were also concerns raised about how ASI [REDACTED] conducted [REDACTED] certification events, and that they were not conducted in accordance with the Airman Certification Standards/Practical Test Standards and/or other FAA guidance. However, our investigation focused on [REDACTED] basic qualifications to conduct such certification events.

Recommendations

1. Immediately cease all type rating work assignments by ASIs who do not meet formal and OJT requirements.
2. Flight Standards should remove any derogatory information from the contributor’s personnel and performance files which may in any way be related to [REDACTED] work on the FSB and/or concerns regarding pilot certification or ASI qualifications.
3. Since the FLM in the Long Beach AEG has retired, the Executive Director of the Flight Standards Service should provide a written apology to the contributor and recognition for [REDACTED] efforts to help resolve these issues.

49 U.S.C. § 106(t) (4) requires that the Administrator respond in writing to the recommendations no later than 60 days after receipt of this memorandum. In addition, the law requires that records related to any further investigation or corrective action taken in response to the recommendation, are to be retained.

If you have any questions or need additional information, please contact [REDACTED], Investigator, Audit and Analysis Branch, AAE-100, at [REDACTED]

cc: Ali Bahrami, Associate Administrator for Aviation Safety, AVS-1
Rick Domingo, Executive Director, Flight Standards Service, AFX-1

Appendix A: Methodology

The investigation was conducted under the authority of the FAA Office of Audit and Evaluation (AAE), pursuant to Title 49 U.S.C. §106(t) and FAA Notice 1100.337.

Investigative Team:

- [REDACTED], Investigator, Office of Audit and Evaluation
- [REDACTED], FLM, Long Beach Flight Standards District Office

Members of the team interviewed and obtained relevant documents from:

- [REDACTED], ASI, Long Beach AEG (Contributor)
- [REDACTED], AFS-100 (AEG)
- [REDACTED], Small Aircraft AEG
- [REDACTED], Long Beach AEG
- [REDACTED], Long Beach AEG
- [REDACTED], ASI, Long Beach AEG
- [REDACTED], ASI, Long Beach AEG
- [REDACTED], ASI, Long Beach AEG
- [REDACTED], ASI, Long Beach AEG
- [REDACTED], Airmen Training and Certification Branch, AFS-810
- [REDACTED], Seattle AEG
- [REDACTED], ASI, Airmen Training and Certification Branch, AFS-810

The investigative team also analyzed records and documents obtained from the contributors and witnesses, including memorandums, emails, and FAA guidance, policy, regulations, orders and notices.



Federal Aviation Administration

Memorandum

Date: April 22, 2019

To: H. Clayton Foushee, Director, Office of Audit and Evaluation, AAE-1

From: Daniel K. Elwell, Acting Administrator, AOA-1 *OK Elwell*

Prepared by: Ali Bahrami, Associate Administrator for Aviation Safety, AVS-1

Subject: Flight Standards Service (FS) Response to AAE-1 Recommendations:
*Report of Internal Whistleblower Contribution - Long Beach Aircraft
Evaluation Group (LB AEG), Inspector Training, AAE File #IWB 19801*¹

Overview/Summary:

In November 2018, the Office of Audit and Evaluation (AAE) opened an investigation of an internal whistleblower disclosure submitted by a Long Beach Aircraft Evaluation Group (AEG) aviation safety inspector (ASI) comprising two allegations along three areas of concerns.

The contributing ASI reported that numerous Operations ASIs assigned to the Long Beach and Seattle AEGs, to include two members² on the Gulfstream Aerospace GVII aircraft Flight Standardization Board (GVII FSB³), had not completed all required formal and on-the-job training (OJT) tasks for the specific activities they perform. After raising these concerns in July 2018, the ASI also reported that the frontline manager (FLM) took retaliatory actions against the ASI.⁴

In brief, AAE's investigation found that 16 of the 22 Operations ASIs assigned to these two AEG offices had not completed all training⁵ and OJT requirements specified in the inspector guidance⁶ in order to complete a type rating certification work assignment or check ride. AAE's investigation also identified acts of retaliation by the FLM against the

¹ AAE-1 referral memorandum dated February 22, 2019, and submitted to AOA-1 per AAE-1's authority under P.L. 112-95, Section 341 and 49 U.S.C § 106.

² The FSB Chair and one team member (during that time, the contributing ASI was also an FSB team member).

³ At the time of these events, the contributing member was the third member of the GVII FSB.

⁴ As noted in your referral memorandum, the contributing ASI subsequently transferred to another FAA organization and the FLM retired from the FAA.

⁵ (1) *Principles of Evaluation Course for GA OPs ASIs - Airplane* FAA21000138 (Instructor-led Course); and the prerequisite (2) *Technically Advanced Aircraft (TAA) Self-Study* FAA18801 (Online Course).

⁶ FAA Order 8900.1, Flight Standards Information Management System (FSIMS) Volume 5, Chapter 1, Section 2, Aviation Safety Inspector (Operations) Qualifications and Status.

contributor, comprising removal from work assignments and denial of training and telework requests.

In response, AAE provided to the Flight Standards Service (FS) three (3) recommendations to address the substantiated allegations and other concerns identified during AAE's investigation. The FS Office of Safety Standards (AFS) and their Aircraft Evaluation Division, AFS-100, agreed with the recommendations and initiated the responsive actions (see detailed Attachment) summarized below:

Recommendation #1: *Immediately cease all type rating work assignments by ASIs who do not meet formal and OJT requirements.*

AFS-100 Action Response: In Progress.

The division manager, AFS-100, immediately stopped all FSB activity for the Operations ASIs, as requested, in order to fully understand and address the investigation findings. Following is a summary of their key determinations and responsive actions as further detailed in the Attachment:

- Reviewed the applicable guidance requirements with the FS General Aviation & Commercial Division, AFS-800. They concluded that while they believe formal training should be required, the current guidance language allows either formal training or OJT in order to be qualified to perform airmen certification tasks.^{7 8}
- Confirmed that all Operations ASIs at Long Beach and Seattle AEG have completed the required OJT for the activities each performs.⁹ (See Attachment B)
- Confirmed that the two Inspectors identified in the AAE investigation report met all requirements needed to perform assigned tasks.
- Confirmed that the Gulfstream FSB Board Chair is in compliance with OJT requirements and that all requirements to perform the FSB task have been completed.
- Reviewed the applicable training requirements with the FS Workforce Development Division, AFB-500, and noted that while the courses referenced in the investigation

⁷ See FAA Order 8900.1, FSIMS Volume 5, Chapter 1, Section 2, Aviation Safety Inspector (Operations) Qualifications and Status, paragraph 5-27A. Prerequisites. In pertinent part: "...one of the following conditions must be met in order for an ASI (Operations) to be considered qualified to perform specific job functions without supervision: Satisfactory completion of an FAA Academy or out-of-agency course on that job function; or (2) Satisfactory completion of all OJT requirements for that job function, in accordance with Order 3140.20 (Flight Standards Service National Training Program); or (3) Specific written authorization from the RFSD or the Flight Standards Service (AFS) Regulatory Support Division (AFS-600), as appropriate."

⁸ See FAA Order 8900.1, FSIMS Volume 5, Chapter 1, Section 2, Aviation Safety Inspector (Operations) Qualifications and Status, paragraph 5-27B: Training Requirements. Before performing airmen certification and/or testing functions unsupervised, the ASI must have completed the courses outlined in the current edition of the Air Carrier and/or General Aviation Operations String document, as applicable to the job function.

⁹ Except ASIs newly assigned to the AEG currently in training and participating in the OJT program.

report are listed as required training for General Aviation Operations inspectors, they are not a required formal string class for Air Carrier Operations inspectors.

- To eliminate any confusion in the future, AFS-800, AFS-100, and AFB-500, will coordinate activities to determine all necessary training to perform airman certification activities in the AEG in conjunction with FSB responsibilities (projected by June 2019). Once done, they will revise applicable policy to clarify training requirements for these functions (projected by September 2019).
- AFS-800 granted a short duration deviation waiver¹⁰ for those AEG ASIs who have not attended the Principles of Evaluation Course, FAA2100138 and prerequisite FAA18803, offered only as part of GA indoctrination (see Attachment A).¹¹ AFS-100 initiated the deviation request as a precaution while the requirements in policy were assessed in view of the preliminary observations presented by the on-site AAE investigation team. The deviation is no longer needed as summarized above and detailed in the Attachment, as AFS has determined that the policy language allows for having either formal training or OJT, making the deviation unnecessary.

Recommendation #2: *Flight Standards should remove any derogatory information from the contributor's personnel and performance files which may in any way be related to his work on the FSB and/or concerns regarding pilot certification or ASI qualifications.*

AFS-100 Action Response: Completed.

The Division Manager, AFS-100, confirmed with the contributor's office manager that nothing was added to the contributor's personnel and performance files related to this matter.

Recommendation #3: *Since the FLM in the Long Beach AEG has retired, the Executive Director of the Flight Standards Service should provide a written apology to the contributor and recognition for his efforts to help resolve these issues.*

AFS-100 Action Response: In Progress.

FS agrees and is currently drafting a response, in consultation with the FAA Office of the Chief Counsel Employment and Labor Law Division (AGC-100).

¹⁰ See Attached Memorandum, dated February 22, 2019, for these limited deviations from FAA Order 8900.1, FSIMS: (1) Volume 1, Chapter 3, Section 4, Inspector Training Requirements to Perform Job Functions, paragraph 1-218B; and (2) Volume 5, Chapter 1, Section 2, Aviation Safety Inspector (Operations) Qualifications and Status, paragraph 5-27 and paragraph 5-27B.

¹¹ See pertinent parts: "This deviation is valid until September 1, 2019, or until such time as the ASIs assigned to the AEG, within the Air Carrier Operations specialty, have completed the requisite training course, whichever comes first. These AEG ASIs are authorized to exercise the relief of this deviation from the requirements to hold a flight instructor certificate outlined in FAA Order 8900.1 only if they are conducting a practical test for an ATP certificate and/or the issuance of a pilot type rating during the FSB process."

If AAE has any questions about the actions described in the attached response, please contact Van L. Kerns, Deputy Director, Office Safety Standards (AFS-2) at [REDACTED], and [REDACTED] Aircraft Evaluation Division (AFS-100), at [REDACTED].

Attachment:

FS Office of Safety Standards, AFS-2A, Memorandum dated April 18, 2019
(includes supporting Attachments A and B)



FAA

Memorandum

Date:

To: Rick Domingo, Executive Director, Flight Standards Service, AFX-1

From: **VAN L KERN**, Director, Office of Safety Standards, AFS-2A

Prepared by: [REDACTED] Aircraft Evaluation Division, AFS-100

Subject: Office of Safety Standards (AFS) Response to AAE-1 Recommendations:
*Report of Internal Whistleblower Contribution - Long Beach Aircraft
Evaluation Group (LB AEG), Inspector Training, AAE File #IWB 19801*

Overview/Summary:

AAE investigated two specific allegations, one of which included three areas of concern. One allegation was specific to AEG training; checking and evaluations conducted during a Flight Standards Board (FSB) in support of the Gulfstream Aerospace GVII aircraft and the other regarded alleged retaliatory actions towards an AEG inspector for raising said concerns. The final report states that the allegations were substantiated and additional concerns were identified.

AFS-100 Response to AAE Recommendations:

Recommendation #1: *Immediately cease all type rating work assignments by ASIs who do not meet formal and OJT requirements.*

AFS-100 Response: In response, The Aircraft Evaluation Division AFS-100 immediately stopped all FSB activity until the investigation was complete and the issues were understood.

We reached out to the FS General Aviation & Commercial Division, AFS-800, and reviewed guidance together.

The AFS-810 explained that guidance intent is for all Inspectors to complete formal training and applicable OJT in order to be considered qualified before performing airmen

certification and/or testing. However, [REDACTED] acknowledged that after reviewing the applicable guidance that is not how currently reads, Specifically:

FAA Order 8900.1, volume 5, Chapter 1 Section 2, 5-27 A reads:

“Unless otherwise specified in this order, one of the following conditions must be met in order for an ASI (Operations) to be considered qualified to perform specific job functions without supervision”

- *Satisfactory completion of an FAA Academy or out-of-agency course on that job function;*
- *Satisfactory completion of all OJT requirements for that job function, in accordance with Order 3140.20; or*
- *Specific written authorization from the RFSD or the Flight Standards Service (AFS) Regulatory Support Division (AFS-600), as appropriate.*

After review, AFS-100 and AFS-800 determined guidance states that:

- ***Either formal training or OJT is acceptable to conduct certification or type rating work”. (5-27 A)***

FAA Order 8900.1, volume 5, Chapter 1 Section 2, 5-27 B reads;

- *“Before performing airmen certification and/or testing functions unsupervised, the ASI must have completed the courses outlined in the current edition of the Air Carrier and/or General Aviation Operations String document, as applicable to the job function”*

After review, AFS-100 and AFS-800 determined that:

- The two (2) classes referenced in the AAE Report are not listed for Air Carriers string (Formal Training). However, they are listed for General Aviation String (Formal Training).
- A manager or ASI would not know to look at the General Aviation string training to find these classes for Air Carrier Inspectors.
- ***The policy is not clear as intended about the required two (2) classes in question for Air Carrier ASI’s that perform airmen certification functions. The guidance does not instruct, point out or lead you to any direct reference to the courses named in the AAE Report for Air Carrier ASIs that perform airmen certification functions. (5-27 B)***

We have reviewed the training history of the FSB Board Chair for compliance with OJT requirements and concluded that all requirements to perform the FSB task has been completed. We have also done the following:

- A policy deviation was authorized by AFS-800 on February 22, 2019. This gave us time to review guidance. (See Attachment A).
- We confirmed that all Operations ASIs at Long Beach and Seattle AEGs, have completed the required OJT for the activities each performs.¹ (See Attachment B)
- To eliminate any confusion in the future, AFS-800, AFS-100, and AFB-500, will coordinate activities to determine all necessary training to perform airman certification activities in the AEG in conjunctions with FSB responsibilities (projected by June 2019). Once done, they will revise applicable policy to clarify training requirements for these functions (projected by September 2019).

Recommendation #2: *Flight Standards should remove any derogatory information from the contributor's personnel and performance files which may in any way be related to [REDACTED] work on the FSB and/or concerns regarding pilot certification or ASI qualifications.*

AFS-100 Response: In response, the Division Manager, AFS-100, confirmed with the contributor's Office Manager, that nothing was added to [REDACTED] personnel file related to this matter.

Recommendation #3: *Since the FLM in the Long Beach AEG has retired, the Executive Director of the Flight Standards Service should provide a written apology to the contributor and recognition for his efforts to help resolve these issues.*

AFS-100 Response: The Flight Standards Service (FS) is currently coordinating the requested correspondence, in consultation with the FAA Office of the Chief Counsel Employment and Labor Law Division (AGC-100). Once finalized, FS will provide the correspondence to the contributor.

If you have any questions about the actions described in the attached response, please contact [REDACTED], Aircraft Evaluation Division (AFS-100), at [REDACTED].

Attachments;

- Attachment A: AFS-800 Deviation Memo
- Attachment B: AEG OJT Requirements and AEG ASI Status List

¹ Except the ASIs new to the AEG in training and participating in the OJT program.



Federal Aviation Administration

Memorandum

Date: February 22, 2019

To: Jeffrey Phipps, Manager, Aircraft Evaluation Division, AFS-100

From: [REDACTED] General Aviation and Commercial
Division, AFS 800 [REDACTED] [REDACTED]
Date: 2019.02.22 11:31:28 -05'00'

Prepared by: [REDACTED], Airman Training and Certification Branch
AFS-810

Subject: Policy deviation from the training and qualification requirements to
conduct airmen certification practical tests

We are responding to your memo dated February 13, 2019 in which you request, "an interim waiver for Air Carrier Inspectors assigned to the Aircraft Evaluation Group who have not attended the Principles of Evaluation Course, FAA2100138 and prerequisite FAA18803, offered only as part of GA indoctrination."

BACKGROUND

The Aircraft Evaluation Division discovered that some Aviation Safety Inspectors (ASI) had not received specific formal training to conduct practical tests for airman certificates and/or ratings in compliance with the requirements of FAA Order 8900.1, Volume 1, Chapter 3, Section 4 and Volume 5, Chapter 1, Section 2. As a result, these ASIs were assigned to duties that do not involve functions pertaining to these practical tests. AFS-100 has subsequently ensured any follow-on practical tests were completed by appropriate ASIs.

The General Aviation and Commercial Division has determined that certain ASIs may lack the training and/or qualifications outlined in FAA Order 8900.1 to conduct 14 CFR part 61 airmen certification practical tests. These practical tests typically occur as part of the ASI's normal work functions during the Flight Standardization Board (FSB) process.

The Aircraft Evaluation Division has requested a deviation from these requirements in order to allow appropriately trained and/or qualified ASIs to perform job functions while they work with the Workforce Development Division, AFB-500, to get scheduled and attend the required training and complete the necessary On the Job Training (OJT). Additionally, an in-depth analysis of previously completed training and experience is

being accomplished collaboratively between the General Aviation and Commercial Division and the Aircraft Evaluation Division to determine if equivalent training credit can be granted in accordance with current policies.

The training required to meet the requirements of FAA Order 8900.1 is Principles of Evaluation for General Aviation ASIs – Airplane.

POLICY DEVIATION

A deviation from the below sections of FAA Order 8900.1 (in pertinent part) is granted to the Aircraft Evaluation Division.

- FAA Order 8900.1, Volume 1, Chapter 3, Section 4, *Inspector Training Requirements to Perform Job Functions*, para 1-218B outlining the requirement for an ASI to satisfactorily complete an FAA Academy (AMA) or out-of-agency training (OAT) course on that job function, if required
- FAA Order 8900.1, Volume 5, Chapter 1, Section 2, *Aviation Safety Inspector (Operations) Qualifications and Status*, para 5-27 lists the requirement to hold a flight instructor certificate in the aircraft category, class, and type, if applicable, for which they conduct practical tests that result in certification or the addition of a pilot type rating.
- FAA Order 8900.1, Volume 5, Chapter 1, Section 2, *Aviation Safety Inspector (Operations) Qualifications and Status*, para 5-27B lists the requirement to have completed the courses outlined in the current edition of the Air Carrier and/or General Aviation Operations String document, as applicable to the job function.

RISK ANALYSIS

The Aircraft Evaluation Division has historically hired Air Carrier ASIs to conduct AEG functions on larger aircraft. It is not a requirement to hold a flight instructor certificate as an Air Carrier ASI. These ASIs have been doing this work for some time with no noticed increase in accidents/incidents in the course of their work.

There is no direct correlation between holding a flight instructor certificate and someone's ability to conduct a type rating practical test. The General Aviation and Commercial Division is currently reviewing this policy to determine whether this is a valid requirement for all ASIs or whether it should be removed.

Additional risk analysis has determined that risk exposure to deviating from the training requirement was limited by time. The deviation is for a short duration and there is an active process to determine if impacted ASI have received training that is equivalent

through other methods. Those that have not will be scheduled at the earliest opportunity for the required training.

LIMITATIONS

1. This deviation is valid until September 1, 2019 or until such time all ASIs have completed the requisite training course, whichever comes first.
2. This deviation is applicable only to ASIs assigned to the AEG with the Air Carrier Operations specialty.
3. AEG ASIs are authorized to exercise the relief of this deviation from the requirements to hold a flight instructor certificate outlined in FAA Order 8900.1 only if they are conducting a practical test for an ATP certificate and/or the issuance of a pilot type rating during the FSB process.

If there are any questions concerning this guidance information, please contact the Airmen Training and Certification Branch at [REDACTED]

cc: AFS-200

Attachment B

The following is the AEG OJT requirements outlined in AEG Job Task Analysis Worksheet that addresses administering tests or checks.

Job Task 4.1.202 Conduct FSB Evaluation

Subtask 8, Conduct FSB Evaluation

- ☐ *Elements 8.4 - FSB Chairman prepares to administer tests*
- ☐ *Elements 8.5 - Administer appropriate test or checks to FSB members*

Subtask 10, Conduct manufacturer/applicant's initial cadre pilot type rating check rides (if applicable).

When checking the ASI's history, it is important to remember that some of the OJT was completed on spreadsheets prior to PTRS being the official Database for OJT completion.

OJT Profiles Level I II III FSB 4.1.202 (OP)
Conduct a Flight Standardization Board (FSB) Evaluation

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Office	Speciality	FullName	Subsection Area	JTA	Level I	Level II	Level III	PTRS
				AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation				
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	9/28/2010	1/21/2011	4/9/2011	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	Open	Open	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	6/8/2011	10/6/2011	1/12/2012	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	11/12/2014	3/10/2015	6/23/2016	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	5/6/2015	3/15/2018	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	4/13/2010	4/15/2010	10/19/2011	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	N/A	N/A	1/18/2010	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	10/30/2014	12/2/2014	2/9/2015	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	9/27/2016	9/27/2016	8/17/2018	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	3/30/2018	6/5/2018	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	4/15/2014	4/22/2014	4/29/2014	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	5/22/2017	9/15/2017	1/4/2018	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	1/4/2010	5/5/2010	9/10/2010	

OJT Profiles Level I II III FSB 4.1.202 (OP)
Conduct a Flight Standardization Board (FSB) Evaluation

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				AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	8/18/16	9/27/16	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	2/7/2014	8/15/2016	8/16/2016	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	8/27/2015	11/15/2015	2/4/2016	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	9/1/16	9/27/16	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	7/14/2010	3/31/2011	5/15/2011	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	11/1/2006	7/17/2007	4/4/2008	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	7/26/2016	9/27/2016	8/1/2017	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	4/26/2018	Open	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	8/1/2015	9/1/2015	11/1/2015	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	8/12/2015	10/22/2015	5/27/2016	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	11/29/2005	5/31/2006	1/14/2008	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	8/25/2011	3/5/2012	4/26/2012	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	5/31/2018	8/11/2018	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	3/1/2006	6/1/2006	11/1/2008	

OJT Profiles Level I II III FSB 4.1.202 (OP) Conduct a Flight Standardization Board (FSB) Evaluation

				AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	4/17/2015	3/15/2018	Open	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	5/3/2012	10312012	11/6/2012	
	OP		4.1 Aircraft Evaluation	AT JTA 4.1.202 (OP) -- Conduct a Flight Standardization Board (FSB) Evaluation	9/28/2010	1/14/2011	4/9/2011	