

Prompt Settlement Policy Guidance

On January 31, 2022, the FAA's "Amended Prompt Settlement Policy for Legal Enforcement Actions Involving Medical Certificate-Related Fraud, Intentional Falsification, Reproduction, or Alteration" (*i.e.*, amended prompt settlement policy) went into effect. See [87 Fed. Reg. 3643 \(Jan. 25, 2022\)](#).

Under this amended prompt settlement policy, the FAA will send an eligible individual who is the subject of an investigation for an apparent violation of [14 CFR 67.403\(a\)\(1\)-\(4\)](#) a letter of investigation (LOI) that will offer the individual the opportunity to enter into a settlement agreement. The settlement agreement provides for the prompt issuance of an emergency order (1) revoking all airman, ground instructor, and medical certificates the individual holds; (2) requiring the immediate surrender of the affected certificates; and (3) allowing application for a new airman or ground instructor after *nine* months from the effective date of the order. The policy will also apply when any controlled substance conviction or motor vehicle action that was the basis for a violation of [14 CFR 61.15\(a\), \(d\), or \(e\)](#) also forms the basis for an intentional falsification.

The previous version of this policy allowed eligible individuals the opportunity to promptly receive an emergency order of revocation sooner than without that policy because much of the investigation and evaluation processes was abbreviated or eliminated. The previous version, however, required a one-year wait period from the effective date of the order before an individual could apply for a new certificate. This amended policy will still ensure that eligible individuals promptly receive an emergency order of revocation, but the order will allow them the opportunity to apply for a new airman or ground instructor certificate after nine months from the effective date of the order.

How to Participate

The aforementioned LOI states that an eligible individual may contact the FAA within ten days of receipt of the LOI to request consideration for a prompt settlement of the legal enforcement action. If the individual requests to be considered under the policy, the FAA will determine the individual's eligibility for the policy. Individuals are eligible for the policy if there is no basis other than that presented by the 14 CFR 67.403(a) (or 14 CFR 61.15, if applicable)

violations to question their qualification to hold a part 61, 63, or 65 certificate and the FAA has found they have not previously violated 14 CFR 67.403(a)(1)-(4). If an individual is eligible for prompt settlement, an FAA Office of the Chief Counsel attorney will send the individual a formal agreement setting forth the conditions for prompt settlement, including those enumerated above. Upon receipt of an executed agreement, an FAA attorney will issue the emergency order of revocation.

You may contact the investigator listed in the LOI or the FAA attorney assigned to handle the prompt settlement of your case if you have questions about the amended prompt settlement policy.