

**TO:** The Honorable Chairman and Members of the Committee on  
Transportation and Infrastructure

**FROM:** Charalambe Bobby Boutris

**SUBJECT:** Air safety Concerns

March 30, 2008

### Testimony

Good morning, my name is Charalambe Bobby Boutris. For twenty years I worked in the Aviation Industry performing aircraft maintenance and inspections for several US Major airlines, US Major Cargo carriers, and foreign airlines. During that time I held the following positions: Airframe and Powerplant Mechanic, aircraft maintenance Inspector, aircraft maintenance Supervisor, aircraft maintenance Manager, and Director of aircraft Maintenance.

In February 1998, I was hired by the Federal Aviation Administration (FAA) as an Aviation Safety Inspector. In the ten years I have been with the FAA I have held the following positions: Aviation Safety Inspector, Assistant Principal Maintenance Inspector, Principal Maintenance Inspector and I am currently assigned to the Southwest Airlines Certificate Management Office (SWA CMO) as the maintenance Partial Program Manager (PPM) for the Boeing 737-700 aircraft.

For me, safety comes first and my job second. When I was an inspector in the airline industry; I elevated safety concerns to Washington, in person, knowing very well that my job was on the line. I never had a negative job performance issue. As a matter of record I have three Star Quality Awards for my commitment to safety and my job performance rating always exceeded the expectations. I am not a disgruntled employee; I am a person with integrity. I do believe that we should cooperate and collaborate with the airlines but not to the point that we go outside our guidance and break the law. I have followed the chain of command but I got no results. I am here today because I am concerned for the safety of the flying public which has been jeopardized by the abuse of authority and violations of the Federal Regulations (CFRs).

Since 2003, I have been raising safety concerns via e-mails, memos, and meetings regarding my Supervisor/Principal Maintenance Inspector (S/PMI) Mr. Douglas Gawadzinski suppressing my inspection findings and his refusal to follow FAA Guidance/National Policy, regarding Chronic, Systemic, and Repetitive non-compliance maintenance issues that I brought to his attention and affect Air Safety.

All my findings were direct violations of the Federal Regulations and the SWA procedures, but under the direction of my supervisor Mr. Gawadzinski I was sending SWA letters of concern in lieu of letters of investigation. In doing so; I was finding out

through follow-up inspections that the original findings were not getting corrected. In addition, routine surveillance inspections at different locations; were revealing the same findings which was a characteristic of a systemic problem that was not been properly addressed. On September 16, 2005, I listed all the chronic non compliance issues and via a Memo I complained to the office Manager Mr. Mills that my supervisor was overlooking the systemic non-compliance issues that were the result of my surveillance inspections and informed him that my supervisor was suppressing my authority and responsibility to report them in accordance with mandated FAA Guidance. Additionally, via e-mail I informed my supervisor that I did not feel that it is ethical as an Aviation Safety Inspector to continue writing letters of concern which are not part of our mandatory guidance to document and correct non-compliance issues with SWA.

The Federal Aviation Administration (FAA) issues **Airworthiness Directives (ADs)** to address the existence of an unsafe condition on products such as aircraft, aircraft engines, propellers, and appliances. The AD requirements vary from AD to AD, and they are usually the result of aircraft accidents, a catastrophic failure of a component, or safety recommendations from the National Transportation Safety Board (NTSB). Since ADs address **unsafe conditions**, their requirements are mandatory and non-compliance is contrary to Title 14 Code of Federal Regulations (14CFR), and legally enforceable per 14 CFR, Part 39.

In December 2003, after reviewing the Southwest airlines AD compliance records for several aircraft engines, I discovered that the required AD compliance information was inconsistent and the format used was different from engine to engine, making it difficult to follow and track the AD compliance information, which was contrary to Title 14 CFR Part 121.380 (vi). After long talks with my supervisor Mr. Gawadzinski, on January 23, 2004, he allowed me to send SWA a Letter of Concern, not a Letter of Investigation as I wanted to and was required in accordance with our guidance. SWA agreed with my findings and took one year to complete the project and bring the engine AD information into compliance. At that time, I was the Partial Program Manager (PPM) for aircraft engines. At the end of the project, the SWA AD compliance team leader, Mr. Bill Krivanek, stated that he hoped I never get airframes.

In addition to the AD issues in reviewing the SWA Continuous Airworthiness Maintenance Program (CAMP) I was also finding non-compliance issues. The CAMP contains the Maintenance and Inspection requirements that an airline must follow to maintain their aircraft. The CAMP is regulatory and it is listed in the FAA approved section of the airline's Operation Specifications (OPS SPECS D72) and consists of maintenance and inspection Task Cards. In reviewing the SWA CAMP I was finding maintenance Task Cards that were revised without going through the revision process and through our office for review. I went to my supervisor Mr. Gawadzinski and informed him of my findings stating that SWA was not keeping us informed and they had stopped submitting the changes/revisions to their CAMP to our office. Mr. Gawadzinski told me that we were out of the approval business because with approval came liability and that the FAA was getting away from that. I sent e-mail to Mr. Gawadzinski stating my findings and copied all the maintenance inspectors. Even though they had experienced the same problems, no one came forward or replied to my e-mail. As time went on I kept finding more changes to the SWA Maintenance Program and revisions to the Maintenance task

Cards that our office was not aware of. In some cases I was finding out that some of the Task Cards were deleted and all together missing from the SWA CAMP. After going to my counterparts at SWA, I was finding out that they were not aware of the changes either. In reviewing the SWA Maintenance Procedures Manual (MPM) I discovered that the reason that SWA had stopped submitting the CAMP revisions to our office was because they had gotten authorization from Mr. Gawadzinski that allowed SWA to revise and delete Maintenance Task cards from their CAMP without coming to our office for review. I went to Mr. Gawadzinski again and informed him that based on my findings we had lost sight of the SWA Maintenance Program and I was concerned because SWA had lost control. I wanted to send SWA a letter of Investigation documenting my findings but Mr. Gawadzinski refused to and directed me to send a letter of concern. I went to the office manager Mr. Mills and informed him of my findings and concerns. Mr. Mills put a team together which consisted of Mr. Mills, Geographic Supervisor Paul Cotti, Supervisor/Principal Maintenance Inspector Mr. Gawadzinski, Inspector Doug Peters and I. After I presented my findings everybody agreed that the SWA CAMP needed attention. After several meetings and over a year later in 2006 at our request, SWA revised their MPM and made it a requirement that any future changes to their CAMP had to be submitted to our office for review. However, as I will state later on, you will see that the in-house changes/revisions that SWA had made to their CAMP had a serious impact on safety.

In January 2006, I became the PPM for the Boeing 737-700 airframes and systems. At this point, among other things, I started to review several aircraft maintenance records with special emphasis on Life Limited parts and AD compliance requirements for the Boeing 737-700 fleet. I found similar discrepancies to the ones I had found with the engines two years earlier; the reported AD information did not meet the requirements of 14 CFR, Part 121.380 (vi). I immediately, informed my supervisor Mr. Gawadzinski of my findings and told him we needed to send SWA a Letter of Investigation similar to the one I wanted to send for the engines in 2003. But Mr. Gawadzinski refused to. I periodically met with Mr. Gawadzinski and voiced my concerns about the SWA AD compliance issues because I wanted to be proactive not reactive. Mr. Gawadzinski told me again and again that he did not share my views and that he was the Principal and my Supervisor. After going to him several times, he told me that we were not going to send a letter of investigation to SWA and he further advised me that he was going to assign somebody to do the AD Management Safety Attribute Inspection (SAI) 1.3.6 (this Inspection collects data and evaluates the content of an Airline's manual system and procedures in meeting the specific regulatory and FAA policy requirements for the AD Management process). I requested to be part of this SAI, Mr. Gawadzinski agreed to, but could not tell me when. By this time, I had informed the SWA AD compliance team leader Mr. Bill Krivanek of the AD discrepancies.

In January 2007, Mr. Gawadzinski assigned the AD Management SAI 1.3.6, placing me as the team leader. When SWA found out that I was the assigned inspector for the AD Management SAI, the SWA Director of Quality Assurance, Mr. Mats Sabel and the AD compliance team leader, Mr. Bill Krivanek, had a meeting with my supervisor (Gawadzinski) and requested my removal from doing the Inspection. Mr. Gawadzinski called me into his office and told me of this meeting and instructed me not to start the AD Management SAI until he gave me the green light, but he would not give me a reason as to why I could not do the inspection. At this point, I went to the office manager, Mr. Mike

Mills, and informed him of the situation. I told Mr. Mills that it was obvious that SWA wanted to cherry pick the inspector for this inspection and stated that I was just doing my job and I had not done anything wrong. I also informed Mr. Mills that the last inspection for the AD Management SAI 1.3.6, regarding the content of the SWA manuals in meeting the specific regulatory and FAA policy requirements for the AD Management process was accomplished in 1999, and according to the Air Transportation Oversight System (ATOS) Database as the result of that inspection there were numerous (25%) negative findings documented regarding the SWA inadequate procedures for AD compliance. I told Mr. Mills that this was also evident and was validated with my findings and brought to his attention that in accordance with our guidance, this SAI inspection was to be accomplished at least every five years and therefore this inspection was overdue by three years and that my supervisor Mr. Gawadzinski was aware of that. Mr. Mills told me he was going to talk to my supervisor. Later on, Mr. Gawadzinski informed me that I would be the one doing the inspection for the AD Management SAI.

On February 26, 2007, in the presence of Mr. Gawadzinski, I gave SWA a presentation regarding the requirements of the AD Management SAI 1.3.6. After the presentation, I had a discussion with the SWA AD compliance team leader Mr. Bill Krivanek and informed him that due to the fact that both of us already knew that SWA did not have all the required procedures in place for the AD Management, I was also going to review some aircraft records to ensure AD compliance. Mr. Krivanek stated that Mr. Gawadzinski and he had discussed what my assignment was and that the inspection for the SAI only covered required procedures for AD compliance, and for that, I only had to review their manuals, therefore he did not see the need for me to review the aircraft records for AD compliance because it was not part of the SAI. I told Mr. Krivanek he was correct, however, due to my knowledge of the previous history with the AD issues, I felt that reviewing some of the SWA AD aircraft records for compliance was appropriate. Mr. Krivanek was not happy about that, but we agreed to meet again on March 15 and start the inspection of the AD Management SAI. On March 15, 2007, I arrived at SWA at 09:00. When I arrived, I was told by Mr. Chris Roth (SWA Regulatory Compliance team leader) that the AD compliance team leader Mr. Bill Krivanek could not participate at the meeting because he was working on a project. During my conversation with Mr. Roth, Mr. Krivanek came into the room and apologized for not being able to participate in the meeting, and stated that he and his team were working on an important project, and were going to be busy for the rest of the day. I had the meeting with Mr. Roth, and finished at 11:00. I went back to my office, and informed my supervisor Mr. Gawadzinski that Mr. Krivanek could not participate at our AD Management SAI meeting because he was working on an important project that had come up. Before I had the chance to say anything else, Mr. Gawadzinski stated: "Yeah, they had some airplanes over-fly an AD, and they are going through the records to find out how many". At this point it was obvious to me that since I had told Mr. Krivanek that along with the AD Management SAI, I was going to review some aircraft records for AD compliance, Mr. Krivanek had decided to have the aircraft records reviewed prior to my inspection, and that's how they had discovered the AD over-fly discrepancies.

On March 22, 2007, while I was performing night Surveillance inspections at the SWA Chicago Midway maintenance facility, I witnessed a SWA aircraft N300SW being repaired due to a crack that was found on the fuselage. After reviewing the aircraft

records I discovered that this aircraft had been used to fly passengers even though it had a crack on its fuselage. This aircraft was not part of my fleet, however, when I went back to my office, I gave this information to Inspector Collamore who is the Partial Program Manager (PPM) for that fleet. During our discussion, I asked Inspector Collamore if the area (regarding the fuselage crack and its location) was covered by the inspection requirements of an Airworthiness Directive. Inspector Collamore said yes, and stated that SWA had self disclosed to our Supervisor/Principal Maintenance Inspector Mr. Gawadzinski that during a records review they had discovered that some of their aircraft had over-flown the inspection requirements of an AD, and that the aircraft at Midway was part of that self disclosure (this AD addresses identified safety issues and requires repetitive inspections of the aircraft fuselage for crack detection). Once I realized that this aircraft had overdue AD inspections and it was still flying passengers, I asked Inspector Collamore if he was allowing SWA to fly unsafe aircraft. Inspector Collamore stated: "No, I am not, he is", and pointed towards Mr. Gawadzinski's office. I informed inspector Collamore that it was also his responsibility to address the unsafe condition. Even though this aircraft was not part of my fleet, I was concerned because this was affecting the safety of the flying public, and since it was not handled in accordance with our guidance, I immediately reported this serious safety issue to the office manager Mr. Mills.

Due to my on going safety concerns with the SWA inadequate procedures for tracking and complying with the AD requirements, I performed an in-depth review of the aircraft maintenance records and I discovered the following: On March 15, 2007, Southwest Airlines (SWA) informed my Supervisor/Principal Maintenance Inspector Mr. Douglas T. Gawadzinski, that they had discovered that some of their aircraft had over-flown the Inspection Requirements of Airworthiness Directive (AD) 2004-18-06. At the time, SWA were not sure of how many aircraft were affected and estimated that the number could have been up to 100 aircraft.

The AD (2004-18-06) requirements that SWA reported as not being accomplished on their aircraft requires inspections of the fuselage on their Boeing 737-300, and -500 aircraft. On the first page under SUMMARY the AD states: "**This action is necessary to find and fix fatigue cracking of the skin panels, which could result in sudden fracture and failure of the skin panels of the fuselage, and consequent rapid decompression of the airplane. This action is intended to address the identified unsafe condition**".

FAA records show that besides the March 15 verbal notification, on March 19, 2007, SWA also used the Voluntary Disclosure Reporting Program (VDRP), to report the AD non-compliance again but this time they informed Mr. Gawadzinski that their investigation had determined that there were 47 aircraft affected , not 100 as originally was reported to him. Even though he was aware of this **unsafe** condition on March 15, 2007, Mr. Gawadzinski did not document anything until March 19, 2007.

In reading the Disclosure Details for the VDRP report, specifically under the Initial Notification question, "**Did Non-Compliance Cease after Detection**", the VDRP report states "**Yes**". However, this is not the truth. The records show that SWA continued to operate the affected aircraft in a **known unsafe condition** and fly paying passengers until March 23, 2007.

From March 15, 2007, the date Mr. Gawadzinski was initially informed of this non-compliance, to March 23, 2007, while SWA was performing the overdue AD inspections on these aircraft, and while these aircraft were still operating in passenger revenue service, records show that 6 aircraft had cracks on their fuselage. Maintenance records show that on one of these aircraft had multiple cracks, ranging from 1.0 to 3.5 inches long. This is enough evidence of a serious safety issue, when it comes to ADs our guidance is crystal clear and had Mr. Gawadzinski followed the mandated FAA Guidance he should have notified SWA that the affected aircraft could not be used in air transportation past the date that this non-compliance was discovered and initially reported to him on March 15, 2007. What is also aggravating, and brings this **unsafe** condition to the highest level of concern, is the fact that at the time of discovery these aircraft had been flying for 30 months out of compliance with the overdue AD inspections.

Advisory Circular (AC) 00-58 A, provides guidance for the Voluntary Disclosure Reporting Program (VDRP). This AC allows Certificate holders and other entities that operate under 14CFR to voluntarily disclose to the FAA violations and receive a letter of correction in lieu of civil penalty. However, the reported noncompliance in order to qualify has to meet the requirements and follow the procedures set forth in this AC. Page four, Chapter seven, paragraph **b.** of AC 00-58 A, under Notification by the Certificate holder of an apparent violation, lists six items that the Certificate holder (in this case SWA) should address to the FAA Principal Inspector (in this case Gawadzinski) at the time of the initial notification. One of those six items, item number **(2)** states: **“Verification that noncompliance ceased after it was identified”**. In this case, even though the VDRP report which was prepared by SWA falsely states **YES** and Mr. Gawadzinski falsely accepted **YES**, the fact remains that the noncompliance did not ceased after it was identified. Records show that the 47 aircraft affected by this AD continued to operate in revenue service from March 15, 2007 (when the noncompliance was identified by SWA and reported to Gawadzinski) to March 23, 2007. It is obvious that the AC requirement was circumvented and not met; therefore, this noncompliance/violation does not meet the criteria to qualify as a Voluntary Disclosure.

In addition, in reading the VDRP report under THE REASON WHY THIS VIOLATION WAS INADVERTANT, SWA in part states: “Unfortunately, due to the extended time span, we can not definitively determine the exact reason the initial error occurred, and was overlooked during the creation of the document, its revisions, and reviews”. As I stated earlier this was also one of my findings and concerns back in 2005 when I told my supervisor that we had lost sight of the SWA Maintenance Program and I was concerned because SWA had lost control.

What is interesting here is that in reading this VDRP report, under the “INFORMATION OF THE PERSON PREPARING the COMPREHANSIVE FIX” for SWA, is the name Paul Comeau. Mr. Comeau is an ex FAA Safety Inspector who was performing oversight inspections for regulatory compliance issues regarding the SWA Certificate at the SWA CMO with Mr. Gawadzinski. While working for the FAA, Mr. Comeau accepted a job offer from SWA as the Manager of Regulatory Compliance. I believe that SWA knowingly hired Mr. Comeau for his FAA connections with inspectors in our office, and to their advantage placed him in the position that directly interfaces with our office on a daily bases in regards to Regulatory Compliance issues in dealing with aircraft maintenance.

I questioned Mr. Comeau's hiring by SWA, and I was told by Mr. Gawadzinski that his hiring was cleared through our Regional Office, but there is an ethics issue here, and as proven a conflict of interest. The Regional Office should have considered the importance of the position that SWA hired Mr. Comeau for, and the impact on safety that might have had.

In the past, prior to SWA hiring Mr. Comeau, records show that any time SWA had discovered noncompliance issues with AD requirements they always took immediate action by taking the affected aircraft out of service and bringing them into compliance with the applicable AD requirements. However, this time due to the number of aircraft involved, I believe that the cozy relationship between Mr. Gawadzinski and Mr. Comeau played a contributing factor and allowed the 47 aircraft to remain in revenue service and operate in a matter that would provide relief to schedule the AD overdue inspections at the SWA's convenience while flying paying passengers and without disrupting SWA's flight schedule. I also believe this cozy relationship was the reason that SWA hired Mr. Comeau for this position. Mr. Comeau, being an ex-FAA Inspector should have known that AD inspection requirements are mandatory and address **unsafe** conditions, they teach that to FAA Inspectors at the Academy.

SWA is reporting that they are the ones that blew the whistle on themselves. That is correct. However, what they are not saying is that at the time of discovery of the non-compliance (March 15, 2007), SWA was required by federal law to immediately remove the affected aircraft from service and comply with the AD requirements. But SWA did not take immediate corrective action and kept the affected aircraft flying with paying passengers in a **known unsafe condition** until March 23, 2007.

**At the time of discovery**, by not taking the 47 aircraft out of service and by not complying with the inspection requirements of Airworthiness Directive 2004-18-06, SWA failed to resolve an **unsafe** condition, and therefore violated the requirements of Title 14 Code Of Federal Regulations (14CFR), Part 39.11, which clearly states: "Airworthiness Directives specify inspections you must carry out, conditions and limitations you must comply with, and any actions you must take to resolve an **unsafe** condition".

In addition, **once SWA was aware of the overdue AD inspections**, by continuing to operate these aircraft and failing to meet the requirements of Airworthiness Directive 2004-18-06. SWA violated the requirements of Title 14 Code Of Federal Regulations (14CFR), Part 39.7.

As it is stated in the AD, due to past events pertaining to the Boeing 737, **the skin fatigue and cracks could have resulted in a sudden fracture and failure of the skin panels of the fuselage, and consequently cause a rapid decompression which would have had a catastrophic impact during flight**. These inspection requirements are the result of the Aloha airlines accident in which a Boeing 737 aircraft during flight lost the top of its fuselage due to undetected cracks.

The requirements of the AD are stated on its first page as follows: "**Airworthiness Directives affect aviation safety and are regulations which require immediate attention. You are cautioned that no person may operate an aircraft to which an Airworthiness Directive applies, except in accordance with the requirements of the Airworthiness Directive**"

There is no excuse for the actions of SWA and FAA personnel, Mr. Gawadzinski did not have the authority to allow these aircraft to operate with a known unsafe condition past the date at which time the AD noncompliance was discovered and reported to him (March 15, 2007). In addition, it was his responsibility to ensure that SWA had taken immediate corrective action in taking these aircraft out of service.

FAA Order 8300.10 (Inspector's Handbook) under **INSPECTOR RESPONSIBILITY** states: **"An inspector who becomes aware of an unsafe condition in an aircraft that is being operated or about to be operated and fails to act under the provisions of Section 605(b) FA Act of 1958, as amended, is in dereliction of duty. This duty is placed specifically by Congress upon the inspector rather than on the Administrator. If the inspector, after due consideration, still has any doubts regarding whether or not to ground the aircraft, the grounding notice should be issued"**.

Also: TITLE 49, SUBTITLE VII, PART A, Subpart iii, Chapter 447, Sec. 44713, subsection (c) under Unsafe Aircraft, Engines, Propellers, and Appliances, states: **"When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in the air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in a condition for safe operation"**.

FAA Inspectors are hired by the taxpayers to ensure Airlines conduct their business with **safety** as the utmost consideration at all times. Allowing an airline to fly passengers on aircraft with a **known unsafe condition** puts the lives of the flying public at jeopardy and in my opinion it is dereliction of duty and should be criminal.

The 47 aircraft with the overdue AD inspections were not the only ones that kept flying in revenue service and out of compliance with maintenance/inspection requirements. In reviewing aircraft records I found out that on March 20, 2007, via the VDRP, SWA reported to Mr. Gawadzinski that 70 of their aircraft had over-flown the requirements of their Maintenance program for the functional check of the rudder standby hydraulic system. This required maintenance task is a very detailed and in-depth functional check, which ensures the integrity of the hydraulic system for the standby rudder and its components. The hydraulic standby system provides hydraulic fluid under pressure to operate the rudder among other components in the event of a main hydraulic system failure. In the past, several catastrophic accidents have occurred with other airlines due to malfunction of the rudder control system. Therefore, due to the impact that this system has in safety, maintaining it in accordance with the maintenance program requirements should have been the number one priority.

Records show that this non-compliance went undetected for over a year, and even though these 70 aircraft had been flying out of compliance of this maintenance requirement for over a year, at the time of discovery of the non-compliance again SWA

and Mr. Gawadzinski took no action and according to the VDRP the 70 aircraft remained in revenue service and operated in a manner that would provide relief to schedule the overdue maintenance/inspections at the SWA's convenience while flying paying passengers. In the VDRP report SWA in part states: "Due to availability of the equipment and man hours needed per aircraft, it will take approximately 14 days to complete this task on all affected aircraft".

However, In reading the Disclosure Details for the VDRP report, specifically under the Initial Notification question, "**Did Non-Compliance Cease after Detection**", the VDRP report that was prepared by SWA and accepted by Mr. Gawadzinski states "**Yes**". However, this is not the truth. As stated above, the records show that the noncompliance did not cease after detection, and the affected aircraft were allowed to fly in revenue service and out of compliance for an additional 10 days past the date of detection.

It is obvious that the VDRP requirement was circumvented and not met; therefore, this noncompliance/violation as in the AD case does not meet the criteria to qualify as a Voluntary Disclosure.

These 70 aircraft were part of my fleet but my supervisor Mr. Gawadzinski kept me in the dark and worked the VDRP directly with Mr. Comeau. In addition, in reading the VDRP report under THE REASON WHY THIS VIOLATION WAS INADVERTANT, SWA in part states: "Southwest Airlines previous document approval was not as thorough and comprehensive as the one currently in place. Subsequently, previous task card interval requirements weren't reviewed and matched". As I stated earlier this was also one of my findings and concerns back in 2005 when I told my supervisor that we had lost sight of the SWA Maintenance Program and I was concerned because SWA had lost control.

On March 28, 2007, I went back to SWA and we had the second meeting for the AD Management SAI. I met with Mr. Roth and Mr. Krivanek and continued the AD SAI inspection. At the end of this meeting, I had completed only two out of the seven pages of the AD Management SAI requirements, and I had documented twenty one (21) negative findings. When I got back to our office and brought this to Mr. Gawadzinski's attention, he instructed me not to put the negative findings in the FAA ATOS Database yet. A week later, I was instructed to turn all my assignments over to my supervisor Mr. Gawadzinski due to an investigation for an anonymous complaint against me. Mr. Gawadzinski assigned this AD Management SAI inspection to be performed by inspectors Collamore and Bassler who completed this inspection and had fifty (50) favorable findings, and eight (8) negative findings) for the entire inspection. Knowing that SWA had not changed their procedures since the last time I had done this inspection, and since this was one of my safety concerns, I went to the acting office manager Mr. Bobby Hedlund and questioned the favorable findings of the inspection. Mr. Hedlund did not seem to be interested. I called the Safety and Analysis Branch manager Mr. Terry Lambert, at the Regional Office (RO) and explained my concern. Mr. Lambert asked the RO Specialist to analyze inspector Collamore's and Bassler's inspection report. According to Mr. Lambert the Specialist found that the AD Management SAI inspection report contained conflicting information and could not support the fifty (50) favorable findings that were reported by inspectors Collamore and Bassler. This was presented to the acting office manager Mr. Hedlund, who instructed that the completed AD Management SAI inspection report be removed from the FAA ATOS repository final status and re-issued again to be accomplished by the same inspectors. I raised

concerns again to Mr. Hedlund and stated that the reason that SWA aircraft were over-flying AD requirements was due to the fact that SWA did not have adequate procedures, controls, or process measurements in place to manage the AD requirements. I informed Mr. Hedlund that this was a chronic and well-documented problem, and that due to the fact that this inspection directly affects safety, and based on my findings, I suggested that a different team of inspectors accomplish the AD Management SAI. Mr. Hedlund was not interested and told me that my concerns were noted. For the record, later on, when the Air carrier Evaluation Team of inspectors accomplished the same AD Management SAI inspection they reported 17 favorable findings and 41 negative findings.

On March, 29, 2007, during an FAA security investigation, I gave special agent David Friant a statement regarding my concerns with the relationship of my supervisor Mr. Gawadzinski and Mr. Comeau. I stated that since Mr. Comeau was hired with SWA, my supervisor was working directly with him and I was being bypassed and kept out of the loop on reported safety concerns regarding my fleet. I complained that since November 2006, when the Voluntary Disclosure Reporting Program (VDRP) had become web based for electronic submissions, I was the only PPM in the office that did not have access because Mr. Gawadzinski had refused to give me a password. Any Voluntary Disclosure that affected my fleet was worked out between Mr. Comeau and Mr. Gawadzinski.

In one of the statements that were made by the FAA regarding the operation of the SWA aircraft in revenue service with the overdue AD inspections, it was stated that one FAA inspector looked the other way. I am here to report that more than one FAA inspector along with FAA management have been looking the other way for years. No supervisor can do what my supervisor was doing without the support from fellow inspectors, the support of the Division Management Team (who were fully aware of what was going on) and I believe with the support from some people in Washington. This should be obvious, I was the only maintenance inspector that kept finding and raising these safety concerns since 2003, and when they were elevated to the Division Management Team nothing was done about it. Every time I pointed out to Mr. Gawadzinski that he was not following our mandated guidance regarding safety violations in the presence of the office manager Mr. Mills, Mr. Gawadzinski would respond that our guidance was outdated and that he was talking with Jim Ballough (Director, of Flight Standards), who always informed him of the ups and comings, because according to Mr. Gawadzinski he had spent a lot of time with Jim at the Eastern Region during his Executive leadership Program. Mr. Mills always looked into my safety concerns and supported my findings; however, every time he elevated them to the Division Management Team at the Regional Office he received no support. Under the circumstances that I just described, no matter how good of a manager a person is, without upper management support the system makes him ineffective.

During the FAA investigation regarding my concerns that SWA was flying passengers on aircraft with overdue AD inspections, one of the FAA management personnel that was contacting the investigation was the assistant manager for the American Airlines CMO Mr. Kermit Teppin. From the beginning of the investigation Mr. Teppin down played the serious safety issue and I was told by Mr. Mills that Mr. Kermit made the statement: "In

the Air carrier world you have to make deals”. I do not know of any guidance that gives us the authority to make deals at the expense of the safety of the flying public. This is just an example of the people that hold FAA management positions and it is upsetting because their daily decisions have a direct impact in public safety.

The FAA is a great organization with many good inspectors and managers, and I am proud to be part of it. However, there is no accountability throughout the ranks; as FAA Safety inspectors we have taken an oath to uphold the rules and regulation outlined in our mandated guidance and we are told that safety is our job. If that is the case, then how come the FAA does not hold **accountable** the management and inspectors who look the other way instead of ensuring that the Airlines conduct their business with **safety** as the utmost consideration? After all, we owe this to the taxpayers who pay our salaries. Other than moving personnel around, the FAA has taken no action and every body involved is still collecting a pay check from the taxpayers.

The SWA aircraft that I reported flying with the overdue AD inspections were not part of my fleet. The Inspector (Mr. Collamore) who is the Partial Program Manager for those aircraft, had full knowledge of this serious safety issue seven days before I did, he also had an obligation and responsibility to follow our guidance and the Federal Regulations and ensure that this unsafe condition was immediately addressed. But Inspector Collamore chose to take no action and went along with Mr. Gawadzinski's decision.

As for management accountability, after the removal of Mr. Gawadzinski from our office the current office manager Mr. Bobby Hedlund promoted inspector Collamore and gave him more authority by letting him act in Gawadzinski's position as Supervisor/Principal Maintenance inspector. I had a meeting with Mr. Hedlund and expressed my concerns but he was not interested. I wrote several e-mails to the Division Manager Mr. Stuckey raising my concerns and stated that instead of holding inspectors accountable for their inactions in the performance of their duties the management was rewarding them and giving them additional authority. I requested a meeting and his immediate attention, Mr. Stuckey never responded. However, I received an e-mail from the assistant Division Manager Mr. McGarry who informed me that management has the right to assign acting personnel to temporary supervisory positions.

In another incident, the current office manager Mr. Bobby Hedlund, allowed another inspector to circumvent the regulation and close one of my findings, which was a repetitive violation, with a letter of correction by making it appear that the SWA current procedures were not working and allowed SWA to change their procedures. These were the very same procedures that were put in place by SWA as a fix for one of their previous violations, when in fact, there was nothing wrong with the procedures they just were not followed by SWA and their personnel. I believe Mr. Hedlund feels obligated to SWA because prior to becoming the office manager for the SWA CMO, Mr. Hedland was the Principal Operations Inspector for SWA and during that time he received his training and his pilot's Boeing 737 type rating (which costs thousands of dollars) free of charge from SWA. However, since Mr. Hedlund was promoted to the office manager's position and he has the final authority in managing the SWA Certificate, under the circumstances and by his actions, it gives the perception that there is a conflict of interest.

We all hear statements that we have the safest air transportation system in the world. I believe that the safety we are enjoying today is the fruit of the aftermath of the Value Jet accident in the mid 90's which forced us to refocus and put in place new procedures. But unfortunately that was done after the accident. I do not think that we should be taking credit for being reactive to accidents. What is alarming is the fact that even today we are still being reactive, this is proven by the Notice that the FAA issued two weeks ago ordering FAA inspections of the Airlines in order to validate AD compliance because of this hearing. Despite the fact that our data bases are full with positive findings, the current events are proving to us that we have hundreds of aircraft taken out of service with AD compliance issues. Where are the ATOS Risk indicators?

SWA is reporting that according to Boeing there was no safety issue regarding the 47 aircraft that were flying passengers with the overdue AD inspections in which six of them had cracks on the fuselage. **It is nice of Boeing to offer an opinion for their largest customer**; however, if aircraft manufacturers could predict accidents we would not have the safety requirements of this AD today.

In addition, consultants have been reporting that after reviewing the data and due to the fact that the area of the fuselage that is affected by the AD includes tear straps and bonded doublers in their opinion safety was not jeopardized. I am reporting to you that the only factual data that we have is that the 47 aircraft were flying out of compliance for 30 months and six of them had cracks on their fuselage and were allowed to fly in revenue service with a known unsafe condition for an additional 8 days after the date of discovery. I could not imagine what type of data the consultants reviewed because there is no data that shows how long an aircraft can fly out of compliance with multiple cracks on its fuselage before it splits open. The documented proof we have is the Aloha airlines aircraft that lost the top of its fuselage in flight due to undetected cracks, and for the record that aircraft also had the tear straps and bonded doublers that the consultants are referring to. In addition, for the record, the existence of the tear straps and bonded doublers was taken in consideration when the mandatory requirements of this AD were established.

These mandatory requirements and the actions to address the unsafe condition are clearly written on the AD, which states: **“Special flight permits may be issued to operate the airplane to a location where the requirements of this AD can be accomplished”**.

I am reporting to you that contacting Boeing for an opinion or hiring a consultant is not an option because neither one has any authority over the mandatory requirements of an AD, and that is the law.

The majority of the ADs are the result of catastrophic accidents, and as the industry saying goes **“ADs are written in blood”**. I am very concerned because these safety issues affect the lives of the flying public and instead of being advocates for safety some people are still trying to mud the water by downplaying this serious safety issue. The taxpayers and the flying public deserve better and I hope the truth along with some overdue changes come out of this hearing.

It is very sad that an FAA Safety inspector has to become a whistleblower in order to address safety issues. I would like to set the record straight because for some reason the FAA Biweekly news in the Aviation Safety Highlights stated the following: " In the Southwest case of non-compliance, an inspector repeatedly raised issues with his supervisor, but felt he needed to use an anonymous FAA hotline in order to be heard". That is not the truth! I did not use an anonymous FAA hot line; these are serious safety issues and I wanted the people that received my concerns to be able to get in touch with me this way I could answer any questions they might have. For the record, I have been raising the same safety concerns and AD compliance and maintenance issues since 2003 on record and openly, and had the FAA management listened we would not be in this situation today. I have followed the chain of command from my manager all the way to the Regional Office and the Division Management Team. Every safety concern, every inspection finding, has my name on it.

What you will find interesting is that in late March of 2007, after I discovered that SWA along with the FAA had allowed the operation of the aircraft with the overdue AD inspections in revenue service and once everybody knew that I elevated this serious safety issue I was removed from my position and was placed under investigation due to an anonymous complaint with allegations against me that was forwarded to our office through Mr. Gawadzinski from SWA. Along with the anonymous complaint my office manager Mr. Mills received an e-mail from the Director of Quality Assurance Mr. Mats Sabel (the same person that previously had requested my removal from doing the AD SAI inspections) requesting my restriction from SWA property until the investigation and any other official investigation had been contacted. That day Mr. Gawadzinski came to my cube and told me with that type of allegations against me; he did not see a reason for me to stay in the office. I questioned the timing of the anonymous complaint but I received no response. From March 2007, to the end of August of 2007, I was hoping that the Division Management Team would do the right thing and look into my findings and safety concerns. However, they did not address anything, in July 2007 they closed the investigation regarding my documented safety concerns and they concentrated their efforts in silencing the messenger. By the end of August I realized that the Division Management Team's interest was damage control and covering up the serious safety concerns I had brought to their attention. In the end of August I put a package together, the same package that I had given to the Division Management Team 6 months earlier and I sent it to the Office of Special Council and again I went on record and openly identified myself. By the end of September of 2007, after the Division Management Team found out that I had elevated the safety issues to Washington they reinstated me back to my position and they re-opened the investigation regarding my reported safety concerns. I am here to report to you that all my findings and safety concerns have been validated 100%.

The Division Management Team (DMT) is stating that they did not know anything about the operation of the aircraft until it was over when in reality they had lost sight of the safety mission. Back in March of 2007 when SWA had reported to the FAA that 47 of their aircraft were affected by the overdue AD inspections, and 70 aircraft had over-flown the requirements of their Maintenance program for the functional check of the rudder standby hydraulic system, SWA never identified which aircraft were involved. The aircraft identification is required in order for the FAA to accomplish follow up inspections to ensure that the affected aircraft were inspected. By the time I was reinstated (end of

September of 2007), 6 months had gone by and the FAA still did not have anything official from SWA to identify the affected aircraft, but in the AD case they had inspection reports from 3 FAA inspectors stating that they had done follow up inspections. However, when one of these inspectors found out that I had elevated this issue to Washington that inspector informed the office manager (Hedlund) that his report was not for the follow up inspection of the affected aircraft but it was for putting the binders together for the investigation. It was not until October 31, 2007, (7 months later) and after my persistence that our office finally requested and received an official letter from SWA identifying the 47 and 70 aircraft that were involved in the non-compliance of the AD and the rudder standby hydraulic system. The DMT also was not proactive in taking action to ensure that SWA did not have other aircraft with AD issues. After I elevated the issue to Washington, the DMT realized that they would have to answer questions and this is when they started to look into the AD compliance requirements. And as it turns out, SWA had additional aircraft with other AD issues.

During the town hall meeting in March 2008, Mr. Sabatini stated that the FAA is working on a solution to prevent this from happening again and it is my understanding that the FAA is going to put in place a Hot line process for inspectors to elevate safety concerns. But with all do respect I have a question here, if FAA management did not respond when I **openly and on record** raised the serious safety concerns, how is a hot line process going to work? What we need is accountability throughout the ranks, and that will fix the problem. There is no need to burden the taxpayers with another hot line process. Additionally, I like to inform you that for years we have a similar hot line system in place that inspectors do not trust because Hot line complaints and safety issues, end up on the FAA Administrators desk, and then are passed down to the local FAA Regional Office to be investigated. The Regional Office assigns the local FAA Security (which reports to them), to conduct these investigations, FAA security does not have the technical background, and that is where the Regional Office controls the outcome by assigning the technical portion of the investigation to Regional FAA personnel that report to them also. From my experience, I believe the priority of the Regional Office is damage control and I see no interest in accountability, or doing the right thing. At the end of the investigation, no matter what the evidence shows, it's disregarded by the Division Management Team who **cherry pick** the information from the investigation reports and without looking at the big picture, they apply Band-Aids instead of fixing the root of the problem.

I will also like to inform you that since the FAA put in place the customer service initiative, the partnership programs such as the Voluntary Disclosure Reporting Program (VDRP) and the Aviation Safety Action Program (ASAP) have become ineffective. We are told that the airlines are our customers and if they do well we do well (more jobs for our office). However, some of us forget that we have another more important customer, the taxpayers, who put their trust in us to ensure that the airlines provide safe transportation for the flying public.

The airlines take advantage of the customer service initiative and they constantly remind us they are the customer. The best way to put it is like you are going down the highway committing traffic violations and jeopardizing the safety of others and when the police officer stops you and informs you that you are breaking the law by endangering people's lives you tell him that he can not document the violation because you are his customer. I know it sounds funny but this is as close to an example as I can come up with. We also

have the customer service feed back line for the airlines which gives them the opportunity and the tool to cherry pick the FAA inspector force that manages their certificate by praising the inspectors that go along with their wishes, however, there is nothing in place to support the inspectors that are intimidated by FAA management and by the airline because they do their job by the book. In the performance of my duties I have been asked by SWA management to make a violation go away. In addition, I have been threatened by SWA management that they could have me removed from their certificate.

The airlines use the VDRP as a tool to circumvent the regulations and provide relief for themselves from maintenance and inspection requirements in order to keep their aircraft flying. A good example of this is the SWA VDRP of the 70 aircraft that were flying in revenue service with the functional check of the rudder standby hydraulic system checks overdue for over a year and used the VDRP to continue flying the aircraft in revenue service and out of compliance for an additional 10 days past the date of discovery due to the shortage of manpower and equipment.

The ASAP program is also abused by maintenance personnel who are no longer held accountable. They are using the program for reasons other than its intent and I will give you couple examples. In the past SWA mechanics were installing the wrong tire and wheel assemblies (B-737-300) on the Boeing 737-700 aircraft. The first time this discrepancy was reported and accepted into the ASAP the mechanic that was involved received human factors training and the tire and wheel assembly paperwork was revised for future installations by adding a paragraph as a note right above where the mechanic signs for changing the wheel and tire cautioning him/her to check that the proper wheel and tire assembly were installed. The second time another mechanic installed the wrong tire and wheel assembly on an aircraft again. The ASAP accepted the report and this mechanic also got human factors training. In addition, a new safety net was put in place by painting all the tires with big letters on the sidewall indicating to what type of aircraft they belong to. The third time another mechanic installed the wrong tire and wheel assembly on an aircraft again. The FAA again accepted the third mechanic's report into the ASAP. I can see accepting the first mechanic's report. But how can we say that by accepting the other two mechanics reports into the ASAP we contributed to safety. I can stand here and give you all kinds of similar examples but the bottom line is that some mechanics are not as vigilant as they should be and they do not worry about it because they know that they can always ASAP the performance of improper maintenance even after an FAA inspector finds it. We need to refocus and ensure that these programs meet their intent instead of being a "get out of jail free card".

I hope the information I have provided today will help bring some overdue changes and help inspectors like my self to continue serving the public and give hope to the inspectors that have lost faith in the system.

Thank you for your time and for giving me the opportunity to raise my safety concerns in front of your honorable committee.