



**U.S. OFFICE OF SPECIAL COUNSEL**  
**1730 M Street, N.W., Suite 300**  
**Washington, D.C. 20036-4505**

**The Special Counsel**

April 2, 2024

The President  
The White House  
Washington, D.C. 20050

Re: OSC File No. DI-22-000535

Dear Mr. President:

I am forwarding to you a report transmitted to the Office of Special Counsel (OSC) by the Department of Transportation (DOT) in response to the Special Counsel's referral of a disclosure of wrongdoing at the Federal Aviation Administration (FAA), Aviation Safety Office, in Washington D.C. I have reviewed the disclosure, agency report, and whistleblower comments and, in accordance with 5 U.S.C. § 1213(e), have determined that the report contains the information required by statute and the findings appear reasonable.<sup>1</sup> The following is a summary of those findings and comments.

The whistleblower, who chose to remain confidential,<sup>2</sup> disclosed that FAA Inspectors have failed to ensure that Aviation Maintenance Technician Schools (AMTS) are conducting only FAA-approved distance-learning courses. Specifically, while analyzing FAA data in the Web-based Operations Safety System (Web OPSS), the whistleblower observed numerous Operations Specifications (OpSpecs)<sup>3</sup> that included expired distance-learning authorizations. Nevertheless, many of the schools continued to advertise the expired distance-learning curriculum on their websites and in course catalogs. The whistleblower further alleged that mechanics who completed expired curriculum may not meet the qualification standards for their aircraft rating or certificate issued under 14 C.F.R. part 65.

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<sup>1</sup> The whistleblower's allegations were referred to Secretary of Transportation Pete Buttigieg for investigation pursuant to 5 U.S.C. § 1213(c) and (d). The FAA Office of Audit and Evaluation conducted the investigation. Secretary Buttigieg delegated the authority to review and sign the agency report to former DOT General Counsel John E. Putnam.

<sup>2</sup> The whistleblower consented to the release of his name to DOT in connection with the investigation but did not consent to any additional disclosure of his name by OSC.

<sup>3</sup> FAA OpSpecs establishes and administers safety standards for all air commerce operations, including Aviation Maintenance Technician Schools (AMTS) operating under 14 C.F.R. Part 147.

The agency partially substantiated the whistleblower's allegations. The agency reported that distance-learning classes were approved under FAA guidance issued on April 1, 2020, to provide AMTS more flexibility to offer coursework remotely due to the COVID-19 public health emergency. The investigation uncovered that of the 94 AMTS approved to conduct distance learning, only one had continued the distance-learning course after the expiration date listed in its OpSpecs. The agency concluded that this was primarily a recordkeeping issue and did not diminish the content of the instruction students received. The FAA remedied the expired course by amending the OpSpecs to extend the expiration date. In addition, on May 24, 2022, the FAA published an interim final rule for 14 C.F.R. part 147 with an effective date of September 27, 2022, wherein distance-learning programs will no longer require approval from the FAA or authorization under OpSpec paragraph A026.

The agency also addressed OSC's outstanding request from 2020 that FAA review the broader implications of this whistleblower's series of referrals, including the potential effect on public safety.<sup>4</sup> The FAA has provided former DOT General Counsel Putnam with a briefing on the recurring issues covered by the referrals, their potential impact on safety, and FAA's work to address those issues. The agency noted that, in response, the FAA has begun system enhancements to WebOPSS and additional training for Inspectors to ensure consistency and standardization in the issuance and tracking of WebOPSS data.

In his comments, the whistleblower expressed disappointment that FAA failed to monitor and track expiration dates for the distance-learning courses. He reiterated his assertion that poor data quality impacts the agency's ability to make appropriate safety-related decisions. The whistleblower contends that FAA's failure to recognize that an AMTS's distance-learning authorization was out of compliance is one of many examples of inaccurate data he identified through other OSC cases. He asserts that the extent of the inaccurate data amounts to gross mismanagement on the part of FAA.

As OSC has acknowledged in the whistleblower's previous cases, he has highlighted a concerning issue regarding inaccurate information in the FAA's safety databases and its potential effect on the agency's ability to identify threats to aviation safety. I thank the whistleblower for bringing these safety-related allegations to OSC and appreciate that the FAA has taken steps to improve its data infrastructure.

As required by 5 U.S.C. § 1213(e)(3), I have sent a copy of this letter, the agency report, and whistleblower comments to the Chairs and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and

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<sup>4</sup> See OSC File Nos. DI-17-1298; DI-18-2728; DI-19-2560; DI-19-3959; DI-20-000393; DI-20-000536; DI-20-000690; DI-20-000754; DI-20-000914; DI-22-000586.

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Infrastructure. I have also filed redacted copies of these documents and the redacted referral letter in our public file, which is available online at [www.osc.gov](http://www.osc.gov). This matter is now closed.

Respectfully,

A handwritten signature in cursive script that reads "Hampton Dellinger".

Hampton Dellinger  
*Special Counsel*

Enclosures