

Whistleblower Response to the Agency Report

OSC File DI-22-000535

Aviation Maintenance Technician Schools/
FAA Oversight



13 July 2023

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July 13, 2023

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Safety Concerns

On April 28, 2022 I notified the Office of Special Counsel (OSC) that while reviewing FAA safety data I discovered several Operations Specifications A026 Operations Specifications (OPSS) paragraphs issued to 14 CFR Part 147 Aviation Maintenance Technician Schools (AMTS) show expired DISTANCE LEARNING ELIGIBLE CURRICULUM SUBJECT/TOPIC AREAS in the column titled PROVISIONS, CONDITIONS AND LIMITATIONS.

The OPSS A026 paragraph are issued to AMTSs if they are authorized to conduct Distance Learning as an instruction delivery method.

Table 1 of this OpSpec indicates the subject/topics and applicable teaching levels the AMTS is authorized to provide through distance learning. Certificate holders must provide written descriptions of Distance Learning policies and procedures in their approved curriculum.

- Safety/Regulatory Concern- 14 CFR Part 147 Aviation Maintenance Technician Schools may have conducted training activities using Distance Learning after the expiration date shown in OPSS A026.
- Safety/Regulatory Concern- 14 CFR Part 147 Aviation Maintenance Technician Schools may have provided distance learning using courses not listed in the OPSS A026 paragraph.
- Safety/Regulatory Concern- FAA oversight of Aviation Maintenance Technician Schools failed to identify or remove expired Distance Learning courses listed in OPSS A026 paragraph.
- Safety/Regulatory Concern- Students who attended expired Distance Learning courses may not be qualified to hold their airman rating or certificate.

On June 13, 2022 the OSC requested that the Department of Transportation (DOT) investigate the following allegations.

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1. Aviation Safety Office employees have engaged in conduct that violates FAA policy and safety regulations. Specifically, you alleged that Inspectors have Inspectors have failed to ensure that Aviation Maintenance Technician Schools are conducting only FAA-approved distance learning courses.
2. Mechanics who completed expired curriculum may not meet the qualification standards for their aircraft rating or certificate.
3. FAA's specific failure to ensure compliance with A026 OpSpecs **is an additional example of the agency's ongoing failure to ensure that FAA officials are enforcing OpSpecs and other requirements in a timely and consistent manner.**

Background

Allegation 1 - the Report of Investigation (ROI) did not substantiate the allegation that Inspectors have failed to ensure that Aviation Maintenance Technician Schools are conducting only FAA-approved distance learning courses.

However the ROI Executive Summary included the following phrase "*Although **we substantiated that the OpSpecs authorization to conduct distance learning was expired** in one case, the curriculum—and the fact that the training would be provided remotely—was previously approved by FAA. And while the prior **authorization** to conduct that coursework through distance learning **was not extended** through an OpSpecs amendment...*"

The Detailed Finding section of the ROI stated in part "***Authorizations for 28 of those AMTSs were expired** at the time of our analysis. PIs assigned to nine of those 28 AMTSs were contacted. Of the nine PI responses, just one stated that one of its assigned AMTS had conducted distance learning after the authorization expired. The one **confirmed AMTS conducting distance instruction after the expiration date** in its OpSpecs A026 occurred between January 31, 2022 and July 1, 2022.*"

Question- How can the FAA not substantiate this allegation when clearly the Agency Report substantiated that the OpSpecs authorization to conduct distance learning

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had expired and confirmed an AMTS was conducting distance instruction after the expiration date?

Please note that the ROI also shows 28 different Maintenance Training School Authorizations had expired.

The Gross Management section of this whistleblower response shows many substantiated allegations that should raise serious concerns about this type of statement and the FAA's ability to provide adequate oversight of its own workforce and the National Airspace System.

Allegation 3 - The FAA Investigators do not appear to have investigated this allegation

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Whistleblower Comments about Agency Report

Statement from DOT General Counsel- Your referral letter in this matter also mentioned an “outstanding request” from OSC in 2020 that FAA review the broader implications of this whistleblower’s series of referrals, including the “potential effect on public safety.” While that request arrived before my tenure with the Department, I take it seriously. I have asked my staff to work with FAA to provide me with a briefing on the recurring issues covered by the referrals, their potential impact on safety, and FAA’s work to address those issues. I understand that FAA’s work in this area includes system enhancements to FAA’s Web-based Operations Safety System (WebOPSS) and additional training for inspectors to ensure consistency and standardization in the issuance and tracking of WebOPSS data. I know there are other systems involved in this series of referrals as well. I look forward to receiving more details and we will follow up with you on these matters.

Whistleblower Comment- The Gross Management section of this response shows many substantiated allegations that should raise serious concerns about this statement and the FAA’s ability to provide adequate oversight of its own workforce and the National Airspace System.

ROI Statement- The one confirmed AMTS conducting distance instruction after the expiration date in its OpSpecs A026 occurred between January 31, 2022 and July 1, 2022.

Whistleblower Comment- It is disappointing for almost half a year that FAA oversight did not monitor, track or address this expiration date. Only after the whistleblower submission to the OSC did the FAA revise the authorization. The FAA Employee Advisory shown below made it clear to Inspectors about the requirement to that AMTS **must continue to** conduct their training operations to **meet the current (pre 9/21/22) Part 147 regulations** until the new effective date.

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FAA Employee Advisory - June 2, 2022

New Part 147 Regulations Published

On December 27, 2020, Congress enacted the Consolidated Appropriations Act, which contained the Aircraft Certification, Safety, and Accountability Act (the Act). Section 135 of the Act directed the FAA to publish interim final regulations to establish requirements for issuing aviation maintenance technician school (AMTS) certificates and ratings and general operating requirements for holders of such certificates. The improvements provided by the interim final rule (IFR) will help educate the future aviation maintenance workforce and meet the demands of the evolving aviation community. Under the new rule, AMTSs will revise their curriculum and incorporate technical training that aligns with the mechanic airman certification standards (ACS).

The IFR was published in the Federal Register on May 24, 2022. The new regulations will be effective on September 21, 2022. AMTS must continue to conduct their training operations to meet the current Part 147 regulations until the new effective date.

- The IFR, containing the new regulations and preamble, can be found in the rulemaking docket here: <https://www.regulations.gov/docket/FAA-2021-0237>
- The mechanic ACS and Practical Test Standards, incorporated by reference into Part 65 and Part 147, can be found here: www.faa.gov/training_testing/testing and also in the rulemaking docket referenced above.
- The revised Advisory Circular AC 147-3C, Certification and Operation of Aviation Maintenance Technician Schools, is available here: https://www.faa.gov/regulations_policies/advisory_circulars/ and also in the rulemaking docket referenced above.

ROI Statement- the FAA had approved the AMTS to conduct distance learning, but the authorization in the OpSpec was not extended by amending the expiration date in paragraph A026.

Whistleblower Comment- How did the FAA “approve” this authorization? FAA Order 8900.1 clearly showed at that time the issuance or revision of the A026 paragraph was the only way to approve this authorization.

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FAA Order 8900.1, Volume 3, Chapter 18 (Pre 9/21/22)

10/11/16	8900.1 CHG 369
<p>manual or to provide a description of the record system used. If the AMTS is authorized to use electronic signatures, paragraph (d) is used to provide a reference to that system in the school's manual or a description of the system that is used.</p> <p>OPSPEC A026—AUTHORIZATIONS/LIMITATIONS (OPTIONAL).</p> <p>A. This is an optional OpSpec paragraph issued to a 14 CFR part 147 AMTS if the AMTS is authorized to offer Distance Learning as a teaching delivery method. If this OpSpec is issued to an AMTS, Table 1 would indicate the subject/topics and applicable teaching levels that the AMTS is authorized to provide.</p> <p>B. The certificate holder is not authorized to conduct Distance Learning curriculum delivery in any area that is not specified in this OpSpec. Any use of Distance Learning must be approved by the Administrator. Additionally, the certificate holder must specify all uses of Distance Learning in their operating or procedures document.</p>	

ROI Statement- One PI responded that his assigned AMTS had conducted distance learning after the authorization expired (although using an FAA-approved curriculum). The eight other PIs indicated that the AMTSs assigned to them had not conducted distance learning after the expiration date, and that OpSpec paragraph A026 was deactivated and archived because of our inquiry.

Whistleblower Comment- April 1, 2020 Revised: Special Guidance for part 147 AMTS Regarding Training Interruptions Related to Coronavirus (COVID-19) and Applicable Deviations to Order 8900.1 showed that AMTS currently authorized to conduct distance learning have been issued OpSpec A026, Authorizations/ Limitations. The OpSpec lists each eligible curriculum subject/topic areas, the teaching level, and any provisions, conditions, or limitations related to each area.

It is disappointing that FAA oversight did not monitor, track or address this expiration date. Only after the whistleblower submission to the OSC did the FAA revise the authorization.

ROI Statement- Thus, the expiration of the authorization to conduct distance learning was primarily a recordkeeping oversight related only to the duration of the AMTS'

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authorization in that case, one that did not create a substantial and specific danger to public safety.

Whistleblower Comment- The Gross Management section of this response shows many substantiated allegations that should raise serious concerns about this statement and the FAA's ability to provide adequate oversight of its own workforce and the National Airspace System.

ROI Statement- Based on consultation with FAA experts, the one AMTS's provision of remote training without an amendment to its OpSpecs from February 1, 2022 through September 26, 2022—that is, after the expiration date listed in its OpSpecs, but before FAA issued the revised regulation authorizing distance learning without any OpSpecs notation—would not be actionable as a regulatory violation.

Whistleblower Comment- “Actionable as a regulatory violation”. The ROI should report if this was a regulatory violation.

ROI Statement- During the COVID-19 pandemic, certain AMTSs were authorized to allow administration of specific parts of that curriculum through the use of distance learning as a teaching delivery method. Authorization to use distance learning was approved by the FAA, and authorized by issuing OpSpec Paragraph A026.

Whistleblower Comment- FAA Investigators found 9 certificate holders whose authorization to provide remote instruction had expired. It is disappointing that FAA oversight did not monitor, track or address this expiration date. Only after the whistleblower submission to the OSC did the FAA revise or remove the authorization.

ROI Statement- In sum, AGC concluded that the AMTS's failure to comply with its OpSpecs in February of 2022—which is after the passage of the Act but before the effective date of the new regulations—would not be actionable as a regulatory violation.

Whistleblower Comment- “Actionable as a regulatory violation”. The ROI should report if this was a regulatory violation.

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Safety Culture

For over a decade both Aviation Safety (AVS) and Flight Standards Service (AFS or AFX) Leadership has slowly permitted our important safety information/analysis/alerting systems to degrade to the point of no longer being functionally current.

The senior leadership cannot claim ignorance because I have alerted them multiple times to the fact that several FAA AVS safety databases/information systems contain obsolete, incomplete, inconsistent, and/or inaccurate data. I reminded them that if the quality / availability of the FAA data continues to remain poor, its inputs to safety-related decisions may not be reliable, and WILL impact the Agencies ability to effectively support its safety mission.

Additionally, the FAA changes national guidance many times each month or even several times in one day, a hazard exists where national policy may change and the inspector or their management would not know about the change since FAA Policies do not require Aviation Safety Inspectors to acknowledge changes. Furthermore, FAA Training does not currently provide any structured instruction or information on implementing new policy changes or understanding expectations.

On March 24, 2022 I submitted 5 Safety Recommendations to the FAA related to these ongoing hazards. The AVS Office of Accident Investigation & Prevention (AVP) outright rejected all of my safety recommendations within a few hours of submission.

Finally, after many FAA whistleblowers kept identifying and reporting systemic failures, the United States Congress passed and the President signed 49 U.S.C. § 106(t)(7) which now requires the FAA to submit an Annual Report to Congress¹. The law states the Director shall—

- (i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory

¹ https://www.faa.gov/about/plans_reports/congress?combine=341&items_per_page=25

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noncompliance reporting process established under or pursuant to a safety management system) and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;

The law requires the Director to include in an Annual Report to Congress summaries of those submissions by FAA employees; summaries of the resolution of those submissions, including any further investigations and corrective actions recommended in response to the submissions the report is typically written at a very high level and do not include existing or emerging trends.

The FAA has continuously failed to include in the Annual Reports to Congress summaries submitted by all employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety as required by 49 U.S.C. § 106(t)(7).

The FAA Reports to Congress for FY2020-FY2023 show only a total of only 462 safety related disclosures were submitted to AAE by all persons/organizations. This number may not be accurate since I personally submitted to the FAA Hotline approximately 673 safety, security, privacy, regulatory and/or policy concerns in FY20-22.

These types of public reports (and other internal records such as the Flight Standards Environmental Assessment Reports) and employee feedback² provide an insight to the safety culture within the FAA.

² <https://www.commerce.senate.gov/services/files/8F636324-2324-43B2-A178-F828B6E490E8>

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FAA Safety Recommendations

I will always do my best to help the FAA identify and address known safety concerns but it is extremely frustrating when AVP often dismiss safety recommendations from both the NTSB and FAA employees.

Listed below are just a few of the many Safety Recommendations I have submitted to the FAA that are related to improving policy, automation and safety.

- **(Status- Not accepted)** - In an ongoing effort to continuously improve aviation safety, I recommend that AVS-1 and/or AFX-1 host an annual (on-site or virtual) organizational level Safety Stand Down (similar to ATO) with all employees to identify, discuss and resolve safety issues.
 - AVP response to [WHISTLEBLOWER] stated in part *“having all of Flight Standards stand down for an entire day has no safety merit as a whole”*.
- **(Status- Not accepted)** Several recommendations related to concerns with FAA Information Technology (IT) and the potential impact on Aviation Safety
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for conducting formal review of the FAA Hotline System/Program to ensure the Agency has the tools and resources necessary to address the growing gap between the number of open and closed cases.
- **(Status- Not accepted)** I recommended that FAA identify the office with responsibility for continuously reviewing FHIS and related Information Technology (IT) system data for hazards and emerging trends.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for developing a written process to determine the root cause(s) related to all substantiated and/or partially substantiated Safety, Hotline & Whistleblower allegations and develop strategies to prevent reoccurrence.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for to providing the FAA Executive Leadership Team a written

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summary each quarter showing at a minimum all open, extended and overdue FAA Hotline/Safety and Whistleblower Cases.

- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for providing the FAA Executive Leadership Team an annual briefing about FAA Hotline System/Program, cases and trends.
- **(Status- Not accepted)** I recommended that FAA identify the FAA office with responsibility for providing FAA employees an Annual Report summarizing all internal/external FAA Hotline/Safety and Whistleblower Cases/Trends for the previous FY.
- **(Status- Not accepted)** I recommended that FAA provide formal initial training for persons who investigate or support the investigation of FAA Hotline/Safety and Whistleblower Submissions.
- **(Status- Not accepted)** I recommended that FAA provide formal recurrent training or workshops for persons who investigate or support the investigation of FAA Hotline/Safety and Whistleblower Submissions.
- **(Status- Not accepted)** The FAA should ensure that any aircraft listed in a submitted flight plan has a valid aircraft registration before approving the request.
- **(Status- Not accepted)** FAA Consider changing existing guidance or processes to require employees in the Aviation Safety (AVS) Line of Business (LOB) to positively affirm/acknowledge critical & routine policy changes.
- **(Status- Not accepted)** In an effort to ensure standardization and consistency the AVS Management Team should determine if KSN is a proper place to store or host policy documents (that may be restricted from the public and FAA employees).

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Gross Mismanagement

Special Note- I have alerted the Secretary of Transportation, FAA Administrator and many other senior level DOT/FAA officials multiple times about systemic safety, security, privacy and other concerns.

The DOT Strategic Plan for Fiscal Years (FY) 2022-26³ shows a Department goal to *“Use data and data analytics to take proactive actions to address emerging safety risks and support compliance”*.

I have been an advocate for this type of risk based decision making for over two decades. Unfortunately the FAA has a long way to go to meet this goal. For too many years I have reported that several FAA AVS safety databases/information systems contain obsolete, incomplete, inconsistent, and inaccurate data.

If the quality / availability of the FAA data continues to remain poor, its inputs to safety-related decisions may not be reliable, and WILL impact the Agencies ability to effectively support its safety mission.

The examples shown below were identified by (me) a single whistleblower. Individually each example should raise concern, however collectively these examples clearly show any reasonable person of Gross Mismanagement by the FAA. The DOT should consider the broader implications of these submissions and its potential effect on public safety

Definition of Gross Mismanagement

- White v. Department of the Air Force, 63 M.S.P.R. 90, 95 (1994) (**gross mismanagement means a management action or inaction which creates a substantial risk of significant adverse impact upon the agency’s ability to accomplish its mission**)⁴.

³ https://www.transportation.gov/sites/dot.gov/files/2022-03/US_DOT_FY22-26_Strategic_Plan.pdf

⁴ [MSPB JUDGES’ HANDBOOK](#)

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**US DOT OIG INFORMATION: Audit Request Follow Up – Special Counsel’s FAA
Whistleblower Complaint Referrals**

In late 2021, OIG’s Office of Investigations completed four investigations substantiating most of the underlying whistleblower complaints, and provided its findings to the Department. In response to these investigations, FAA committed to taking action—including software modifications, inspector training, and information sharing—to resolve the identified issues. Given the importance of these commitments, we plan to revisit FAA’s corrective actions once they are fully implemented. At that time, we will determine whether additional audit work is warranted.

Aviation Safety (AVS) Voluntary Safety Reporting Program (VSRP)

**VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-125
Hotline**

SUBSTANTIATED -The AVS VSRP has received numerous complaints (43) regarding the closure of Hotline complaints contrary to guidance. Specifically, FAA Order 1070.1A, paragraph, 9. d.(2)(a) and FAA Order 8900.1, VOLUME 7, CHAPTER 5, Section 1, paragraph 7-137B.2)d) which stipulates that the investigation of a Hotline report includes addressing all allegations identified, reviewing any supporting documentation provided by the reporting individual, conducting interviews with any witnesses identified, as well as contacting the reporting individual when contact information is provided or available (in the case of confidential contacts) to ensure a complete understanding of the issue(s) being reported.

**VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-126
OpSpecs**

SUBSTANTIATED -The AVS VSRP has received numerous complaints (175) describing a concern regarding oversight and certificate management of entities operating in the NAS. The reports are related to deficiencies in the management of Operations Specification (OpSpecs) and subsequent data quality errors.

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VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-128 Aircraft Operating with Expired Registration Certificate

SUBSTANTIATED -The AVS VSRP has received numerous complaints (23) describing possible aircraft operations in the NAS without a valid Aircraft Registration. The operation of an aircraft without a valid Aircraft Registration and/or Airworthiness Certificate would be contrary to 14 CFR §47.3(b), §91.203 and Title 49 U.S.C. § 46306(b)(5)(A). Additionally, there is a concern that there are no systems in place to proactively identify unregistered aircraft in the NAS. Finally, the FAA automation does not appear to have the ability to alert FAA Inspectors, Managers, or Analysts of aircraft operated that do not have a valid Aircraft Registration.

VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-129 Registry

SUBSTANTIATED -The AVS VSRP has received numerous complaints (49) describing a concern regarding oversight and certificate management of entities operating in the National Airspace System (NAS). The reports are related to errors or incomplete data in the FAA Registry database.

VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-139 Experimental Certificates of Airworthiness with Missing or Incorrect Operating Limitations

SUBSTANTIATED -Two independent groups of specialists reviewed experimental certificates of airworthiness (C of A) issued by a DAR. The DAR issued 102 certificates in an 18 month period. Each review team selected over 20 aircraft for review. The first team found 16 errors in 20 certificates. When those were reviewed by the cognizant MIDO, they determined 3 had some valid concerns, but the remaining 13 were not in error. A second review team selected 29 aircraft for review. The team discovered that each aircraft's Applications for Airworthiness FAA Form 8130-6 was either incomplete, missing, or had wrong information. This is required by FAA Order 8130.2J. Additionally, each aircraft was also checked for Restricted/R&D/To Show Compliance/Crew Training or Exhibition and was also

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missing Limitations per FAA Order 8130.2J. Finally, the team also learned that some airworthiness files are still showing in the que for over a year in AWC and have not been released to the FAA registry.

VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-142 QMS Deficiencies (NCA Process)

SUBSTANTIATED -The AVS VSRP has received a report indicating a potential safety concern regarding the inappropriate closure/rejection of documented non-conformances. It appears that over 200 Non-Conformity and Corrective Action (NCA) closures were conducted contrary to requirements outlined in the AVS Quality Management System (QMS) / Non-Conformity and Corrective Action process, as stated in the Quality Policy Manual (QPM) AVS-001-016. Specifically, NCAs were either rejected or closed. This process deviation creates a hazard that has little to no mitigation for the safety risk associated with the subject areas of each of the NCAs.

VSRP Event Review Team (ERT) Corrective Action Request (CAR) CA-155 Recommendation to Introduce a Safety Stand-Down Day

The AVS VSRP has received a report indicating a potential safety concern regarding the need for Flight Standards (FS) Senior Management to actively demonstrate the Promotion attribute supporting the Safety Management System (SMS). Specifically, an organizational directed “Safety Stand-down” day has not been conducted for many years and FS employees could lose focus on the core safety responsibilities the safety organization was founded on. Without proper focus on these core safety responsibilities FS employees may not be providing their safety related responsibilities in a way that ensures the proper level of safety in the National Airspace System. This is especially applicable after a two year world health pandemic where Continued Operational Safety surveillance procedures were at times limited in scope.

Because of previous (substantiated) and ongoing retaliation by the FAA the **WHISTLEBLOWER DOES NOT CONSENT** to name or other identifying information from being released into the public files.

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FAA Internal Whistleblower (IWB) Cases

Air Transportation Oversight System's performance Assessment Determination and Implementation (ADI) air carrier data (IWB14-806)

Allegation - The Air Transportation Oversight System's performance Assessment Determination and Implementation (ADI) air carrier data indicates that there are long-term, unsatisfactory surveillance results without effective corrective action; and that some surveillance is rated as satisfactory even though no surveillance was performed.

- I also reported retaliation as a result of multiple disclosures made to AAE in 2012 and 2013 under Public Law 112-95 § 341.
- The case was transferred by AAE to FAA Security for investigation - The results of the investigation are unknown.

Systemic FAA Operations Specifications Issues/Concerns (IWB21802)

Special Note- OSC Report DI-22-000520 ROI shows "OpSpecs are critical in the safe operation of all certificate holders. Those systems depend on current data to provide accurate information for operational authorizations and approvals. Inaccurate information invalidates the reports the FAA uses to support oversight of all certificates".

- **SUBSTANTIATED** - A March 11, 2021 Memo from AAE-1 to [WHISTLEBLOWER] states, "In June 2019, after unsuccessful attempts to report discrepancies, or organizational and operational vulnerabilities through various AVS reporting means, you recommended the FAA establish an "employee safety reporting program." In response, I encouraged you to utilize the FAA Hotline for such reports. Since then, you have filed over 650 reports on varying systemic issues centric to the use of Flight Standards' Web-Based Operations Safety Systems (WebOPSS) and currency of data collected and maintained therein. To date, substantiated reports clearly point to a systemic weakness with WebOPSS that appears to hinder optimal operator oversight by the certificate holding office. As a result of the number of substantiated allegations, I have asked my Chief Investigator to assess and summarize the findings related to your disclosures and I

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will make appropriate recommendations to the Administrator, pursuant to the provisions of Title 14 USC Section 106(t)(3)(A)(iii) under case number IWB21802”.

On May 3, 2022 the Director, Office of Audit and Evaluation (AAE-1) sent to the Acting FAA Administrator a memo titled Report of Internal Whistleblower Contribution, Management of Operations Specifications – AAE File #IWB21802. This memo contained the following comments;

- *investigation substantiated the allegation and identified systemic discrepancies within multiple OpSpecs paragraphs, including, : active paragraphs issued on obsolete templates, paragraphs containing expired content, and missing paragraphs that are required based on the scope of the certificate holder’s operation.*
- *there is no effective process within AFX for reporting matters requiring attention or correction by an organization in AFX with oversight authority.*
- *The only existing process is reporting to the office where the problem originated, and that process is severely flawed.*
- *The whistleblower in this case has established beyond all reasonable doubt that there is a serious process flaw, [Redacted] is not being addressed with sufficient urgency*
- *Since 2019, the whistleblower has filed over 800 Hotlines on various safety, regulatory, policy matters, over 450 FAA Hotline submission specifically related to OpSpecs.*
- *Recommendation 6: Augment efforts within AFX to eliminate hostility against whistleblowers.*

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Systemic Breaches of Whistleblower/Hotline passwords and submitter privacy / confidentiality (IWB22802)

- Various FAA Policies⁵ and 49 U.S.C. § 106 prohibits the release of the whistleblower identity unless the AAE Director determines the disclosure is required or necessary. **The law does not differentiate between disclosure to the general public or to employees/contractors of the FAA.**
- In August 2020, I reported to the FAA a breach of my confidentiality related to an open Office of Special Counsel investigation⁶. Since that date I have alerted the FAA Security Operations Center, Privacy Office and AAE to countless other breaches of Hotline/Whistleblower confidentiality and password protection requirements.
- **Note- Many of these reported breaches have not been resolved and new breaches continue to occur weekly. These breaches not only identify me but many other persons (employees/citizens) who have made protected Hotline/Whistleblower disclosures.**
- For the past three years I have alerted the OSC of these breaches and each time they declined to accept my submission because the FAA was working the issue. As described above and in violation of law and policy the FAA has been improperly disclosing my identity to other in the organization. This has been going on in one form or another for over a decade. See DI-20-001102, DI-21-000855 & DI-22-000546.
- On June 17, 2022 the OSC sent to the Secretary of Transportation a request to investigate (OSC File No. DI-22-000546) systemic breaches of individual privacy and whistleblower/hotline confidentiality.

⁵ FAA Order 1070.1A, FAA Order 8900.1 and Flight Standards Administrative Manual

⁶ Case DI-19-3959- <https://osc.gov/Pages/SearchResults.aspx?k=DI%2D19%2D3959>

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Office of Special Counsel Cases

OSC File No. DI-17-1298 - Aircraft Airworthiness (OPSS Paragraph D085)

- **SUBSTANTIATED** - ASIs are improperly approving aircraft for addition to Operations Specifications (Ops Specs) under Part 135 without appropriately reviewing the exemptions of the aircraft.
- **SUBSTANTIATED** - Aircraft had operated in the National Airspace System without the authority to operate due to expired registration and airworthiness certificates.

OSC File No. DI-19-2560 - Aircraft Insurance (OPSS Paragraph D085)

- **SUBSTANTIATED** - Aviation Safety Inspectors have failed to verify that all aircraft on carriers' operations specifications are properly insured.
- **SUBSTANTIATED** - Aircraft have operated in the national air system (sic) without a certificate of liability insurance on file with the FAA.

OSC File No. DI-19-3959 - Pilot Training (OPSS Paragraphs A005, B001, B002, B003, B011, B501 & T308)

- **SUBSTANTIATED** - Principal Inspectors have failed to ensure that training centers are conducting only FAA-approved training curriculum.
- **SUBSTANTIATED** - Pilots and flight crewmembers may have obtained certification based upon expired training courses.

OSC File No. DI-20-000393 - Operations Specifications Non-Standard Text

- **SUBSTANTIATED** - The Department of Transportation Office of Inspector General (DOT-OIG) Report showed that the *"OIG found areas where FAA does not have adequate oversight and approval from the Flight Standards Service policy divisions when authorizing nonstandard OpSpecs templates and text in WebOPSS..."*

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OSC File No. DI-20-000536 - FAA failure to ensure airlines modified passenger and carry-on baggage weights (OPSS Paragraphs A097, A098 and A099)

- **FAA Investigation did not substantiate** - The FAA has not addressed a 2004 National Transportation Safety Board (NTSB) recommendation that the agency require airlines to periodically sample passenger and baggage weights to determine appropriate statistical distribution characteristics.
- **FAA Investigation did not substantiate** - Despite receiving safety recommendations from the NTSB in 2004, the FAA has failed to complete and issue guidance or require corrective action by airlines to ensure the accuracy of their weight and balance programs.
- **DOT did not investigate the allegation** - The FAA has failed to adequately oversee air carriers and commercial operators' weight and balance programs to ensure the safety of the aviation industry
 - **SUBSTANTIATED** -FAA Case AAE10-12-0024 (c) FAA Report of Internal Whistleblower Contribution, Aircraft Weight and Balance Control, Advisory Circular 120-27E
 - *On February 25, 2014, we issued a report of investigation based upon a disclosure made by a supervisory aviation safety inspector. The inspector alleged that the standard average weights (SAW) for passenger, carry-on baggage and personal items in FAA Advisory Circular (AC) 120-27 were inaccurate, necessitating revision. Most airlines instituted a checked baggage fee which significantly altered a passenger's travel profile by maximizing the use of carry-on baggage and personal items. Additionally, nationally published information reflects that passenger body weights have increased. Finally, the inspector asserted that there was little action by Flight Standards Service to revise the Advisory Circular despite an FAA working group's findings and recommendations in 2010. Our investigation substantiated the allegation and found that AFS was slow to respond to the new information introduced by the inaccurate SAW, even though there was*

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Flight Standards leadership support for revising AC120-27 following the 2010 workgroup's findings and recommendations.

- *Flight Standards has acknowledged the need to revise weight and balance guidance and published a draft revision to AC120-27 in November 2013, and are reviewing public comments prior to formal publication. The revised AC is designed to address outstanding National Transportation Safety Board recommendations related to the same issues and the allegation in this investigation.*
- *Our recommendations included: training for impacted personnel on the revised Advisory Circular; require collaboration and conduct data analysis by FAA personnel to validate data provided by operators as well as to identify any system-wide trends; and a requirement for a finite and accelerated implementation date of the revised Advisory Circular. Flight Standards developed a corrective action plan that is in the process of being implemented to address the recommendations.⁷*
 - Related Complaint- FAA Case FHIS-0011100 Safety Concern- FAA SAFO 18012 titled Weight and Balance Calculations for Title 14 of the Code of Federal Regulations Part 135 Certificate Holders.
 - Related Complaint- OSC File No. DI-18-2728 FAA had failed to update and implement changes to FAA Advisory Circular (AC) 120-27 for the standard average weights for passengers, carry-on bags, and personal items. (OPSS A097, A098 and A099)

OSC File No. DI-20-000690 - FAA Failure to Follow Policy - North Atlantic High Level Airspace (NAT HLA) (OPSS Paragraph B039)

- **SUBSTANTIATED** - The DOT-OIG substantiated the allegation concerning operators remaining authorized to operate in the NAT HLA despite not holding a current or valid OpSpec/LOA B039. The DOT-OIG stated the total number of

⁷ 2014 FAA Report to Congress P.L. 112-095, § 341

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such operators without the appropriate OpSpec/LOA B039 authorization totaled over 400 in April 2020.

OSC File No. DI-20-000914 - FAA Oversight of Contract Pilot Training Centers/Providers (OPSS Paragraph A031)

- **SUBSTANTIATED** - The DOT-OIG substantiated that FAA records showed hundreds of certificate holders who failed to audit their contracted training programs at least every 24 months as required by FAA OpSpec/MSpec/LOA A031 (paragraph A031).

OSC File No. DI-20-000754 - Program Tracking and Reporting Subsystem (PTRS) Data Quality

- **SUBSTANTIATED** - The FAA's Program Tracking and Reporting Subsystem (PTRS) contains incomplete, inconsistent, and inaccurate data.
- Aviation Safety Inspectors have entered inaccurate data into PTRS surveillance, investigation, education, and certifications records.
- FAA managers and supervisors have failed to adequately review PTRS data to ensure it is complete, consistent, and correct, as required by the PTRS Procedures Manual.
- Poor data quality in PTRS impedes the FAA's ability to identify and address aviation safety risks.

[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OSC File No. DI-22-000535 - 14 CFR 147 Maintenance Training (OPSS Paragraph A026)

- **Not Substantiated** - While reviewing FAA safety data I discovered several Operations Specifications A026 Operations Specifications (OPSS) paragraphs issued to 14 CFR Part 147 Aviation Maintenance Technician Schools (AMTS) show expired DISTANCE LEARNING ELIGIBLE CURRICULUM SUBJECT/TOPIC AREAS in the column titled PROVISIONS, CONDITIONS AND LIMITATIONS.
- Safety/Regulatory Concern- 14 CFR Part 147 Aviation Maintenance Technician Schools may have conducted training activities using Distance Learning after the expiration date shown in OPSS A026.
- Safety/Regulatory Concern- 14 CFR Part 147 Aviation Maintenance Technician Schools may have provided distance learning using courses not listed in the OPSS A026 paragraph.
- Safety/Regulatory Concern- FAA oversight of Aviation Maintenance Technician Schools failed to identify or remove expired Distance Learning courses listed in OPSS A026 paragraph.
- Safety/Regulatory Concern- Students who attended expired Distance Learning courses may not be qualified to hold their airman rating or certificate.

Because of previous (substantiated) and ongoing retaliation by the FAA the **WHISTLEBLOWER DOES NOT CONSENT** to name or other identifying information from being released into the public files.

OSC File No. DI-22-000586 - Aircraft Registered to Non-citizen Corporations

- [REDACTED]
- I [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(c) [REDACTED]
[REDACTED]
[REDACTED]

(d) [REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OSC File No. HA-05092023642 – Possible Hatch Act Violation

Under OSC Review - The Department of Transportation (DOT) sends a daily email to employees titled DOT News Briefing. The DOT News briefing is also posted online for public review at <https://dot.barbaricumanalytics.com/home/daily>

A review of these daily reports show that some articles appear to be negative to a specific political party. For example, the DOT Newsletter sent to agency employees on May 6, 2023 included the following articles which appear to be negative of the Republicans and/or Presidential Candidate Trump. •

- House GOP Spending Cuts Would ‘Wreak Havoc’ on US Air System, FAA Says
- Senate Democrats Blast House GOP Debt Bill
- FAA Leader Warns Of Summer Travel ‘Havoc’ If GOP Cuts Pass
- Biden Warns Of Job Loss, Economic Disaster If Debt Ceiling Is Breached
- Trump, In Deposition, Doubles Down On 'Access Hollywood' Remarks About Grabbing Women

OSC File No. DI-23-000846 - FAA Service Difficulty Program

Under OSC Review – A review of FAA Service Difficulty Reports and data (for the first half of FY23) appears to show that FAA certificate holders have not submitted (possibly thousands) SDR reports in a timely manner as required by 14 CFR Sections 91.1415(d), 121.703(d), 125.409(b), and/or 135.415(d).

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Under OSC Review – A review of FAA Service Difficulty Reports and data (for the first half of FY23) appears to show that FAA certificate holders may have not included in all reports the information required by 14 CFR Sections 91.1415(e), 121.703(e), and/or 135.415(e).

Under OSC Review – A review of FAA Service Difficulty Reports and data (for the first half of FY23) appears to show FAA certificate holders who submitted additional information report(s) associated with an earlier report, may have failed to reference the date and place of submission of the first report as required by 14 CFR Sections 91.1415(h), 121.703(h), and/or 135.415(h).

Under OSC Review – A review of FAA Service Difficulty Reports and data appears to show that FAA certificate holders have not submitted SDR reports as required by 14 CFR Sections 91.1415(a), 121.703(a) and/or 135.415(a).

Significant FAA Hotline Submissions

AAE File #AAE10-12-0024(A) - Report of Internal Whistleblower Contribution – System Approach to Safety Oversight (SASO) /Safety Assurance System (SAS)

- **SUBSTANTIATED** - In October 2012, [WHISTLEBLOWER], submitted a complaint to AAE claiming deficiencies in System Approach to Safety Oversight (SASO) program.
- As a result of this complaint, the Joint Resources Council (JRC) reviewed and identified numerous deficiencies in the program and made recommendations to AFS.
- AFS then took significant action to re-direct the original SASO program.
- Contemporaneously, the contributor's disclosure provided a higher level of visibility to concerns with the new oversight model. This led to significant action by AVS to redirect the automation project which included redefining program requirements that significantly downscaled the original overall plan for SAS while maintaining the same general purpose.

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**AAE File #AAE10-12-0024(F) - Report of Internal Whistleblower Contribution
– Safety Performance Analysis System (SPAS)**

- **SUBSTANTIATED** – On June 11, 2014 the Director, AAE-1 sent a memo to the FAA Administrator reporting that the FAA Office of Information & Technology Services (AIT) substantiated [*WHISTLEBLOWER*] claims.
- Their investigation found that the FAA should consider replacing or modernizing SPAS to meet the rapidly evolving needs of its users, and to comply with a Congressional mandate to maintain a safety performance analysis system. AIT recommends that current functionality in SPAS must be maintained until it is either replaced or modernized. .⁸
- We concur with AIT's findings and recommendations and agree that **SPAS deficiencies could potentially impact the safety oversight of our aviation system.**
- The AIT investigation generally found that *data quality and reliability, technical system requirements and enhancements, and system and program funding are deficient.*

⁸ 2014 FAA Report to Congress P.L. 112-095, § 341

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Retaliation

The FAA has a well-documented history retaliating against me and other whistleblowers for making properly safety disclosures. This pattern of retaliation is extremely unhealthy and may be aimed at other employees to discourage them from reporting known safety issues or concerns.⁹

Letter of Caution

- An internal FAA Investigation (H12E047CC) revealed that I was assigned by management to support the DOT-OIG audit of the FAA Aviation Safety Information Analysis and Sharing (ASIAS) system¹⁰. FAA Management issued the whistleblower a Letter of Caution for providing truthful responses to the DOT-OIG. This letter had a chilling effect designed to intimidate and silence the whistleblower.
- An internal FAA Investigation **Substantiated Whistleblower Retaliation.**

Threat to Fire Whistleblowers

- An internal FAA Investigation (AERO-4741) revealed a respected FAA employee reported in a Memorandum for Record that the **former Manager & Chief Investigator, Audit and Analysis Branch (AAE-100) which oversaw the FAA Whistleblower Program stated that had planned to get me fired just like he did other whistleblowers.**¹¹
- This fact was memorialized in a United States Senate Commerce Report titled *Aviation Safety Oversight* dated December 2020¹²

Breach of Personally Identifiable Information (PII)

- In 2012 I discovered and reported breaches related to personally identifiable information (PII) and or sensitive information.

⁹ FAA Hotline Case A20210325002

¹⁰ <https://www.oig.dot.gov/library-item/28941>

¹¹ Memorandum for Record, March 14, 2014, April 18, 2014,

<https://www.commerce.senate.gov/services/files/621F43CC-9CFE-45AE-BA35-CD5EF9A60FC4>

¹² <https://www.commerce.senate.gov/services/files/8F636324-2324-43B2-A178-F828B6E490E8>

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- The FAA conducted an investigation and **substantiated the allegations** in a Report of Internal Whistleblower Contribution, Protection of Personally Identifiable Information, AAE File Number AAE10-12-00-24(H) dated September 5, 2013.

Breach of Whistleblower Confidentiality

- In 2019 I submitted a complaint to the FAA Hotline and SOC when I discovered that FAA Management placed on an electronic shared drive information that I was whistleblower. FAA Management did this **AFTER receiving a written communication by FAA Legal counsel (AGC) not to do so.**

Systemic Breaches of Whistleblower/Hotline passwords and submitter privacy / confidentiality (IWB22802)

- Various FAA Policies¹³ and 49 U.S.C. § 106 prohibits the release of the whistleblower identity unless the AAE Director determines the disclosure is required or necessary. **The law does not differentiate between disclosure to the general public or to employees/contractors of the FAA.**
- In August 2020, I reported to the FAA a breach of my confidentiality related to an open Office of Special Counsel investigation¹⁴. Since that date I have alerted the FAA Security Operations Center, Privacy Office and AAE to countless other breaches of Hotline/Whistleblower confidentiality and password protection requirements.
- **Note- Many of these reported breaches have not been resolved and new breaches continue to occur weekly. These breaches not only identify me but many other persons (employees/citizens) who have made protected Hotline/Whistleblower disclosures.**
- For the past three years I have alerted the OSC of these breaches and each time they declined to accept my submission because the FAA was working the issue. As described above and in violation of law and policy the FAA has been improperly

¹³ FAA Order 1070.1A, FAA Order 8900.1 and Flight Standards Administrative Manual

¹⁴ Case DI-19-3959- <https://osc.gov/Pages/SearchResults.aspx?k=DI%2D19%2D3959>

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disclosing my identity to other in the organization. This has been going on in one form or another for over a decade. See DI-20-001102, DI-21-000855 & DI-22-000546.

- On June 17, 2022 the OSC sent to the Secretary of Transportation a request to investigate (OSC File No. DI-22-000546) systemic breaches of individual privacy and whistleblower/hotline confidentiality.

Possible loss of Confidentiality Protection

- Due to these ongoing breaches of Privacy and Hotline Confidentiality I have asked the Office of Audit and Evaluation to redact my name from all future Hotline submissions sent for investigation.

Breach of Trust

- The FAA signed a MSPB Settlement agreement in July 2019 stating that *“The Agency currently has no plans to reorganize or make other changes that would alter the Appellants’ reassignment or telework arrangement.”*
- Documents that I have since obtained clearly show the FAA had plans to reorganize and were actively acting on those plans when they signed the agreement.
- I was involuntary reassigned (SF-50 action) in 2021 resulting in a Significant Change in to my actual Job Functions

Failure to Act

- With management knowledge, I was denied the same access to data as my peers for over a year.

Valuing Performance Annual Evaluations (FY2013-FY2022)

- I believe that FAA Management has been using the Valuing Performance System to retaliate against me for my whistleblowing activates and reporting other safety/regulatory/security/ privacy and/or policy concerns. Over the past few years, my local management team (1st & 2nd level supervisors) typically rated my annual performance as MEETS. Only AFTER elevating this concern does higher level managers get involved to resolve this grievance. I believe an independent

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reasonable person who reviewed my self-assessment against my “documented” performance plan will clearly see that my annual contributions **SIGNIFICANTLY EXCEEDED** all documented expectations.

- In FY2021 I had to file an official grievance in order to have my overall rating reconsidered from MEETS to EXCEEDS.
- I strongly believe that if retaliation did not exist and management just evaluated me fairly (against my written performance standards) that my overall rating for FY21 & FY22 would have been SIGNIFICANTLY EXCEEDS.

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Closing

It is important that the American public understand that Whistleblowers perform a vital role in today's world. Federal Aviation Administration (FAA) Whistleblowers such as myself have (following established processes) alerted management officials and others to violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or substantial and specific danger to public health or safety.

FAA employees who report safety and other concerns (Whistleblowers) including myself are often ignored, ostracized, retaliated against for our professionalism and unwavering commitment to aviation safety. FAA employees and contractors who discover hazards or wrongdoing may choose to remain silent and not report their concern(s) for risk of direct or indirect whistleblower retaliation and breaches of confidentiality.

It is unfortunate that the Secretary of Transportation and other senior executives within the DOT and FAA continue to ignore the valuable contributions of Whistleblowers and persons who submit Hotline complaints. I have personally alerted the DOT Secretary, FAA Administrator and other DOT/FAA Executives of systemic failures and none of them have taken time to even respond back to me about any of the substantiated concerns.

For example, when I reported to the FAA Hotline and OSC that FAA Employees were receiving improper locality pay, the FAA initiated an investigation. **The FAA investigation substantiated my allegations and reported that "a conservative estimate showed that the potential overpayments for these employees could easily exceed \$1 million per year."**¹⁵ The DOT/FAA Leadership could not even mutter a simple Thank You for raising this concern and saving the taxpayers over one million dollars annually.

These issues can only be fixed if the Executive Management Teams within the DOT and FAA demonstrate a strong commitment to improving data quality and availability. As automation becomes more critical to Flight Standards' mission, databases are no longer simply used as storage areas for information, but as sources of data for data analysis. This

¹⁵ https://www.faa.gov/about/plans_reports/congress/media/2017_aae_annual_report.pdf

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shift carries far reaching implications for data requirements. The data on which analysis tools such as SPAS and SAS are based must be correct, consistent, complete, and up-to-date, or the results of the analysis will be meaningless. Management must be committed to keeping the data in these systems complete and accurate.

The time for talking is way behind us. Now is the time to act. If the quality of our safety data continues to remain poor, its inputs to safety-related decisions may not be reliable, and WILL impact our ability to effectively support the FAA's safety mission.

In an effort to reduce or eliminate systemic concerns, the Secretary of Transportation should determine the root cause(s) related to these submissions and develop strategies to prevent reoccurrence.

“Failure can be useful if we learn from our mistakes. Failure can be fatal if we do not.”

Your Loyal Servant

[Whistleblower], Aviation Safety Inspector

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