



U.S. OFFICE OF SPECIAL COUNSEL
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January 29, 2010

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-08-1708

Dear Mr. President:

The Office of Special Counsel received disclosures from Christopher Monteleon, an Aviation Safety Inspector with the Department of Transportation (DOT), Federal Aviation Administration (FAA). Mr. Monteleon disclosed allegations concerning the oversight of Colgan Air's flight operations and pilot training and certification programs by FAA's Colgan Air Certificate Management Team (Colgan CMT) in the Washington Flight Standards District Office (FSDO), Herndon, Virginia. Specifically, Mr. Monteleon disclosed that in January 2008, while serving as Aircrew Program Manager (APM) for the Colgan CMT, he reported critical safety-of-flight violations committed by a Colgan pilot. He claimed that after his reporting caused delays in Colgan's schedule for introducing new aircraft into revenue service and Colgan complained, FSDO management directed him to terminate an enforcement investigation and removed him from the Colgan CMT. He asserted that the safety of the flying public was compromised to allow Colgan to meet its schedule.

In addition, Mr. Monteleon disclosed that while working in the Office of Runway Safety (ORS) in FAA Headquarters in 2006, he observed that runway incursion severity classification data were intentionally manipulated to reflect the occurrence of fewer and less severe runway incursions. He contended that the inaccurate data were incorporated into FAA's nationwide databases and a computer program used by FAA to calculate runway incursion severity classifications. He claimed that the data have produced inaccurate and misleading statistics relied on by FAA. Based on Mr. Monteleon's disclosures, we found a substantial likelihood that FAA employees were engaging in conduct that constitutes a violation of law, rule or regulation, gross mismanagement, an abuse of authority, and a substantial and specific danger to public safety.

Mr. Monteleon's allegations were referred to the Honorable Mary E. Peters, former Secretary of Transportation, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d). Secretary Peters tasked the Office of Inspector General (OIG) with conducting the investigation and preparing the report in this matter. Secretary of Transportation Ray LaHood submitted the agency's report to OSC. Mr. Monteleon provided comments on the agency's report to this office pursuant to 5 U.S.C. § 1213(e)(1). As required by law, 5 U.S.C. § 1213(e)(3), I am now transmitting the report and Mr. Monteleon's comments to you.

As discussed in the enclosed agency report and analysis, the investigation substantiated Mr. Monteleon's allegation that the Colgan pilot violated the Federal Aviation Regulations (FAR). However, OIG concluded that FSDO management's decisions not to pursue an enforcement action against the pilot and to remove Mr. Monteleon from the Colgan CMT were not improper. Further, the investigation confirmed that, since 2000, FAA had not conducted a regional assessment of Colgan's Aircrew Designated Examiner (ADE) program, which is required every three years. The investigation did not reveal evidence to substantiate Mr. Monteleon's allegations that runway incursion severity classification data were intentionally manipulated.

We have reviewed the original disclosures, the agency report, and Mr. Monteleon's comments. Based on that review, OSC has determined that the report contains all of the information required by statute and the findings of the agency head appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), we have sent a copy of the report and Mr. Monteleon's comments to the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure. We have also filed a copy of the report and Mr. Monteleon's comments in our public file and closed the matter.

Respectfully,



William E. Reukauf
Associate Special Counsel

Enclosures