

Charalambe "Bobby" Boutris

Ms. Tracy L. Biggs
Attorney, Disclosure Unit
U.S. OFFICE OF SPECIAL COUNSEL
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

February 25, 2010

Re: OSC File No. DI-08-1750

Dear Ms Biggs:

This letter is in response to your letter dated December 3, 2009, regarding my above referenced disclosure to the Office of Special Counsel (OSC). Before I comment on the OIG findings regarding this disclosure, in the interest of continuity and safety it is necessary to make the following statements:

I am an Aviation Safety Inspector assigned to the Southwest Airlines Certificate Management Office (SWA CMO). I have been in the Aviation Industry for almost 32 years (12 years with the Federal Aviation Administration FAA). I am an individual with integrity who has committed my professional life in maintaining the highest level of safety for the flying public. I am the whistleblower who after trying to get the FAA to address the serious safety issues which affected the safety of the flying public had to disclose the abuse of authority of FAA management to your office which later lead to the April 3, 2008 Congressional hearing (House Committee on Transportation & Infrastructure).

The safety concerns which I reported in my first disclosure to the OSC and during my testimony at the Congressional hearing were 100% substantiated and reported by the Department of Transportation's Office of Inspector General (OIG) to the then Secretary of Transportation Mary Peters (OIG Report No. CC-2008-041, dated Dec. 23, 2008 and Office of Special Counsel OSC, File Nos. DI-07-2793 and DI-07-2868). According to the OIG report, FAA management violated FAA policy by not following guidance and improperly allowed Southwest Airlines (SWA) to use the Voluntary Disclosure Reporting Program (VDRP) process and continue to fly (contrary to Federal Regulations) unairworthy aircraft in public transportation with overdue inspections which were required by Airworthiness Directives (AD).

Due to the above, the FAA removed the management that had committed the improprieties and promoted other FAA personnel into the newly vacated management positions. Mr. Tom Hoover was promoted to the Supervisor Principal Maintenance Inspector (S/PMI) position and Mr. Bobby Hedlund was promoted to the office manager's position. The newly promoted management continued with the "business as usual" at the SWA CMO and did not want to hear that Southwest Airlines still had regulatory compliance issues especially with ADs. Despite the intense internal and external scrutiny

for the misuse of the FAA's VDRP by SWA and FAA management, Mr. Hoover (who had no prior experience as a CMO S/PMI) ignored my ongoing safety concerns and inputs and instead of exercising diligence to ensure that the VDRP requirements were followed (especially since he was promoted due to his predecessor's failure of this), he isolated me and with the support of the SWA CMO manager, Mr. Hedlund (who also had no prior experience as a CMO manager) went after the messenger as the previous management had done in the past. The FAA management again left me no choice but to go outside the agency and elevate my new safety concerns. This brings us to my second disclosure to the OSC which you reference above and have requested my comments.

On August 26, 2009, my second OSC disclosure was referred to the OIG for investigation. My new safety concerns were again 100% substantiated and reported by the OIG to Secretary of Transportation, Ray LaHood (OIG Report No I09Z000006SINV, dated October 21, 2009, and OSC File No. DI-08-1750).

The OIG investigation report states that the SWA CMO S/PMI, Mr. Hoover violated FAA policy by not following guidance and improperly allowed SWA to use the VDRP process and continue to fly aircraft in revenue service with overdue AD inspections. In addition, the OIG report states that Mr. Hoover failed to ensure that appropriate corrective measures were initiated prior to issuing a final close-out Letter of Correction, in further violation of FAA policy (I must point out that the OIG report regarding the S/PMI Mr. Hoover violating FAA policy echoes the OIG report for the previous S/PMI whom he replaced). Regarding the office manager, Mr. Hedlund, the OIG/OSC report state that due to the previous reported misuse of the FAA's VDRP, Mr. Hedlund should have been mindful of his oversight responsibilities and exercise diligence in ensuring that the S/PMI Mr. Hoover had followed FAA policy before approving Mr. Hoover's Letter of Correction which allowed SWA to avoid a potential civil penalty for their non-compliance. The OIG investigation revealed that Mr. Hedlund failed to do so and approved the close-out letter of the airline without reviewing the file. The OIG report also states that the office manager, Mr. Hedlund should have exercised additional vigilance in his oversight of an office previously identified as having failed to enforce FAA Orders and Federal Regulations. Mr. Hedlund bears responsibility for failing to ensure that his office was operating in compliance with FAA policies.

Based on the above findings, the Office of Inspector General recommended appropriate administrative action against Mr. Tom Hoover and Mr. Bobby Hedlund. In response to the OIG findings and recommendations a letter dated October 27, 2009 was issued and signed by Secretary of Transportation LaHood to the acting Special Counsel, Mr. William E. Reukauf. Regarding the FAA taking action against Mr. Hoover and Mr. Hedlund in the last paragraph the Honorable Secretary states: "By the enclosed memorandum, the FAA Administrator agreed to determine the appropriate administrative action for these employees by December 31, 2009".

However, on December 23, 2009 via e-mail from the SW Regional office, it was announced that the supervisor Tom Hoover was assuming the temporary position of manager of the Safety Analysis and Evaluation Branch, ASW-290. It is also worth noting that Mr. Hedlund was also placed into a Regional management position at the SW Regional office.

For the record, the previous SWA CMO S/PMI, Mr. Gawadzinski lost his job for not following guidance and violating FAA policy; however, the S/PMI (Mr. Hoover) who

replaced Mr. Gawadzinski was promoted to a Branch Manager position at the Regional Level after violating FAA policy. Promoting or giving the appearance of promoting those who were found not to follow our guidance instead of holding them accountable sends the wrong message to the inspector force and erodes the foundation of those of us who want to do the right thing. Promoting Mr. Hoover concerns me especially putting him in charge of the Regional Safety Analysis and Evaluation Branch, an office where inspectors like me depend on for assistance in uncovering and reporting noncompliance and safety issues. I would like to note that most of the major safety issues that have been brought to light in our nation's air transportation industry have been identified by Inspectors like me who are committed in doing the right thing. Rewarding those who violate FAA policy gives the appearance that the FAA condones this type of behavior. Actions like this do not serve in the taxpayer's interest.

I should also state that since the April 3rd, 2008 hearing the FAA management positions have doubled in our office; however, I must point out that both of my disclosures that involved the operation of aircraft in revenue passenger service with overdue AD inspections and contrary to Federal Regulations were not due to lack of FAA management, but FAA mismanagement. From my experience and the OIG investigation reports it is obvious that the FAA needs quality management not quantity.

I am requesting that the OSC address the accountability issue and recognize the need to go on record and report the systemic abuse of authority and violation of regulatory policy by FAA management. I am disappointed and concerned with the closing statement of the acting Special Counsel in the OSC report regarding my first disclosure: "Based on the review, OSC has determined that the agency's reports contain all of the information required by statute, and that the findings of the agency head appeared reasonable". Reasonable? After reading the OIG report for my second disclosure I do not believe that the above OSC statement is accurate. It is "business as usual" (FAA management are still violating regulatory policy affecting the safety of the flying public without being held accountable). I urgently request the acting Special Counsel to review the OIG reports for both of my disclosures and take appropriate action. The acting Special Counsel should recognize that there is a pattern that needs to be addressed. We can not have safety without accountability. When things get swept under the rug, accidents happen ---- people die. We are all public servants and we should never take advantage of the public trust and should never play politics with the safety of the flying public.

I love my job and I believe in doing the right thing; I do not believe that I am asking for too much when I am asking for everybody else to do the same, after all we have taken an oath to do so.

In her letter of response to the OSC (dated December 29, 2008), then Secretary of Transportation Peters, in her closing statement referring to my first disclosure states: "I am grateful for the diligence of these dedicated employees in coming forward in the interest of improving Aviation Safety".

In his letter of response to the OSC (dated October 27, 2009), Secretary of Transportation LaHood, in his closing statement referring to my second disclosure states: "I appreciate Mr. Boutris' diligence in raising his concerns".

However, from the ongoing events, it does not appear that these messages have filtered down to the FAA management.

The negative culture of the FAA management towards whistleblowers and truth-tellers remains the same and will not change because there is no accountability throughout the ranks. I strongly believe without accountability we cannot have safety. It is frustrating for inspectors like myself who have raised and keep raising serious safety issues and are wrongfully targeted and retaliated against by FAA management for our findings and whistleblower disclosures. We can only prevent accidents by being proactive not reactive. However, by not addressing the issues at hand, it only promotes silence.

With this letter I am requesting that your office look into my above comments and provide feedback for my disclosed concerns.

Ms. Biggs, with this letter also, I want to thank you along with Ms. Catherine McMullen and Ms. Karen Gorman for your endless support and the hard work that all of you put forward in addressing my disclosed safety issues.

If there is anything I can do to be of help, please do not hesitate to contact me at any time. I look forward to your response.

Respectfully,

A handwritten signature in cursive script, appearing to read "Charalambe B. Boutris".

Charalambe "Bobby" Boutris
Aviation Safety Inspector