



NATIONAL TRANSPORTATION SAFETY BOARD

Office of Aviation Safety
Washington, D.C. 20594

September 6, 2019

Attachment 3– FAA Interview Transcripts

OPERATIONAL FACTORS/HUMAN PERFORMANCE

DCA19MA143

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

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Investigation of: *

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BOEING 737-800 OVERRUN *

JACKSONVILLE, FLORIDA * Accident No.: DCA19FA143

MAY 3, 2019 *

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Interview of: THOMAS L. BERG
Aircrew Program Manager

Wednesday,
July 17, 2019



APPEARANCES:

SHAWN ETCHER, Aviation Accident Investigator
Chairman, Operational Factors Group
National Transportation Safety Board

KATHERINE WILSON, Ph.D., Senior Human Performance
Investigator
National Transportation Safety Board

WARREN ABRAMS, Air Safety Investigator
National Transportation Safety Board

TODD GENTRY, Air Safety Investigator
Federal Aviation Administration

DAVID THOMPSON
Federal Aviation Administration

STEVEN JOFFRION, Chief of Flight Standards
Miami Air

RICH LEE, Safety Pilot
Boeing

DARRIN NELSON, Executive Board Member
International Brotherhood of Teamsters (IBT) Local 1224

MATTHEW T. SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Banks)

MATT PICCIOTTI, Attorney
Federal Aviation Administration
(Observing)

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I N T E R V I E W

(8:06 a.m.)

1 DR. WILSON: As I said, I'm Katherine Wilson --

2 MR. BERG: Yeah. I remember that, yes.

3 DR. WILSON: -- NTSB. I'm a human performance investigator.

4 MR. BERG: Okay.

5 DR. WILSON: We'll go around the room and introduce, have
6 everyone introduce them themselves as well.

7 MR. BERG: Okay.

8 MR. ETCHER: Good morning, again. I'm Shawn Etcher. I'm
9 with the NTSB. I'm the Operational Factors Group chairman for
10 this event.

11 MR. ABRAMS: I'm Warren Abrams. I'm an air safety
12 investigator with the NTSB. Thanks for coming in today.

13 MR. BERG: Absolutely.

14 MR. LEE: Rich Lee from Boeing. I'm a safety pilot.

15 MR. THOMPSON: Dave Thompson, FAA, CMO 67 up in Orlando for
16 the ops team for the investigation.

17 MR. BERG: Okay.

18 MR. GENTRY: I'm with FAA, Headquarters AVP-100. My name is
19 Todd Gentry.

20 MR. NELSON: Darrin Nelson, representative for the pilots'
21 union.

22 MR. JOFFRION: Steve Joffrion, chief of flight standards,
23 Miami Air.

1 DR. WILSON: As I said, we're here as a part of the Miami Air
2 investigation. We're here to determine the probable cause, and
3 this is a routine interview that do with anyone who might have had
4 interaction with either the pilots or the company.

5 We will be recording the interview today, which will be sent
6 for transcription, and the transcription will become a part of our
7 public record, not the audio tape.

8 You are entitled to have one person represent you today, if
9 there is someone that you would like to have represent you.

10 MR. BERG: Mr. Matt, right here.

11 DR. WILSON: Okay. And it's my understanding that for
12 training purposes, you also have one more representative in the
13 room who will be observing. Are you okay with that?

14 MR. BERG: Yes.

15 DR. WILSON: Okay. And so, for the record, it's Matt, and if
16 you both could state your names for the record.

17 MR. SMITH: Sure. Matt Smith, Office of the Chief Counsel
18 with the Federal Aviation Administration.

19 MR. PICCIOTTI: Matt Picciotti. I'm new attorney with the
20 Office of the Chief Counsel here observing for training.

21 DR. WILSON: Okay. Tom, is it okay if I call you Tom?

22 MR. BERG: Absolutely.

23 DR. WILSON: So the way that the interview will go, I'll
24 start off asking you some questions. When I'm done, then I'll
25 turn it over to the others in the room and each person will take a

1 turn asking questions. So if there's anything that you don't
2 understand or need clarification, please don't hesitate to ask us.

3 MR. BERG: Okay.

4 DR. WILSON: If you don't know the answer to a question,
5 saying "I don't know" is also okay.

6 MR. BERG: Okay.

7 DR. WILSON: And we'll do one round of questions and we may
8 take a break if you need to, otherwise, we'll go around the room
9 one more time and see if anyone has any follow-up questions before
10 concluding the interview.

11 MR. BERG: All right.

12 DR. WILSON: Do you have any questions before we get started?

13 MR. BERG: No.

14 DR. WILSON: Okay.

15 INTERVIEW OF THOMAS L. BERG

16 BY DR. WILSON:

17 Q. For the record, could you state your name and title?

18 A. Thomas L. Berg. I'm an air safety inspector and aircraft
19 program manager working with Miami Air.

20 Q. And how long have you been in that position?

21 A. Approximately a year.

22 Q. And a brief description of your aviation background that led
23 you to this position?

24 A. I was an Air Force pilot for 10 years. Flew 141s and C-5s.
25 I was a United Airlines pilot for the 737, 777s, 767s, 757s, 747

1 and A320s, all as a captain, and most as a line check airman. I
2 was an instructor and a check airman at National Airlines. I was
3 a chief of standards and a check airman and an instructor at
4 Western Global Airlines. I've got 20,000 hours plus of log time.

5 Q. Have you held any other positions with the FAA?

6 A. No. Well, yes. When I first came on with the FAA, I was at
7 Ypsilanti out of Great Lakes Region as the assistant POI with
8 Kalitta II.

9 Q. When did you first get hired by the FAA?

10 A. Well, I actually, I got about 6 years ago and I was in the
11 FAA for 10 months and then I left and went to National Airlines
12 for a flying position because I wasn't -- I had to leave United
13 Airlines because I missed the age 60 cutoff. And then when the
14 age 65 came around, I was at the FAA and National Airlines offered
15 me a job to fly, so I took that instead. And then this past time,
16 I got hired about 2 years ago back with the FAA.

17 Q. And you said you'd been in this current position for about a
18 year?

19 A. About a year.

20 Q. What did you do in the year prior to that?

21 A. Just an air safety inspector. I wasn't assigned to -- well,
22 I was assigned to Miami Air but the position of APM, you have to
23 go through Miami Air's training. And so, a combination of waiting
24 for the training that was available for me to take and then
25 taking, going through the training took about a half a year or so.

1 Q. And as an air safety inspector, what are your duties and
2 responsibilities?

3 A. I check on safety, surveillance of training, and I check on
4 safety with Miami Air. I conduct en route inspections and
5 simulator evaluations. When I don't conduct them, I observe them.

6 Q. Did you say you observe only in the simulator or also line
7 checks?

8 A. Also line checks.

9 Q. About how often are you doing simulator and line check
10 observations?

11 A. I usually do -- of course it depends on the training with
12 Miami Air, and that usually turns out to be a couple times a month
13 with simulator evaluations. And I'm required to do and I do about
14 four en route checks per year -- or per quarter. I'm sorry.

15 Q. Who do you report to with the FAA?

16 A. I'm sorry?

17 Q. Who do you report to?

18 A. Well, my POI is Stan Crum. You're going to be meeting Stan.
19 And then above Stan is Ozzie Arbelo, is the frontline manager.

20 Q. So, in addition to the training that you received from Miami
21 Air, did you receive other training from the FAA in air safety
22 inspection?

23 A. Well, yeah, when you come on, of course, we have to go
24 through basic, the basic training, which is called string
25 training, which is for overall FAA employee operational training.

1 And then I have OJT items, on-the-job training items, that I have
2 to go through training with Stan. He usually -- Stan, Mr. Stan
3 Crum usually gives me that training, and we go through various
4 levels, where Level 3 being totally competent.

5 Q. Are you responsible for any other operators besides Miami
6 Air?

7 A. No.

8 Q. Do you feel that you have enough capacity to perform your
9 work successfully?

10 A. Yes.

11 Q. When you aren't doing the en route and line checks, you say
12 you check on safety, how do you do that?

13 A. I try to get down at least once a class when Miami Air has a
14 class and observe the training, ground training. And then try to
15 occasionally, if I can, do no-notice, drop-in observation or
16 surveillance on their simulator training.

17 Q. And then what do you do after you observe? Do you provide
18 feedback to Miami Air?

19 A. I provide feedback to Miami Air, as a matter of fact,
20 Mr. Joffrion there, usually. But feedback to Miami Air and also
21 we have our reporting system, our PTRS as we call it. And so I'll
22 file a PTRS if I've observed training.

23 Q. Okay. The feedback that you provide, does it -- is it areas
24 in need of improvement? What is the type of feedback that you're
25 providing?

1 A. If I notice things that I feel are in need of improvement, I
2 usually handle it right on the spot with either the director of
3 training or the instructor that's giving the training at the time,
4 take him off to a sidebar and talk to him.

5 Q. What are some examples that you have of feedback that you've
6 given, areas of improvement?

7 A. Well, believe it or not, I haven't really had too many. I
8 think Miami Air provides exemplary training.

9 Q. Outside of training, when you're doing en route inspection,
10 any observations that you've made that you've provided feedback on
11 to the company?

12 A. Nope.

13 Q. No safety concerns?

14 A. Nope.

15 Q. If you did have a safety concern during en route inspection,
16 what would you -- who would you talk to about that?

17 A. I tell them before I -- when I get on the airplane, to try to
18 calm them down and relax them, I tell them that I'm just here --
19 I'm from the FAA; I'm here to help.

20 But I say -- I tell them, in fact, that if I notice a minor
21 infraction of any type, we'll just take it -- either close the
22 door in the cockpit and talk about it or go out on the jetway and
23 talk about it between ourselves and try to provide correction on
24 the spot. If it's something major, then we'll escalate it a
25 little bit, and I can call back to my POI and ask him what he

1 would like me to do.

2 Q. Did you have any examples of having to do that?

3 A. No.

4 Q. Did you know the accident crew involved in the Navy JAX
5 event?

6 A. Yes.

7 Q. Both of the pilots?

8 A. Yes.

9 Q. Okay. Let's start with the captain. What was your
10 interaction with the captain?

11 A. I gave Gabe a PC, a performance check, shortly beforehand. I
12 didn't give it to him; I observed it as a FAA observer in his PC.

13 Q. Okay. Do you recall about how long before the accident it
14 was?

15 A. No, I don't.

16 Q. Were there any issues?

17 A. No. None. He performed -- in the point of time, he
18 performed everything satisfactory.

19 Q. And then the first officer?

20 A. The first officer, I also gave a PC to, observed a PC and his
21 initial check ride for Miami Air. There were no issues with him
22 as well. He performed everything satisfactory for his level of
23 training. And the comment was written to continue with his
24 training, meaning going out on his IOE.

25 Q. When you say performed everything satisfactorily for his

1 level of training --

2 A. He's a brand-new pilot.

3 Q. -- can you elaborate on that?

4 A. He's a brand-new pilot. Things that he may screw up every
5 once in a while, as being a little slow on his checklist
6 responses, just things that you would see somebody that's brand
7 new to any type of job trying to get used that job.

8 Q. You didn't see any safety concerns with releasing him to the
9 line --

10 A. No.

11 Q. -- or OE?

12 A. No.

13 Q. How was his CRM?

14 A. Well, he's very good at CRM. Yeah, he was -- he worked well.
15 He took advising from Gabe, and he was very open to any
16 suggestions given by me or by Gabe. Now there's -- I told him, I
17 said at the end of his PC, one of things I said, you know, your
18 training is over with now, you can relax for a day, and then I
19 want you to start hitting the books again before you go out on
20 your IOE, and you have to keep in the books to make sure that you
21 keep on top of everything, things like that.

22 Q. So just to clarify, you did -- you observed the PC when Gabe
23 was in the left seat?

24 A. Yes. Yes.

25 Q. Okay.

1 A. Gabe's PC was.

2 Q. But the accident crew, they were flying together when you did
3 your observation?

4 A. No.

5 Q. Okay.

6 A. Not in the simulator. They were separate.

7 Q. Okay. Are you familiar with the Navy JAX airport?

8 A. I've flown in there in the jump seat once.

9 Q. Any concerns?

10 A. Yes.

11 Q. Like?

12 A. A non-grooved runway, and that's really about it. I think
13 it's unfortunate a lot of the Navy -- I guess Navy installations
14 don't have grooved runways. But non-grooved runway would be a
15 concern.

16 Q. Do you think that crews flying in there are aware that it's a
17 non-grooved runway?

18 A. Yes, they are.

19 Q. What would crews -- what would you expect a crew to do
20 differently flying into a non-grooved runway?

21 A. Well, actually, Miami Air has procedures in place for non-
22 grooved runway. And that's such as a 40-flap landing as opposed
23 to usual is 30-flap landing. If there is any water to use maximum
24 braking, things like that, just to make sure that they use every
25 advantage they can.

1 Q. And the procedure for non-grooved runways, is that since the
2 accident or was that in place at the time of the accident?

3 A. Part of it was in place before the accident and part of it
4 was a correction item after the accident.

5 Q. Do you recall which part was in place before the accident?

6 A. I think before they didn't specify, I believe -- well, I
7 think I'd have to defer that to -- Mr. Joffrion would be able to
8 tell on that.

9 Q. All right. When you're performing your duties is there one
10 area where you feel that you spend most of your time?

11 A. I don't understand.

12 Q. So are you mostly doing -- if you had to divide up your
13 duties, where would you say most of your work is done? Is it
14 doing en route inspections, observations, training?

15 A. Observations and training.

16 Q. Okay.

17 A. Yes.

18 Q. What would a typical workday look like for you?

19 A. Well, a typical workday would be working around the office in
20 here doing paperwork, various paperwork. We have -- we get
21 revisions occasionally that come in for Miami Air. We get
22 bulletins occasionally that we have to distribute to them as well.
23 So it's doing -- pretty much doing paperwork here in the office.

24 Q. Okay. How much advance notice are you given when there is
25 either training or an observation?

1 A. At least a month.

2 Q. Okay. And I know you talked about several different people
3 that you've interacted with at Miami Air, but who would you say is
4 your primary contact at Miami Air?

5 A. Well, Captain Joffrion is one of them, and another one would
6 be the director of training, Rich Draina, D-R-A-I-N-A, would be
7 also, Rich Draina.

8 Q. After you did the PC check for the first officer, did you
9 make any notes or any records?

10 A. Continue with training.

11 Q. Okay. That was the only note in the observations?

12 A. Yes.

13 Q. When you do an initial PC observation, do you know anything
14 about the first officer's training leading up to that?

15 A. Yes.

16 Q. Okay. Did you notice anything in his records?

17 A. No. He had normal progression through training.

18 Q. Okay. Did he take longer than most new hires?

19 A. No, I don't believe so. No. I think he progressed on time.

20 Q. Okay. Do you also get to review instructor notes?

21 A. No.

22 Q. Do you oversee the approval of training at Miami Air?

23 A. The -- I'm sorry, I don't --

24 Q. Approval of their training programs and manuals, do you
25 oversee any of that?

1 A. Yes.

2 Q. Okay.

3 A. Yes.

4 Q. Tell me about that, how that process works?

5 A. Well, they have their FAA-approved, obviously, training, and
6 if they have any changes to their training or anything that I feel
7 or the POI feels that needs to be added to training, then it goes
8 through an approval process by sending it to them, having them
9 revamp it, and sending back a request for a change to their
10 training curricula.

11 Q. Is it typically Miami Air initiating those changes or do
12 those changes come out of your office?

13 A. I think a little bit of both.

14 Q. Can you -- do you have an example of when a training change
15 came out of your office?

16 A. Well, there's one very simple change that I noticed. It's
17 something that we had always done -- I have always done in my past
18 at my previous lives, and that's when you take the runway and have
19 a clearance lineup and wait, which is typically when you line up
20 on the runway but you don't have takeoff clearance yet. And
21 something that I've found that I suggested we do is go to center
22 map on the display, which lets you see any traffic that may be
23 coming up behind you. And that was generated by me and I
24 suggested it to the training person, Rich Draina, and he
25 incorporated it into their training.

1 Q. When you monitor -- when you go to monitor ground school, how
2 do you decide what portion of ground school you're going to
3 monitor?

4 A. I just do a no-notice evaluation. I come in at some portion
5 when, typically, if it's a little bit slow in the office here and
6 they're in the middle of a training situation, a training class,
7 and I'll just drop in unannounced.

8 Q. Have you observed the CRM portion of their training?

9 A. Yes.

10 Q. What did you think of that training?

11 A. I think it's very good. I'm a firm believer in CRM.

12 Q. Does their training include anything related to human
13 factors?

14 A. Such as?

15 Q. Situational awareness --

16 A. Absolutely.

17 Q. -- (indiscernible)?

18 A. Situational awareness is always a big part of training. And
19 interaction between the whole crew, meaning the flight attendants,
20 as well, not just the cockpit crew.

21 Q. Okay. How would you rate the quality of the training?

22 A. Excellent.

23 Q. If you had a concern about one of the instructors, I know you
24 said you might pull them aside, what method would you go about if
25 you needed to talk to the company?

1 A. Well, first I'd talk to the instructor and have a suggestion
2 and see how he feels about it. If I feel it's a major concern --
3 they have a completely open-door policy. I can go to the vice
4 president of operations up through the president of operations,
5 completely open door, if I feel it's necessary.

6 Q. And based on your observations, do you think that there's
7 standardization across the instructors?

8 A. Excellent.

9 Q. If a Miami Air pilot were to fail a check ride, would you
10 hear about that?

11 A. Yes.

12 Q. Okay. And what would happen?

13 A. It would come to the determination of an agreement between
14 Mr. Crum, myself, and the Miami Air people, the check pilot
15 himself and the training -- director of training, up as high as we
16 wanted it or they wanted it to go. And we would come to a
17 consensus of opinion as to whether he would continue in training,
18 add additional training, or be dropped from the class.

19 Q. How often does that happen?

20 A. I'm really not aware if there have been too many instances of
21 that. I'd say maybe, maybe one person at a class needs a little
22 bit of additional training. And I say maybe because lately with
23 the major airlines hiring like it's going out of style, they're
24 taking all the -- a lot of people. And so it's hard to generate a
25 class. I don't know if that's the right word. But classes are

1 becoming less numbers of classes because it's harder to hire
2 people.

3 Q. If you had a concern about Miami Air that you took to your
4 management, how do you think that they would respond?

5 A. In the same way as I just mentioned with a concern of Miami
6 Air. They'd come to a conclusion with inputs from myself on my
7 observations, with inputs from Stan, as being my boss, and their
8 -- he's well aware of their training. He does surveillance as
9 well.

10 Q. And you feel like you would be supported with your concerns?

11 A. Yes.

12 Q. Has your surveillance of the company changed since the
13 accident?

14 A. No.

15 Q. How were you informed about the accident?

16 A. The news media. I haven't seen any of the reports or
17 anything of the accident.

18 Q. When you learned about it from the news, did you do anything?

19 A. Yeah. I called up Miami Air and I said, what gives? Yeah.
20 Because my -- in my observations of -- well, first I called him up
21 and I said, who were the pilots? And they told me. And I said I
22 was really surprised because my observations of what Gabe is, that
23 he's one of the most excellent pilots I've ever run into, so I was
24 very surprised. But, of course, they wouldn't give any
25 information out because it was an ongoing investigation. It

1 wasn't a secure line or anything like that.

2 Q. So going back to standardization, what specifically do you
3 do? I know you said you observe training, but how do you ensure
4 that training procedures, manuals, are all standardized?

5 A. Well, part of my training as an APM was I went through the
6 school, obviously, like I said, through the Miami Air school. And
7 also, I have the advantage of sitting in the back of their
8 classroom with the manuals open in front of me so I can check
9 them, how they're training against the manuals.

10 DR. WILSON: Thanks, Tom.

11 MR. BERG: Yes, ma'am.

12 DR. WILSON: Shawn?

13 BY MR. ETCHER:

14 Q. Good morning. You doing okay? Do you need a break? Are
15 you --

16 A. No, I'm fine.

17 Q. You're good?

18 A. Yeah.

19 Q. All righty. Thank you for the information you've given, Kat
20 thus far. It's been helpful.

21 A. Absolutely.

22 Q. I have a few questions and you'll probably answer those
23 without any issue.

24 A. I'll be the judge of that. No, I'm just -- I'm sorry.

25 Q. Valid point. Valid point. You do en routes at Miami Air, I

1 think you said -- forgive me for putting words in your mouth --
2 four a quarter or four a year?

3 A. I try to do four a quarter.

4 Q. Try to do four --

5 A. I don't always get that many, but I try to.

6 Q. Okay. In this quarter, when was your last en route or have
7 you done one yet?

8 A. I haven't done one yet.

9 Q. Okay. How about the previous quarter?

10 A. I can't tell you a date, but I did an en route from Miami to
11 -- I'm trying to think; I can't remember where it went to -- Fort
12 Myers and back to Miami.

13 Q. Okay. Are your en routes usually short hops like that, Miami
14 to Fort Myers and back?

15 A. Yeah.

16 Q. You don't -- do you always -- let me rephrase the question.
17 When you do an en route, does it always originate in Miami or do
18 you have to go fly to somewhere to catch up with it?

19 A. Sometimes -- Miami Air has kind of a unique schedule and a
20 lot of their stuff does not originate in Miami. They'll go out
21 and they'll go someplace and the airplane may be out for I don't
22 know how long. It'll be out for a while, so the trips originate
23 somewhere else.

24 I try to do it from Miami and back to Miami, and that's not
25 always possible. I've done it from Miami and wound up in like

1 Newark, New Jersey, and had to hop across the field and jump seat
2 on another air carrier to get home.

3 Q. Okay. Does that pose any challenges for you or here at the
4 office because of the logistical challenges?

5 A. No, not really. It's just a matter of if somebody needs a
6 check -- the office is completely fine with that. I can -- if I
7 can find a scheduled carrier to come back, any scheduled carrier
8 to come back, they're fine with that and they approve it. If I
9 need to spend a night in a hotel, they'll approve that also. It's
10 the nature of my job and they know that, and they're totally
11 supportive of it.

12 Q. Okay. I think you said you flew in or jump-seated into Navy
13 JAX once?

14 A. Yes.

15 Q. Okay. When you did that, I assume that was an en route
16 inspection?

17 A. Yes.

18 Q. Did you have to go somewhere else to catch a flight home or
19 was there a Miami Air flight --

20 A. I went with the crew and we -- actually we went to
21 Jacksonville International and caught an airline home.

22 Q. Okay.

23 A. Yeah.

24 Q. Okay. I know it's probably a little bit of time since you've
25 been to Navy JAX, but -- I know you said you had a concern with

1 ungrooved runways.

2 A. Well, that's all Navy airports, I believe.

3 Q. Right. I think most of them anyway, if not all.

4 A. Yeah.

5 Q. You might be correct. When you flew in that, was it a day or
6 a night flight into Navy JAX?

7 A. Daytime.

8 Q. Daytime? Was it clear?

9 A. Yes.

10 Q. Okay. So you didn't have too much concern with the way it --

11 A. No.

12 Q. I know you've sat in on Miami Air's training and they have
13 the OPT for performance. Do you know if it takes into any
14 consideration the runway conditions: grooved, non-grooved, wet?
15 Do they teach that? Kind of help me --

16 A. They teach that.

17 Q. -- help me to understand that.

18 A. I'm not an expert on the OPT. I think once again I'd have to
19 defer to Mr. Joffrion. He's the guru on that.

20 MR. BERG: I believe you're one of the gurus. He's smiles
21 over there.

22 But I'm nowhere near -- as he is -- but they do teach it.
23 That's a whole day I believe that they teach the OPT.

24 BY MR. ETCHER:

25 Q. Okay. I guess you've probably seen the OPT, maybe played

1 with it a little bit trying to understand it?

2 A. Yeah.

3 Q. If you're like me, it's always good to touch and feel. Kind
4 of helps you understand it better. What do you think of the
5 program itself compared to your other experiences you've had in
6 your wonderful career?

7 A. I think it's a very good program myself. At the carriers
8 that I've been at before, it's been done by dispatch, a dispatch
9 function, and then uplinked to the crews. This particular is on a
10 hands-on and they have to, by the very nature of Miami Air's
11 flying, which is different places all the time. But I think it's
12 a good program.

13 Q. Okay. No concerns?

14 A. No.

15 Q. All right. Talking about going into Navy JAX, it's a Navy
16 airfield so they have those little arresting cables on the
17 runways.

18 A. Yep.

19 Q. Does that, in your mind, does that give you any concern?

20 A. Not really, other than the passengers are going to feel a
21 bump when you go over it. Not really though.

22 Q. Is there any performance issues, performance penalties,
23 anything like that that you're aware of, that Miami Air instituted
24 for flying in and over arresting cables?

25 A. I'm not aware of that.

1 Q. Okay. I think you were telling Katherine there about the
2 policy -- forgive me, if I put words in your mouth, please correct
3 me because I want to make sure I have it correct -- the policy is
4 when it's a wet runway, non-grooved runway, I believe, Miami Air's
5 policy is to go auto brakes max?

6 A. I believe the policy now is flaps 40 at auto brakes max.

7 Q. And you say now. Is that post-accident or was it in place?

8 A. I can't tell you that. I'd have to defer that to Miami Air.

9 Q. Okay. No problem. Do you think that's an adequate --

10 A. Yes, given the conditions. And let me -- I believe the
11 brakes -- and once again, I'd have to defer that to Miami Air, but
12 I think it's reasonable to do that if you have a non-grooved
13 runway. I would say personally that I think that's reasonable.

14 Q. Okay. Well, with your experience -- I apologize, I should
15 have said in your --

16 A. No, that's fine.

17 Q. -- opinion. So thank you for clarifying that.

18 MR. SMITH: And Shawn, can I interject just for one second --

19 MR. ETCHER: Sure.

20 MR. SMITH: -- to put on the record that we don't have a
21 hardcopy of any of the procedures, so most of his responses are
22 without hardcopy of the procedures.

23 MR. ETCHER: Understood. Thanks.

24 MR. BERG: Thank you.

25 BY MR. ETCHER:

1 Q. I just, I had a little question here. When you gave the
2 first officer his check ride in the sim, when you observed it --
3 did you give it or was it just an observation?

4 A. No, observation. I don't give check rides. I observe.

5 Q. Okay. So you didn't have to sign off anything on his, or do
6 you?

7 A. Yes. As an FAA observer.

8 Q. Okay. When you were doing that -- and I think it's just I
9 haven't had enough coffee yet this morning or something; I'm still
10 a little confused.

11 A. Yeah, I'm still working on it.

12 Q. Where was Gabe at, because I think you said they were both in
13 that simulator?

14 A. To tell you the truth, I can't really remember if Gabe was
15 giving a check ride or if Gabe was -- I believe he may have been
16 giving a check ride, but I'm not sure. I'm not 100 percent sure.

17 Q. Okay. I just -- I wasn't sure. I just wanted to make sure
18 that I understood that they were both were in the same sim that
19 you observed, and --

20 A. Well, they were at different times, for sure, because I gave
21 them each a separate check ride.

22 Q. Right.

23 A. Or observed a separate check ride. But who gave the check
24 ride specifically, I cannot remember.

25 Q. Okay. No problem. If you're giving an en route and you see

1 a concern --

2 A. Yes.

3 Q. -- and you said you could reach out and get in touch with the
4 POI and all that. If it happened after hours, how would you get
5 in -- you know, is there a way that you would still get in touch
6 with the POI or do you have wait until the next business day?

7 A. Call him at home.

8 Q. Help me understand that.

9 A. Call him at home.

10 Q. Okay. And it's okay to do that?

11 A. Yep. Absolutely. Just as he calls me at home if he has
12 concerns about something, yeah.

13 Q. Have you had to do that?

14 A. No.

15 Q. Okay. Has he had to call you?

16 A. Nope.

17 Q. All right. I think you said you get to observe or -- I'm
18 sorry; not observe -- you get to review the changes to Miami Air's
19 manuals?

20 A. If they have changes, they have to be approved by the FAA and
21 so they'll send up the changes. And I'll look at them, I'll send
22 them over to my POI. The approving authority would be the POI.

23 Q. And how often does that happen, those changes come in?

24 A. Oh, that -- not regularly. Not very often.

25 Q. Okay. Do you know, when you get a change from Miami Air, is

1 there a time frame you have to look at it or respond by and get an
2 answer back to them, or at least provide an answer or a response
3 to the POI? Is there a time frame --

4 A. I don't know. I don't know the answer to that.

5 Q. It's all right. You give observation rides to the Miami Air
6 pilots in the simulator. Have you ever yourself had to
7 unsatisfactorily mark somebody?

8 A. I don't do it myself. What I will do is the check pilot, who
9 is a Miami Air check airman, will say that he believes that the
10 performance was unsatisfactory and ask for my opinion. And if I
11 -- I can either concur with him or not concur with him. And yes,
12 we have, and I've concurred with him.

13 Q. Okay. Do you recall what that unsatisfactory was? Just a
14 ballpark. And I know maybe it's been a while, maybe it hasn't.

15 A. We had a pilot a long time ago. It's been quite a while.
16 But his performance flying was just not up to par and he had taken
17 a little bit of extra training as well. And in the opinion of the
18 check pilot, he didn't have the qualifications, he didn't have the
19 performance to go out and fly the line, to fly an airline -- to
20 fly an airplane with passengers. So he suggested, he thought --
21 it was his idea that it was an unsatisfactory ride, and I had to
22 concur with him; I agreed.

23 Q. Okay. And just kind of help me with that because, like I
24 said, I probably need more coffee. You probably have already said
25 it and I didn't register it. When that unsatisfactory occurred,

1 do you give suggestions to Miami Air on does this guy need to
2 continue or not, or do you let that all reside with Miami Air and
3 you let Miami Air --

4 A. I let that reside with Miami Air and I just give my either
5 concurrence or non-concurrence.

6 Q. Okay.

7 A. If Miami Air had said that they believed it was an
8 unsatisfactory ride and I didn't, I believed it was an okay ride,
9 then we would certainly go back and talk to Miami Air management
10 about it. But I haven't had that happen.

11 Q. Okay. And I know you said that when you get ready to go do
12 an observation ride or after an observation ride or a line check,
13 you have to put some information into PTRS.

14 A. Um-hum.

15 Q. What kind of information is it that you put into a PTRS
16 report?

17 A. What the check ride was and whether it was satisfactory or
18 not satisfactory. That's it.

19 Q. There's no spots to put notes?

20 A. No.

21 Q. Okay. So it doesn't sound like that'll take too long, then,
22 huh?

23 A. No, it's pretty easy. Just looking up the codes takes the
24 longest time.

25 Q. Okay. All righty. I think you said earlier, and I know I

1 missed it. Are you typed in the 7-3?

2 A. Yes.

3 Q. Were you typed at Miami Air or were you typed with your
4 previous employers?

5 A. I've been typed from my previous employer, but also I had to
6 go through the training and the check ride with Miami Air.

7 Q. And I assume you have to stay current?

8 A. Yes.

9 Q. All right. When's the last time you flew either the sim or
10 the airplane?

11 A. I can't fly the airplane because I'm over 65. The last time
12 I -- I'm trying to think. I think it was probably a couple of
13 months ago that I had my PC, my annual PC.

14 Q. Okay. All right. I know you talked about the experience
15 level of Miami Air pilots, new Miami Air pilots have coming in
16 with the hiring boom going on. So they're obviously hiring
17 pilots?

18 A. Well, I didn't -- yeah, I didn't say the experience level.
19 What I said was it was hard to find pilots because so many of them
20 are going to the majors. That doesn't really mean that they have
21 a lower experience level or not.

22 Q. Thank you for that clarification.

23 A. Yeah.

24 Q. When you get a -- when they have a new pilot coming on board,
25 do you review any, you know, any pilot records?

1 A. No. The hiring is totally done by Miami Air.

2 Q. So you don't have to look at anything?

3 A. No.

4 Q. Miami Air has electronic flight plans, correct?

5 A. Yes.

6 Q. How do you like those?

7 A. I like them a lot. When I was still flying it was all paper.

8 And that was -- the biggest pain of course was keeping the paper

9 up to date and doing all the revisions. This, every time they

10 turn the computer, EFB on, it does it; it updates everything so

11 they have the current information. I think it's a great thing.

12 Q. They have the current information --

13 A. Current charts.

14 Q. Oh, okay.

15 A. It updates automatically.

16 Q. Do you know if they use their EFBs in flight at all for --

17 A. They're required to.

18 Q. -- the weather or --

19 A. Oh.

20 MR. SMITH: Did you understand the question?

21 MR. BERG: Yes.

22 MR. SMITH: Okay.

23 MR. BERG: Yes.

24 MR. SMITH: You started answering, it sounded like --

25 MR. BERG: No. What I was thinking is that I'm not -- he

1 started to ask me a question, do they use it in flight? Of
2 course, they're required to.

3 And then you added on, weather and stuff like that. And I
4 don't believe they have a connection. They're working on it, but
5 I don't believe they have a connection to weather. That's done
6 manually.

7 BY MR. ETCHER:

8 Q. In your opinion, do you think that that would be beneficial
9 for carriers?

10 A. Absolutely. And the newest generation of the electronic
11 flight bag does have that. That's a pretty new thing. And I
12 don't believe -- I'm not sure; I'd have to defer again to Miami
13 Air, but I'm not sure if they have that yet.

14 Q. Okay. All righty. Weather radar usage that you have on
15 board the airplane --

16 A. Yes.

17 Q. -- have you done a jump seat when crews using that?

18 A. Yes.

19 Q. How do you feel that their use of it, their proficiency of
20 using weather radar is?

21 A. Excellent.

22 Q. Why do you -- help me understand why you give them an
23 excellent so quickly?

24 A. Whenever there is any type of weather at all, they turn it on
25 immediately and they know how to tune it. You have, you know,

1 tilt and you also have tuning for the radar itself. And they are
2 both well aware of it and they both converse back and forth about
3 how to proceed with the weather and how to avoid it.

4 MR. SMITH: I think I need to interject to ensure that you
5 are expressing your opinion based on the pilots you have observed?

6 MR. BERG: The pilots I have observed, that's correct.

7 MR. SMITH: Okay.

8 BY MR. ETCHER:

9 Q. The last question for me right now -- so I apologize; I
10 should have asked this a little bit ago. When you did -- when
11 you've done en routes, have you ever done them when an OE is going
12 on?

13 A. Yes.

14 Q. All right. Then I lied. I have more questions then. Tell
15 me about that. How was the check airman conversing with the
16 candidate? Was there constant training? Was it not so much?
17 Kind of help me understand what an OE flight from your perspective
18 in the jump seat --

19 A. An OE flight is going to -- you have somebody flying a
20 typical OE flight, depending -- a typical OE flight would be the
21 trainee, the person getting the OE, would be doing the majority of
22 flying. The check airman who is giving the OE will interject --
23 if he feels it's necessary will interject suggestions.

24 Q. Okay.

25 A. And that's how the OE proceeds.

1 Q. Is there -- I know when I was at the airline and doing IOE,
2 it felt like en route there was a whole lot of discussion,
3 education, showing me how to use things. Does that kind of go on,
4 on Miami Air, or they come out so ready to go that --

5 A. They're pretty much ready to go after their training. Once
6 they get up to cruise altitude and they have enough time, there's
7 of course a lot of training going on, discussions about what
8 they're going to be doing, discussions about things that they may
9 see in the future.

10 MR. ETCHER: Okay. All right. Thank you very much.

11 MR. BERG: You're welcome.

12 DR. WILSON: Okay. Warren?

13 MR. ABRAMS: I might just have a few questions.

14 MR. BERG: Sure. I have a few answers.

15 MR. ABRAMS: Okay. You and I will get along great then.

16 BY MR. ABRAMS:

17 Q. You used the word or what I wrote down was "Miami Air
18 provides exemplary training."

19 A. Yes.

20 Q. That's pretty strong.

21 A. And I believe it.

22 Q. Okay. Are you familiar with AQP training?

23 A. Yes.

24 Q. How are you familiar with AQP?

25 A. United Airlines used AQP.

1 Q. You were still employed with United at that time?

2 A. Yes.

3 Q. Okay. This is 121 training, and how do you compare the two?

4 I mean, what's --

5 A. I think AQP training is very good. It's very good. AQP, if
6 you -- I don't know if everybody realizes what it is, but it's
7 phased training. You go through each, several different phases
8 and each phase you get a check ride at the end of it. And I think
9 it's great. Miami Air is working on switching over to AQP.

10 Q. Okay. Line check airmen, whether it's simulator line check
11 airmen or aircraft line check airmen, am I correct to say that you
12 are responsible for their yearly certification?

13 A. Well, I'm not completely, but yeah, their check rides.

14 Q. Their check rides. Yeah.

15 A. Their annual check rides. Yes.

16 Q. Okay. And do you trust those LCAs?

17 A. Yes.

18 Q. Okay. How come there's only one APD at Miami Air?

19 MR. SMITH: Actually before you answer that, I just want to
20 make sure I understand the question. You're asking him why --
21 would you mind just repeating that question again?

22 MR. ABRAMS: How come there is only one APD, Aircrew Program
23 Designee at Miami Air? Other airlines where he has previously
24 worked, specifically United, has a mass cadre of APDs to do the
25 certification functions, whether line check airmen, frequency

1 checks, type rating rides, and within the last -- I believe it's
2 only within the last 6 months, Miami Air has got their first APD.

3 MR. SMITH: Okay. And I would say answer that, if you know
4 the response, if you know why Miami Air has that policy.

5 MR. BERG: I believe the policy changed about a year ago,
6 where it used to be as approved by the FAA as to how many you
7 could have and that depended on the size of the airline. The
8 policy now is you can have as many APDs as you feel necessary, the
9 airline feels necessary. And I don't think Miami Air feels that
10 they have the frequency enough to utilize more than one.

11 MR. ABRAMS: Okay.

12 MR. BERG: That's my own feeling.

13 MR. ABRAMS: All right.

14 BY MR. ABRAMS:

15 Q. Since the accident, have you done an en route inspection with
16 the captain or the first officer?

17 A. No.

18 Q. With the hull loss that Miami Air had with the accident, do
19 you expect any changes to come down the pike from the FAA?

20 MR. SMITH: Again, I would advise not speaking on behalf of
21 the FAA.

22 MR. BERG: Yeah, I don't have that -- I don't have that
23 privilege or that seniority.

24 BY MR. ABRAMS:

25 Q. Okay. In your opinion, would you like to see any changes

1 implemented since there's been a hull loss?

2 A. I don't feel competent enough to answer that question.

3 Q. Okay.

4 A. Let me add to that. I can't really draw opinions. I haven't
5 seen any of the tapes or any of the -- anything about the
6 accident. So I don't think I can draw an educated opinion about
7 that.

8 Q. Katherine asked you earlier -- excuse me -- Kat asked you
9 earlier that how did you hear about the accident. Once you heard
10 about it, did you go to Miami Air office?

11 A. No. I called on the telephone and asked them who it was and
12 what happened, and they gave me a very brief rundown. They
13 weren't allowed to give me a lot of of things just because, number
14 one, I wasn't on a secure line and, number two --

15 Q. You weren't (indiscernible).

16 A. Yeah. So, I -- no, I immediately got on the phone with Miami
17 Air dispatch to see if I could find out who it was and what the
18 circumstances were.

19 MR. ABRAMS: Okay. Thank you. Appreciate it. Tom, that's
20 all I have.

21 DR. WILSON: Rich?

22 BY MR. LEE:

23 Q. Just a question. Do you also attend the dispatch training or
24 is it just the pilot training that you --

25 A. Just the pilot training. I've gone -- I've observed two

1 different classes of dispatch training, but I don't regularly do
2 it. We have a dispatcher that does that.

3 MR. LEE: All right. So that's all the questions I have.
4 Thanks.

5 DR. WILSON: All right, (indiscernible) --

6 MR. THOMPSON: Just a couple of questions and I know you got
7 some answers.

8 MR. BERG: I might.

9 BY MR. THOMPSON:

10 Q. As APM, you get -- you're current qualified. What kind of
11 training do you go through and how often, you know,
12 (indiscernible) when the last time you went, but what is the
13 required training for an APM?

14 A. It's the same thing as the crew members. I go through
15 recurrent, which is -- consists usually of 2 days of classroom and
16 a check ride in the simulator.

17 Q. And that's for after you get initial qualed, after the
18 initial --

19 A. After the initial qual. The initial qual is the same thing
20 that all captains with Miami Air go through.

21 Q. Okay. And as an APM for rating rides, you kept saying that
22 you observed them, but you don't give them. But who actually sign
23 the certificate when a new rate is given?

24 A. The check pilot signs the check ride form. The temporary
25 certificate, I actually sign.

1 Q. Okay. So you're giving the certificate to these guys?

2 A. Yes, sir.

3 Q. Okay. APD, you mentioned with the first officer, you gave
4 the first officer his rating ride?

5 A. Yes, I did.

6 Q. And you mentioned that maybe you gave him a PC or was that
7 the captain? I'm not sure. I wrote down I'm not sure who it was.
8 Did you give the first officer a PC as well?

9 A. Well, I probably misspoke. His rating ride was his PC. But
10 I also -- I gave Gabe a PC as well.

11 Q. Okay. I didn't know if they were two separate events?

12 A. Not for the first officer; the same thing.

13 MR. THOMPSON: I think that's all I got right now. Thanks.

14 MR. BERG: Okay.

15 DR. WILSON: Todd?

16 MR. GENTRY: Just a couple quick questions.

17 MR. BERG: Okay.

18 BY MR. GENTRY:

19 Q. So, you said you observed the CRM --

20 A. Yes.

21 Q. -- ground school course?

22 A. Yes.

23 Q. Did you feel like it was, in your opinion, that they
24 emphasized openness in the cockpit?

25 A. Yes. Absolutely.

1 Q. Including FOs to speak up to the captain if there was
2 something they didn't like or --

3 A. Absolutely.

4 Q. -- any kind of atmosphere like that?

5 A. And to speak openly with the flight attendants and take their
6 observations as well.

7 Q. Okay.

8 A. Yep. Total -- you know, that's CRM by the very definition,
9 is total openness and brain -- whatever you call it, brain
10 cramming or whatever you call it.

11 Q. And you gave a PC to the captain; is that correct?

12 A. Yes, I did.

13 Q. Okay. Did you notice that he created an openness atmosphere
14 in the cockpit for that kind of comments or CRM to happen?

15 A. Absolutely.

16 MR. GENTRY: Okay. That's all I have. Thank you.

17 DR. WILSON: All right. Darrin?

18 MR. NELSON: I don't have any questions.

19 DR. WILSON: Steve, I saw you going off of --

20 MR. BERG: Oh my God, there's that, that evil grin. I know
21 he's got questions.

22 BY MR. JOFFRION:

23 Q. Tom --

24 A. Yes.

25 Q. -- you qualified for your position -- just to make sure that

1 everybody understands. You just don't periodically or
2 sporadically observe training; you have observed from pillar to
3 post, from beginning to the end of all training. You've observed
4 the entire ground school, the entire fixed space, and the full
5 motion?

6 A. Yes. I've taken it and I've observed it at various times,
7 going at various phases. Yes.

8 Q. Yeah. Yeah, I understand. I just wanted to make that clear.
9 Do you -- you mentioned a number of your tasks that you do to
10 observe and certify bulletins and things such as that, but do you
11 also take a look at the facilities --

12 A. Yeah.

13 Q. -- that Miami Air uses?

14 A. Yes.

15 Q. Have you observed new facilities that Miami Air might be
16 using in the future?

17 A. Just recently I did. I went in -- as a matter of fact, my
18 POI and I went in with several of the people, including Captain
19 Joffrion, and we observed a future training item that they're
20 going to be using through Boeing, which is a fixed FTD, whatever
21 that stands for. But it's a fixed training device where they can
22 put in, without having to pay for an expensive simulator. Because
23 typically what's happened in the past is, they have a few lessons
24 of fixed space operation but they can only do a few of them
25 because it's a very expensive item to rent the simulator and then

1 don't do motion, which is what they use for fixed space.

2 This allows them to go in, and this is probably a fourth of
3 the price, which allows them, which they're putting -- they're
4 going to institute into training several more hours of fixed space
5 training for procedural and SOP type items, at a lot less price,
6 which allows them to use a few more hours. And I've observed
7 that.

8 Q. Okay. Is this a good move, do you think, by Miami Air?

9 A. I think it's an excellent move.

10 Q. Okay. Could you tell me what the 8710 form is?

11 A. 8710 is typically what we -- they put down the
12 qualifications, past qualifications, and the recommendation of
13 what that pilot is going for in his check ride.

14 Q. Okay. So it's a type rating application; is that what you're
15 saying?

16 A. Yes, it is.

17 Q. So, on this application, does it have the pilot's experience
18 level, flying time, things such as that?

19 A. Yeah. Yes.

20 Q. So, kind of in reference to Warren's question previously,
21 because you reviewed the 8710 form ahead of time before a type
22 rating, you are now familiar with the experience level of that
23 pilot?

24 A. Yes. But I believe his question was as far as -- the way I
25 understood it anyway, was as far as hiring, which I don't get in

1 on. But this is the experience level before I go in for a type
2 rating.

3 Q. You've been in a situation to observe Miami Air's initial
4 classes as far as the need for your services to observe either the
5 oral for the type rating or the simulator check ride, correct?

6 A. Yes.

7 Q. Is it, have you found this to be an onerous schedule for you
8 to keep up with a class size of three or four --

9 A. No.

10 Q. -- in a room?

11 A. No, it's fine.

12 Q. So, from that standpoint, an APD who would step in and take
13 your place to accomplish these few and far between orals or
14 simulator check rides would not be an onerous task or not a great
15 -- all right. I'm asking.

16 MR. SMITH: Yeah, Steve, and I don't want to interrupt your
17 flow too much.

18 MR. JOFFRION: Okay.

19 MR. SMITH: But your questions seem to be leading him --

20 MR. JOFFRION: Okay. I won't --

21 MR. SMITH: -- towards a specific answer. If you just could
22 ask him a simple, concise --

23 BY MR. JOFFRION:

24 Q. Okay. So, have you had a problem maintaining a schedule to
25 support the needs for either the type rating oral -- you're one

1 individual -- or as the simulator check rides?

2 A. No.

3 MR. JOFFRION: Okay. All right. That's it. All done.

4 DR. WILSON: Okay. We've going about an hour. Do you need
5 to take a break?

6 MR. BERG: I'm fine if everybody else is.

7 DR. WILSON: Okay. You're okay to --

8 MR. BERG: I please to aim or aim to please or something. I
9 don't know.

10 DR. WILSON: All right. The second round usually goes much
11 quicker. We just have a few follow-ups.

12 BY DR. WILSON:

13 Q. What is Miami Air's go-around policy?

14 MR. SMITH: And again, preface that, he does not have a
15 hardcopy of the procedures, so I would advise only to speak to
16 what you know.

17 MR. BERG: Miami Air's policy, go-around policy is just like
18 any other airline that I have ever been with, and it's like the
19 pilot in command makes the decision, period.

20 BY DR. WILSON:

21 Q. Is there certain criteria that would trigger a go-around?

22 A. If the pilot in command feels it is necessary. One of the
23 things that comes to mind, which everybody is in, is a stabilized
24 approach. If an approach is not stabilized, then he's required to
25 go around.

1 Q. What about receiving a GPWS alert, like a sink rate?

2 A. Again, I'd have to defer that to Captain Joffrion. There are
3 various phrases. If you're visual and it can be, in the
4 estimation of the pilot in command, a safe landing can be made,
5 and he states that he has it and it's -- once again, it's his
6 decision.

7 Q. Would there be a certain time, say, below 1,000 feet? So,
8 I'm sorry, just to clarify, if a sink rate were to occur below
9 1,000 feet, do you think the pilot should continue or would that
10 warrant a go-around?

11 A. I can say that it should warrant a go-around, but once again,
12 it's the -- that's why the pilot in commands get paid the big
13 bucks.

14 Q. Okay.

15 A. It's his decision.

16 Q. When you've done your en route inspections has a crew ever
17 had to do a go-around?

18 A. Not during my en routes, no.

19 Q. So when you're doing an en route, how do you know what Miami
20 Air's policy and procedures are? Do you have manuals with you?
21 Do you have a copy of the QRH? What do you have with you to know
22 that they're doing what they're supposed to be doing?

23 A. Well, first of all, I have to maintain training and
24 qualifications just like every other pilot. And I'm provided with
25 manuals and I've got a computer with their manuals on it as well.

1 Q. Okay. And do you have that open or up when you're doing an
2 en route?

3 A. Yeah. Well, I have the EFB, just the same as they do.
4 During the approach phase, I have approaches. And during the en
5 route phrase, I have the map up and that same program, the Jet Pro
6 or whatever it's called. Also in that same program contains their
7 manuals, so I can refer to that if I have to.

8 Q. Going back to OE, what would you say are the challenges for a
9 pilot in the left seat flying with a new pilot who's on OE?

10 A. Heightened workload.

11 Q. So how are pilots at Miami Air trained to handle high
12 workload situations?

13 A. They know when they can and when they can't. Obviously below
14 10,000 feet there's no discussions. There's everybody's focused
15 on one thing, and that's flying the airplane. If in the opinion
16 of the check pilot in the left seat, he has the time and it's not
17 a high load situation, high workload situation, he can give
18 instruction. And I think they're qualified pilots enough to know
19 when that time is.

20 Q. Is there any specific training that you're aware of or have
21 observed for pilots to manage high workload situations?

22 A. Well, they're given, of course, their check ride and in their
23 training, they're given their -- typically the training and the
24 check ride is a higher workload situation than they'll ever see in
25 their career and on the line.

1 Q. Are there any scenarios that you observed where the amount of
2 workload would require a go-around?

3 A. I've not seen it.

4 Q. Okay. Do you think that would be beneficial?

5 A. To?

6 Q. Have a situation where a pilot becomes so overloaded that
7 they need to perform a go-around to recognize how a high workload
8 impacts their performance?

9 MR. SMITH: And sorry, I'd just like to clarify. Did you say
10 in a sim or in actual flight?

11 DR. WILSON: Well, it would be -- I asked if he'd ever
12 observed a high workload situation. But typically, if it's a
13 scenario in training it would be in a simulator, where a high
14 workload situation is being presented to the crew.

15 MR. BERG: And once again, I defer to Miami Air training, but
16 I believe they have a scenario during their training where they do
17 get bombarded with items and it comes to the point -- they're
18 trained. And I'll clarify that by saying, they are trained that
19 in a check ride situation and during training, if you feel that
20 you're not ready for the situation, usually an approach or you're
21 being too high a workload, you're in control. Then you tell them,
22 I need a vector downwind, I need a vector away, I need more time.
23 Or send me to a holding pattern because I need more time. And
24 they're trained in that.

25 BY DR. WILSON:

1 Q. Do you -- does Miami Air have a no-fault go-around policy?

2 A. A no?

3 Q. A no fault?

4 A. Absolutely.

5 Q. Do you know if the accident crew is flying yet, either pilot
6 flying, back flying the line?

7 A. I don't know the answer to that. I think you'd have to
8 contact Miami Air.

9 Q. Okay.

10 A. I believe they are, but I would just be guessing.

11 Q. You haven't been a part of any, like, additional training or
12 a 709 ride or anything for them?

13 A. They did not have a 709 ride.

14 Q. Okay.

15 A. That was suggested, and I said, absolutely not; I wouldn't
16 support that, because 709 means -- the 709 ride is for somebody
17 that's totally incompetent, and it states that in the regulation.

18 Q. Okay.

19 A. Which I don't believe they are.

20 DR. WILSON: Okay. All right. I think that's all I have for
21 right now.

22 MR. BERG: Okay.

23 DR. WILSON: Thanks.

24 Shawn?

25 MR. ETCHER: Sure.

1 BY MR. ETCHER:

2 Q. Stick along that same line of questions that Kat had just
3 asked about the 709 ride. I know you said that's for total
4 incompetence or incompetence. Sorry. I don't mean to add extra
5 words that you didn't say.

6 If something -- if the investigation concludes, and you see
7 something that would change your mind, can you go back and give
8 the crew -- file for a 709, or is that something that you've made
9 your decision, it's done, moving on?

10 A. I don't know the answer to that.

11 Q. Okay. That's a good answer. Katherine was also talking
12 about EGPWS, if a crew gets it, you know. And you said that's
13 what the pilot in command gets paid the big bucks for, to make
14 that decision to go around or not.

15 You're sitting doing an en route inspection on the jump seat
16 and the crew gets -- their at 500 feet, and they get bank angle or
17 terrain or anything like that, what do you expect a crew to do?

18 A. To go around.

19 Q. To go around.

20 A. Like I said when I answered Katherine's question, it depends
21 on the situation at the time.

22 Q. Okay. But you said go around pretty quickly, so --

23 A. Well, those, what you said, are pretty --

24 Q. Okay.

25 A. -- pretty major things.

1 Q. Is there any other major things? I mean, I know we've all
2 been trained wind shear, it's an automatic; terrain, pretty much
3 automatic. But, you know, banking, is that an automatic go-
4 around?

5 A. Not if it's momentary.

6 Q. Okay.

7 A. You know you can have -- you're a pilot. You know that you
8 can have a wind gust, it can tip you up. And if it's momentary,
9 and like I said, the usual thing is, if it's a recognized item
10 such as the sink rate you brought up -- if it's a recognized item
11 and the pilot that's flying thinks that, I see it and I'm
12 correcting, depending on how severe it is.

13 Q. Okay. If he says, I'm correcting, whatever the standard
14 phrase is at Miami Air -- forgive me, I don't know; I don't
15 remember that standard phrase. But if the pilot says that, but
16 then he gets it again, bank angle, sink rate, whatever, would you
17 expect him, would you -- what would you expect him --

18 A. I would expect him to go around because he's showing a trend.

19 Q. Okay.

20 A. That's my own opinion.

21 Q. And that's what I'm asking for, so --

22 A. Okay.

23 Q. All right. Excellent. Thank you.

24 We've talked about your vast experience as a pilot, and it's
25 -- I'm glad you're somewhere where you can teach others as well.

1 That's, you know, that's important to teach your experience so
2 other's have it and all that. But you've seen a checklist or two
3 in your life, I'm sure.

4 A. Yes.

5 Q. Have you looked at -- how well do you know Miami Air's
6 checklist?

7 A. Well, I've seen it a lot. I couldn't recite it by memory.
8 But I'm --

9 Q. Well, you're not supposed to, are you?

10 A. No. That's why it's a checklist.

11 Q. Exactly. Is there anything on that checklist that you would
12 like to maybe see changed or that you don't agree with,
13 considering all that you've seen in your career?

14 A. No. Because we have regular -- we can review it whenever we
15 like. And if I do see something I disagree with, with the
16 concurrence of my POI, we can go through the Training Department,
17 which are very receptive to changes, and have it changed. But I
18 haven't seen anything that I think needs to be.

19 Q. Okay. I know you've had several Boeing type ratings on your
20 certificate, you're familiar with the Boeing checklist and things
21 like that, auto brakes and all that fun. I noticed on Miami Air's
22 checklist -- and I have a copy if you need it, just so that way he
23 has it if he needs it. On auto brake, they say "declare." What
24 does that say to you?

25 MR. ETCHER: And if you need a copy, by all means --

1 MR. SMITH: Thank you.

2 MR. ETCHER: This is a little bigger copy.

3 MR. BERG: Well, I believe declare just means what he -- what
4 level are you doing. In other words, the pilot that's flying, as
5 part of the checklist is they could -- I think that's what we're
6 talking about here.

7 BY MR. ETCHER:

8 Q. It'd be under the descent approach, I believe?

9 A. Auto brake declare. Yeah. The pilot that's flying it says
10 what level he would like. He declares what level he wants.

11 Q. Okay. And are you okay with the term "declare"?

12 A. Absolutely.

13 Q. Okay. I just want to make sure because I admit, I have not
14 seen declare, so I just -- I wanted to know what your opinion was.

15 A. No, that's why I looked here and I -- yeah, that's -- yes.
16 I'm fine with it.

17 MR. ETCHER: Okay. All righty. I think that's all I have.
18 Thank you.

19 DR. WILSON: Warren?

20 MR. ABRAMS: No questions.

21 DR. WILSON: Rich? Dave?

22 BY MR. THOMPSON:

23 Q. APD program, what's -- how many are you planning on having
24 for Air Florida, APDs?

25 A. I don't think they need -- Air Florida?

1 Q. Yeah, Miami Air.

2 A. That's okay. That's all right.

3 Q. Air Florida, Miami Air, (indiscernible) --

4 A. Hey, it's all right. I don't plan on them having more than
5 one. I don't think they need it.

6 MR. THOMPSON: Okay. That's it.

7 DR. WILSON: Todd?

8 MR. GENTRY: No questions.

9 DR. WILSON: Darrin?

10 MR. NELSON: No.

11 DR. WILSON: Steve?

12 MR. JOFFRION: No questions.

13 MR. BERG: Katherine?

14 DR. WILSON: I don't think that I have anything else at this
15 time, so thank you, Tom. Do you have anything that you want to
16 share with us that -- a question maybe we didn't ask you that you
17 were hoping we would ask you or some other piece of information
18 that you think would be helpful to our investigation?

19 MR. BERG: No, not really. I appreciate the fact that I
20 think all of your questions and everything was very professional.
21 I appreciate that quite a bit with everybody.

22 The only thing that I might add is I'd have to say, and I
23 think I said it once during the thing, that I think it's very
24 unfortunate, the accident that happened. I think Gabe is one of
25 the most accomplished and best pilots that I know of and I mean

1 that very seriously. He's -- for what it's worth, and it doesn't
2 really matter to this, but you know after Gabe got the total
3 evacuation of the people off the airplane, he went back over and
4 he dove in the water and tried to open the cargo compartment to
5 rescue the animals. That's the kind of person he is. He's very
6 thorough and he's a very good person. And an excellent pilot.
7 That's all I have to say.

8 DR. WILSON: Thank you, Tom. We really appreciate your time.
9 And you've got -- Matt's got our contact information so if there's
10 anything that -- I can leave you one of my cards, too, but if
11 there's anything that you think of that, you know, you think would
12 be relevant to the investigation or anything, please don't
13 hesitate to reach out to us.

14 MR. BERG: Okay.

15 DR. WILSON: Thank you.

16 MR. BERG: Excellent.

17 (Whereupon, at 9:16 a.m., the interview was concluded.)
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19
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25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: BOEING 737-800 OVERRUN
 JACKSONVILLE, FLORIDA
 MAY 3, 2019
 Interview of Thomas Berg

ACCIDENT NO.: DCA19FA143

PLACE:

DATE: July 17, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Romona Phillips
Transcriber



UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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BOEING 737-800 OVERRUN *

JACKSONVILLE, FLORIDA * Accident No.: DCA19FA143

MAY 3, 2019 *

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Interview of: STANLEY CRUM
Principal Operations Inspector

Wednesday,
July 17, 2019



APPEARANCES:

WARREN ABRAMS, Air Safety Investigator
National Transportation Safety Board

SHAWN ETCHER, Aviation Accident Investigator
Operational Factors Group Chairman
National Transportation Safety Board

KATHERINE WILSON, Ph.D., Senior Human Performance
Investigator
National Transportation Safety Board

DAVID THOMPSON
Federal Aviation Administration

TODD GENTRY, Air Safety Investigator
Federal Aviation Administration

RICH LEE, Safety Pilot
Boeing

STEVEN JOFFRION, Pilot
Miami Air

DARRIN NELSON, Executive Board Member
International Brotherhood of Teamsters (IBT) Local 1224

MATTHEW T. SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Crum)

MATT PICCIOTTI, Attorney
Federal Aviation Administration
(Observing)

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I N T E R V I E W

(9:44 a.m.)

1
2
3 MR. ABRAMS: Let's go around the room. Shawn, do you want to
4 lead us off, please?

5 MR. ETCHER: Sure. Good morning again.

6 MR. CRUM: Good morning.

7 MR. ETCHER: I'm Shawn Etcher. I'm the Operational Factors
8 Group chairman with the NTSB.

9 MR. LEE: Rich Lee, Boeing safety pilot.

10 MR. THOMPSON: Dave Thompson, FAA. I'm a member of the ops
11 group.

12 MR. GENTRY: I'm Todd Gentry with AVP-100 in Headquarters,
13 Accident Investigation.

14 MR. NELSON: Darrin Nelson, the union rep.

15 MR. JOFFRION: Steve Joffrion, chief of flight standards,
16 Miami Air.

17 DR. WILSON: Katherine Wilson, human performance with the
18 NTSB.

19 MR. CRUM: And you know me, Stan Crum. I'm the POI for Miami
20 Air International.

21 MR. ABRAMS: Thank you. And is it all right if we call you
22 Stan?

23 MR. CRUM: Yes, sir. Stan, Stanley, whatever.

24 MR. ABRAMS: Okay. You are allowed to have one
25 representative today, and who would you like to represent you?

1 MR. CRUM: Do you mean as far as --

2 MR. ABRAMS: Yes, Mr. Smith, you had pointed to.

3 MR. CRUM: Yeah, Matthew Smith.

4 MR. ABRAMS: All right. Very good.

5 MR. SMITH: Matthew Smith, Office of the Chief Counsel,
6 Federal Aviation Administration, and along with me in training --

7 MR. PICCIOTTI: Is Matt Picciotti, Office of the Chief
8 Counsel. I'm observing for training.

9 MR. ABRAMS: Very good.

10 DR. WILSON: Warren, do you want to get your name on the
11 record?

12 MR. ABRAMS: Yes. Warren Abrams, chief line -- chief line
13 check pilot -- old job. Air safety investigator for the NTSB.

14 So we've got to -- we're going to go around the room and ask
15 questions. I'm going to lead us off, and we'll go two rounds. So
16 the first round of questioning we'll go around the table and ask
17 our questions and then we'll have some follow-up questions. But
18 after our first round, if we need to take a break, we'll certainly
19 do so. If there's a question you don't understand, if you want us
20 to rephrase it, if you don't know the answer to it, "I don't know
21 that answer" is a perfectly acceptable answer as well.

22 So this is just an interview. This is not a deposition, so
23 we're just, as I said -- I'm repeating myself -- to try to figure
24 out what went on, what happened today -- or that day. So let's
25 get started.

INTERVIEW OF STANLEY CRUM

1
2 BY MR. ABRAMS:

3 Q. If you will state for the record your full legal name,
4 please?

5 A. It's Stanley Ralph Crum.

6 Q. All right. Thank you. And what is your job title?

7 A. I am the principal operations inspector for Miami Air.

8 Q. And how long have you had that position?

9 A. I have had that -- it's been about 10 years.

10 Q. Okay. Do you have any other roles within the FAA other than
11 the POI for Miami Air?

12 A. When I was hired in as a -- I was a geographic inspector when
13 hired.

14 Q. Okay. What is a geographic inspector?

15 A. We are -- do the ramp inspections and for the office at the
16 time, for the different carriers that we are not on the
17 certificate.

18 Q. Describe your role as the POI for Miami Air. What are your
19 roles and responsibilities?

20 A. I have the oversight for Miami International on the flight
21 operations side, so --

22 Q. Okay. Do you have any airman certificates?

23 A. Do I have any airman certificates?

24 Q. Yes. Yeah.

25 A. Yes.

1 Q. What are they, please?

2 A. I have an ATP, I have a flight engineer certificate, I have a
3 flight instructor certificate, and I'm type rated in the Boeing
4 737, 727 and the DC-9.

5 Q. Can you give us a brief history of your aviation background
6 since you have those type ratings and things like that? I don't
7 imagine they all came from the FAA, but --

8 A. No. No, sir, they didn't.

9 Q. So give us a brief history of your aviation career, if you
10 don't mind, please?

11 A. All right. I started out as an flight instructor years ago
12 and a charter pilot. I went to work for Air Florida in 1976 to
13 1984, and that company went out of business, and then I went to
14 work for Midway Airlines from 1984 to 1991 and that company went
15 out of business. And then from 1992 until '98, I worked for
16 Carnival Airlines. And I came to work with the FAA October 25th,
17 1998. So will be my 21st year in the FAA.

18 Q. Excellent. Air Florida, Midway, Carnival, were those flying
19 positions or --

20 A. Yes, yes.

21 Q. They were -- were they not management positions, just solely
22 pilot?

23 A. I was director of safety at Carnival for a little bit but
24 those positions were -- and no, check airman too. So I was a
25 check airman.

1 Q. All right. Talk to me about your management structure here
2 within the FAA. Who is in your chain of command? Who do you
3 report to?

4 A. I report to Ozzie Arbelo --

5 Q. Okay.

6 A. -- is my front-line manager.

7 Q. And up the line, who does Ozzie report to?

8 A. He reports to the office manager, and that's Mr. Richard
9 Falcon.

10 Q. Okay. All right. Is there an assistant POI?

11 A. No.

12 Q. Okay. You do not have an assistant POI. You just have a --

13 A. I have the APM, Tom Berg.

14 Q. -- APM?

15 A. You met Tom.

16 Q. Is that a -- would you categorize that as good staffing level
17 here? I mean, is it a functional staffing level?

18 A. What do you mean by --

19 Q. Do you need more people?

20 A. I could always use more people, but we seem to be all right.

21 Q. Okay. What's your biggest challenge here in your current job
22 at the FAA? As POI for Miami Air, what is your biggest challenge?

23 A. I don't -- what do you mean by biggest challenge?

24 Q. What takes a lot of your time? What keeps you awake at
25 night? Where do you spend a lot your days working on

1 specifically?

2 A. Okay. A lot of my time is spent working in SAS, and I don't
3 really have anything that keeps me up at night, you know,
4 concerning my job or Miami Air.

5 Q. Okay.

6 A. We spend a lot -- I spend a lot of time in SAS.

7 Q. All right. Specifically what do you do with SAS that's
8 taking up so much of your time?

9 A. That's the -- where we do the surveillance on Miami Air on
10 their different programs and flight operations program, training
11 programs, approvals that they ask for.

12 Q. I realize you have an APM, but do you get out of the office
13 very much to get over to Miami Air as far as observing any
14 training events?

15 A. I do.

16 Q. How often do you do that on average?

17 A. Well, I go over there probably on average of once a week and
18 I observe some ground school when it's going on or simulator.

19 Q. Your interaction with management, how often do you interact
20 with the management of Miami Air in person?

21 A. In person?

22 Q. Yes.

23 A. About once a week.

24 Q. Once a week.

25 A. We'll talk. Well, I talk with him a lot, but about once a

1 week in person.

2 Q. Okay. When you say you talk to him a lot, who are you
3 referring to?

4 A. I'm sorry. That's John Passwater, director of operations at
5 Miami Air.

6 Q. Okay. Any specific topics that come up more than others?

7 A. No, usually it's lease agreements that they have or lease
8 agreements that they might get into, and bulletins and things that
9 are coming out, or training, new classes, pilots. Yes.

10 Q. Okay. So all the checklists -- I'm not putting words in your
11 mouth, but all the checklists that are used in the airplane are
12 FAA approved; is that correct?

13 A. That's correct.

14 Q. And they cross your desk for final approval?

15 A. For approval.

16 Q. Okay. And you are the final approval --

17 A. Yes.

18 Q. -- in that process? Okay. Excellent. CRM, crew resource
19 management.

20 A. Yes.

21 Q. What does that mean to you?

22 A. What crew resource -- excuse me -- what crew resource
23 management means to me is --

24 Q. Yes.

25 A. -- how the flight crews interact with each other, how they

1 interact with maintenance, the whole operation, how they all --
2 how they work together.

3 Q. Communication, is communication a big part of CRM?

4 A. Yes.

5 Q. In a previous life it was instilled in us that was part of
6 CRM was "mean what you say and say what you mean." Is that
7 accepted -- I mean, is that a good definition or is that a good
8 term, "mean what you say and say what you mean" as far as CRM?

9 A. Yes. Or --

10 MR. SMITH: Okay. Answer if you can.

11 MR. CRUM: Yeah.

12 MR. SMITH: Okay.

13 MR. CRUM: Yes, more or less, yeah.

14 BY MR. ABRAMS:

15 Q. Do you support CRM?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. And I know Miami Air has CRM classes. Have you ever sat in
20 or observed a CRM class or a portion of a CRM class?

21 A. Yes, I have.

22 Q. Good. Excellent.

23 MR. ABRAMS: Matt, if you would be so kind to hand Mr. Crum a
24 copy of a checklist, please. Here's one for you as well.

25 MR. SMITH: Thanks. One has notes, one does not. Do you --

1 MR. ABRAMS: It doesn't matter. It's just the -- the one
2 that has a note on it is the landing criteria --

3 MR. CRUM: Okay.

4 MR. ABRAMS: -- touchdown at 1,000 feet minus 250 plus 500.
5 That's Miami Air, so it doesn't matter.

6 MR. SMITH: All right. Sounds good.

7 MR. ABRAMS: That's public knowledge.

8 MR. SMITH: Thank you.

9 BY MR. ABRAMS:

10 Q. What I've highlighted on the checklist that's got an FAA
11 approval date of 1/25/19 down at the bottom is the word "declare."
12 If we look at all the Boeing's checklist, the word "declare" is
13 not on there in a challenge and response checklist scenario. So
14 declare, we kind of have to define what declare means. Do you
15 think we could have a -- there is -- not we -- do you think there
16 is a better way to state engine start switches, the response is
17 declare, anti-ice declare, auto brakes declare? I mean, you can
18 read it as well as I can.

19 MR. SMITH: Are you finished with the question?

20 MR. ABRAMS: Yes, yes.

21 MR. SMITH: I think for simplification purposes if you could
22 maybe break that down a little bit. You asked --

23 MR. ABRAMS: Okay.

24 MR. SMITH: -- a couple different conditions with a declare
25 response.

1 MR. ABRAMS: I'll break it down. Okay.

2 BY MR. ABRAMS:

3 Q. Auto brake, we're on the descent approach checklist, auto
4 brakes declare. If we look at a Boeing checklist it would say
5 set. So in CRM, if we mean what we say and say what we mean,
6 declare can mean a lot of things such as we declare our values
7 coming into the country with customs and immigration. My Aunt
8 Janie says, I declare, look who walked through that door.

9 So declare has a lot of different terms and meanings, and
10 from a CRM standpoint declare on a checklist seems a little --
11 seems out of place.

12 MR. SMITH: And, again, I'm sorry to continue to interject.

13 MR. ABRAMS: Okay.

14 MR. SMITH: I just want for us all to be able to be on the
15 same page. You introduced some information onto the record of
16 what you defined declare to mean in other checklists, and then you
17 said that it might be difficult -- I don't remember the exact
18 phrasing.

19 MR. ABRAMS: It has different meanings and connotations.

20 MR. SMITH: Okay. And it seemed like you might have been
21 leading him towards a specific response, and I --

22 MR. ABRAMS: No, I'm not leaning; I'm just asking --

23 MR. SMITH: Okay.

24 MR. ABRAMS: -- is this the appropriate wording you feel for
25 a checklist to have the word declare?

1 MR. SMITH: And, again, I'll interject because I'm not -- I
2 don't think that's very specific for him to make a response on
3 whether or not it is appropriate. I think if you're asking if it
4 is approved or not approved, that would be an acceptable question.
5 If you wouldn't mind just maybe trying to rephrase it so that he
6 could give an appropriate answer?

7 MR. ABRAMS: Okay. It's obviously in the approved checklist.
8 So it is across his desk that it -- he has approved the word
9 declare in there. I'm submitting that there are other definitions
10 to the word declare, that the industry sources do not use the word
11 declare. And I'm asking is there, in his opinion, would there be
12 a better word to use there such as the industry standards word of
13 auto brakes, we would set them?

14 MR. SMITH: Okay. And I would advise you to answer if you
15 can -- if you have an opinion.

16 MR. CRUM: Okay. I do. I will tell you when it says, for
17 example, parking brake declare. Now I understand that. I know
18 when it says declare, is the parking brake off or is the parking
19 brake on? So when they say declare, when they get the parking
20 checklist, parking brake set or parking brake off. Just like with
21 anti-ice, anti-ice is on or anti-ice is off. And that is what I
22 see when it says declare.

23 BY MR. ABRAMS:

24 Q. Okay. Since you brought up parking brake, on the parking
25 checklist, parking brake declare, that doesn't -- what do you mean

1 there? Do you want it on or do you want it off? And it's in the
2 parking checklist, so --

3 A. Right.

4 Q. -- I'm not clear in my mind what the response should be?

5 A. Captain Joffrion over there. When that -- when we wrote --
6 when you wrote this check or you sent this checklist for my
7 approval, what would be an appropriate thing? Depending on
8 conditions you may not have the parking brake set or maybe you
9 would, depending on certain -- whatever the conditions are.

10 Q. Okay. All right. Thank you. After the incident that took
11 place, did you schedule a meeting with Miami Air management to
12 discuss the incident?

13 A. Yes.

14 Q. And generally speaking, were there any specific findings --
15 not findings -- were there any specific concerns that Miami Air
16 expressed to you about the incident?

17 A. I don't remember anything specific.

18 Q. Okay. And who was in that meeting with you with Miami Air?

19 A. It was myself and John Passwater.

20 Q. Okay. The CEO was not in that meeting?

21 A. No, sir.

22 Q. Okay. Do you get in the cockpit and observe any en route --
23 do any en route inspections from time to time?

24 A. I do.

25 Q. And how often do you do that?

1 A. Most of them are done by Tom. He's the APM. But I do it
2 occasionally some.

3 Q. Okay. I don't want to put words in your mouth, but two a
4 year, one a year, two a year?

5 A. Two a year.

6 MR. ABRAMS: Okay. All right. Stan, I'm going to stop right
7 now and let someone else talk and we'll go around the table.

8 We'll start with Dr. Katherine Wilson.

9 Kat, what do you have?

10 BY DR. WILSON:

11 Q. I wanted to go back to the line of questioning about the en
12 route inspections that you might do. Do you ever do an en route
13 during an OE?

14 A. Yes, yes.

15 Q. Do you do anything different?

16 A. Anything different?

17 Q. Yeah, when you're doing -- are you looking for anything
18 different when you're doing an en route and there's an OE going on
19 versus just a normal en route?

20 A. Well, you're watching the -- just like a normal en route, the
21 captain, the first officer, who's usually on OE. Maybe it's the
22 captain on OE with another captain.

23 Q. Okay.

24 A. Just observing them.

25 Q. All right. How does that typically go? What are you -- what

1 is the interaction like between -- let's say it's a first officer
2 on OE, is there a lot more teaching going on?

3 A. How do I put this? Sometimes there's teaching going on with
4 him because he is a new pilot --

5 Q. Right.

6 A. -- or a new first officer. Or, and the case may be a new
7 upgrade captain. But there's not usually a lot of teaching going
8 on, there's more afterwards when they talk about it.

9 Q. Okay. Like a debrief after the flight?

10 A. Like a debrief.

11 Q. Okay. All right. Do you think when you're doing
12 observations of, let's say a captain, a first officer, with the
13 first officer on OE, do you think they're performing at the level
14 that you would expect? Like --

15 A. Yes. Yes.

16 Q. Okay. All right. When's the last time you did an en route?
17 If you said that before, I missed it. I'm sorry.

18 A. I'm trying to -- I can't remember exactly when.

19 Q. Okay.

20 A. It was about a couple of months ago maybe.

21 Q. Okay.

22 A. Something like that.

23 Q. And how about the last time you might have done an en route
24 on an OE?

25 A. About that time. I can't really -- like I said, Tom does

1 most of them now as the APM.

2 Q. Right. Okay.

3 A. And I do, do some.

4 Q. Warren asked you about crew resource management. As a part
5 of the Miami Air's training for crew resource management do they
6 include any discussion either in CRM or other training about
7 workload management?

8 A. Yes.

9 Q. Okay. Do you recall any specifics of what they cover
10 regarding resource management?

11 A. No.

12 Q. Okay. Do you know if the accident crew is back flying at
13 Miami Air?

14 A. I'm sorry?

15 Q. Do you know if the accident crew is back flying?

16 A. I'd have to ask Mr. Joffrion. I think they -- are they back
17 flying? I'd have to refer that one back to him --

18 Q. Okay.

19 A. -- and see if they --

20 Q. So you would not be a part of that process or that decision
21 making?

22 A. Oh, yes, I would. Yeah.

23 Q. Okay.

24 A. Yes.

25 Q. But you don't -- do you recall any discussion about them --

1 A. Yes, yes.

2 Q. -- going back to flying the line?

3 A. Right. m I do.

4 Q. Okay. And can you share any information about what the
5 discussion -- when it was and what the outcome was?

6 A. Yeah. They did a complete simulator training with him, on
7 him, on both of them, with scenarios that Miami Air came up to
8 kind of duplicate those conditions that they might have again, and
9 that was observed by Tom, the training. And then they asked if
10 they could put him back on the line and I -- they ran him through
11 their SMS process and said they felt like he was ready to go back
12 on the line, and so they put him back on the line.

13 Q. Okay. Was there any discussion about either pilot having a
14 709 ride?

15 A. No.

16 Q. No. Okay. Do you know why that was?

17 A. Yeah. I didn't see the purpose of a 709 ride on him because
18 it is not a -- I didn't think that would -- because he has not
19 lost his proficiency or anything like that. I thought maybe that
20 what they were doing with this specific check ride and training on
21 him was adequate, was better than a 709.

22 Q. Okay. Can you describe for me the compliance philosophy or
23 compliance program that the FAA has?

24 A. The new compliance philosophy they have?

25 Q. Yes.

1 A. Well, it's a big -- what do you mean? What part of it? What
2 do you mean?

3 Q. What does it mean to you as a POI?

4 A. I like it. It means to me, because rather than just -- you
5 can sit down and discuss it with them, whatever the issue is,
6 whatever you have found, you sit down and discuss it. They can
7 come up with a fix for it and, if you accept their fix for it,
8 then you monitor it and see if that is -- has taken care of it.

9 Q. Has anyone, Tom or anyone else, come to you with any safety
10 concerns that they have about Miami Air?

11 A. No.

12 Q. No. If somebody did come to you with a safety concern, what
13 would you do?

14 A. I'd investigate it. I would find out what their concern is
15 and why.

16 Q. Okay. And you'd feel comfortable doing that?

17 A. Yes.

18 Q. Okay. My question went out of my head. Do you receive any
19 reports from Miami Air like quarterly safety reports of maybe ASAP
20 reports or other safety concerns that pilots might have submitted
21 to Miami Air, are you involved in that?

22 A. Yes. They have an ASAP program --

23 Q. Okay.

24 A. -- and I'm involved in that.

25 Q. All right. How many ASAP reports do you say Miami Air gets a

1 quarter, a year, whatever is a good quantifying --

2 A. Quarterly, they will average -- I'm trying to think now --
3 maybe six, something like that, reports.

4 Q. Six a quarter?

5 A. Yeah. They do it -- I mean, ASAP meetings are quarterly --

6 Q. Okay.

7 A. -- and they submit them and -- but they're -- and then I, you
8 know, review them. A lot of the reports are accepted, a lot of
9 the reports are not. They don't --

10 Q. Okay.

11 A. And a lot of them we get through, that we know about, that
12 are -- they're like a pilot deviation or something like that. But
13 then they turn in a lot of other reports that we wouldn't know
14 about.

15 Q. What about safety concerns about the company?

16 A. About the company?

17 Q. Uh-huh.

18 A. I don't think that -- I don't have any safety concerns really
19 from them.

20 Q. That's good.

21 A. Yeah.

22 Q. Why do you think that is?

23 A. I think they work -- the pilots and the company work well
24 together on their safety issues. As far as what do you mean by
25 safety issues, something -- what do you mean? That they --

1 Q. It could be, it could be anything. Safety concern about
2 flight operations, a safety concerns about flying into a
3 particular airport. There's no hidden message here. I'm just
4 curious if --

5 A. No, I know.

6 Q. -- pilots have concerns about safety, how do they report them
7 to the company and then what is the FAA's role in that process?

8 A. Right. The pilots report it through the ASAP program --

9 Q. Okay.

10 A. -- any issues that they have.

11 Q. All right. Is that the only way that pilots can report
12 safety concerns?

13 A. I'm sorry?

14 Q. Is that the only way that pilots can report safety concerns?

15 A. No, they have -- they can do it through their SMS program
16 too.

17 Q. Okay. All right. Are you involved in that process, if any
18 concerns get reported through the SMS program?

19 A. Yes.

20 Q. Okay. What is your role in that?

21 A. I'm trying to think what -- as far as I get those -- some of
22 those safety reports they have.

23 Q. Okay.

24 A. They have meetings and I go to those meetings and see what
25 those things are.

1 Q. Okay. Do you recall any recent safety concerns discussed at
2 those meetings?

3 A. No.

4 Q. Okay. Have you had to make any suggested changes or -- sorry
5 -- have you suggested changes to Miami Air, whether it be to
6 training, a manual, anything to do with flight operations, have
7 you ever suggested that Miami Air make a change?

8 A. Yes.

9 Q. Okay.

10 A. Well, not a change, but we talked about with the new pilots
11 including maybe some more cockpit procedure training things. When
12 Tom would see things out there that he saw, and he would come and
13 tell me, you know, maybe they need a little more time here talking
14 with the new pilots about new pilots. So we made suggestions to
15 Miami Air about it and they've made changes.

16 Q. Okay. Do you feel that Miami Air is receptive to
17 suggestions?

18 A. Yes.

19 Q. Okay.

20 A. Yes.

21 DR. WILSON: I think that's all the questions I have for now.
22 Thank you. I reserve my right on the second round.

23 MR. CRUM: Pardon? Uh-oh, round two. Here they come.
24 They're saving the best for last.

25 DR. WILSON: Yeah. Thanks, Warren.

1 MR. ABRAMS: Thank you.

2 Shawn.

3 MR. ETCHER: Sure.

4 BY MR. ETCHER:

5 Q. You doing all right? Need a break? You good?

6 A. I'm good.

7 Q. All righty.

8 A. Yes, sir.

9 Q. Thank you for all you've given us so far. It's helped me
10 kind of see what you do and all that kind of helps, so that gives
11 me more questions, but I'm sure you expect that. You made a
12 statement earlier at the beginning that you can always use more
13 people. I think everybody in the federal government --

14 A. Yeah.

15 Q. -- always says that --

16 A. Right.

17 Q. -- we can always use more people. Where could you use more
18 people though? If they'd come up to you and said, hey, we're
19 going to get you so many people, where would you use them?

20 A. Surveillance.

21 Q. Okay. Surveillance, so you can get more in or is it just
22 because of the logistics in doing all the surveillance, that
23 that's where the time -- or is it a combination of everything?

24 A. It's a combination of doing this and then -- they fly
25 everywhere, all over the world, literally, and sometimes it's hard

1 to get, for us here, sometimes maybe to get an en route in or
2 something because of the way they fly. They hardly -- very rarely
3 fly much out of Miami itself. When they leave Miami, they're
4 gone, and so you might have to catch them. They can use more help
5 in having somebody in a different area or something do an en route
6 on them out of one of those cities or something like that.

7 Q. Okay. You're right, I never realized until starting this
8 investigation that Miami Air does go everywhere. And, you know, I
9 think an individual in this room recently was in Fiji for a while
10 and, you know. Can you -- how is it -- could you get surveillance
11 over to them or is that kind of we're not going to go there
12 because that's challenging for you guys? How can you -- let me
13 rephrase that. That's really not a question, is it? That's
14 really wrong.

15 Can you go to anywhere and do surveillance or do you guys try
16 and stick within the --

17 A. No.

18 Q. -- Continental U.S.? Kind of help me understand where you
19 look at doing your surveillance?

20 A. We do it here, but I could go to -- well, we have -- one of
21 the maintenance inspectors is in Fiji now and I could go to Fiji
22 if -- but the way things -- it's not easy because you have to work
23 out all kinds of country clearances and different things like
24 that. They fly out of Amsterdam, they're flying out of Fiji, and
25 when you go over there it's -- you have to get country clearances

1 to go to these different places and it takes time. It's time-
2 consuming, but --

3 Q. Okay. I understand. So, and forgive me, I'm not trying to
4 put words in your mouth. But typically you're going to do en
5 routes if it's relatively domestic?

6 A. Yes.

7 Q. Okay. And you said you -- most of their flying they leave
8 here and they don't come back --

9 A. Well --

10 Q. -- for a little while?

11 A. It would be hard to do a trip out of here where it left Miami
12 and came back to Miami in the same day. You could go somewhere
13 else, come back on somebody else; that's the way we do it.

14 Q. Okay. And I know you said you do about two en routes a year,
15 give or take?

16 A. Yeah.

17 Q. The last one you did --

18 A. Because Tom is doing most of them now. Tom does a lot.

19 Q. Okay. And he told us he did quite a few and it was kind of
20 interesting how he gets there. But the last one you did -- I know
21 it's been a little while, you may not recall where you flew to and
22 from, but did you have to -- were you able to en route out of
23 Miami to there and back, or was it one of those you had an
24 airline?

25 A. No, that was one where I was able to go out and back.

1 Q. Okay. All right. You mentioned that Miami Air or you guys
2 have a maintenance inspector for Miami Air over in Fiji right now.
3 So obviously you don't oversee everything at Miami Air because
4 you're busy doing your duties, right?

5 A. Yeah.

6 Q. Do you interact with the -- forgive me if I get the initials
7 wrong -- the PMI, the PAI? Am I getting those initials close?

8 A. Every day.

9 Q. Okay. Do you guys have standard meetings every day or is it
10 just you see each other in the office and you communicate?

11 A. No, we meet about once a week or something together. But we
12 see each other and we talk every day.

13 Q. Okay. Do they ever -- during your meetings or when you guys
14 talk, do they ever mention any concerns that they've seen from
15 their side of what they oversee? Yu know, if there's a
16 maintenance issue do they ever --

17 A. They do. We talk about it together.

18 Q. Okay, okay.

19 A. Because a lot of our stuff touches, but -- and they talk
20 about their things.

21 Q. Okay. Do you guys have a pretty good relationship together?

22 A. Yes.

23 Q. That's good to hear. All righty. I know you said you deal
24 with Miami Air's ASAP program?

25 A. Yes.

1 Q. What do you think of that program?

2 A. The ASAP program itself?

3 Q. The ASAP program as itself.

4 A. I like the program.

5 Q. Why?

6 A. Why?

7 Q. Yeah.

8 A. We find out things that we would never know before. I mean,
9 when they -- the things that they -- that happens out there that
10 they know and they tell us. They'll tell us about different --
11 well, just different things on that. Obviously the non-sole
12 source stuff we know about, but this is the sole stuff they tell
13 us about. And we've made -- there's been changes made because of
14 the things that they tell us. I think it's a good program, I do.

15 Q. All right. You beat me to my next question. I was going to
16 ask if you see something do they do any change. So you beat me
17 there, so --

18 A. Yeah.

19 Q. Are you on the ERC or does somebody else do that ERC work for
20 you?

21 A. I am on it.

22 Q. Okay. In your opinion, how does the dynamics work between
23 you, Miami Air, and the Teamsters, the union? I assume all three
24 of those are part of the ERC?

25 A. Yes.

1 Q. How is that interaction, that dynamic? Is it a good working
2 relationship?

3 A. I think it is.

4 Q. Do you feel like it's an open enough relationship that if
5 somebody has a concern on that ERC that you guys can voice it
6 amongst yourselves?

7 A. Yes.

8 Q. That's good. All right.

9 A. I do.

10 Q. All righty. I think Katherine had asked you about the crew,
11 the accident crew, and that you, I think, would discuss the 709
12 and, forgive me -- I'm not putting words in your mouth, but you
13 didn't see a need for it? Or I'm paraphrasing, but --

14 A. Right.

15 Q. You use more eloquent words than I do, so --

16 A. No.

17 Q. If something comes out as this investigation progresses, do
18 you have the right to revisit that 709 or when you say, no, we're
19 not doing a 709, that's died in stone, it's done? Help me
20 understand how that process would work?

21 A. You mean could I decide to do a 709 at a later time or
22 something?

23 Q. Yes. I mean, and forgive me if I misunderstood, but I
24 interpreted what you said is you guys talked about a 709 --

25 A. Yes.

1 Q. -- and you did not see a need, whether you decided we're not
2 doing it --

3 A. Right.

4 Q. -- or you didn't see a need. But if something comes out
5 later, can you go back and say, whoa, something came out, we need
6 to revisit this?

7 A. I don't -- it would have to be -- this one is taken care
8 of --

9 Q. Okay.

10 A. -- I believe. If something else happened or something like
11 that, maybe could come back and look at it.

12 Q. Okay. Now I'm not talking if they do something later.

13 A. Not for this though.

14 Q. Okay. So this accident crew's event is done? You're --

15 A. As far as, yes, this crew.

16 Q. Okay. Okay, makes sense. But you had said that Miami Air
17 put them through a whole scenario and all that. Tell us what that
18 entailed. I'm sure you either oversaw it --

19 A. Right.

20 Q. -- or you were involved with that, so kind of tell us what
21 you can recall of it. I know you don't have all your stuff here
22 with you.

23 A. No. But they submitted the scenario to me and this is what
24 we're going to do, and I agreed with it and Captain Joffrion came
25 up with that training scenario and I thought it was good. And

1 they've included it now in their training, and then Tom observed
2 it.

3 Q. Okay.

4 A. Tom was okay with what he saw, so --

5 Q. Can you tell me a little bit about that scenario that you
6 said was good?

7 A. They --

8 Q. Yeah, what did they have for the crew to do? What -- tell me
9 what they had the crew doing?

10 A. What they had the crew doing, they tried to -- came up with
11 something to simulate the conditions of what they encountered:
12 wet runway, changes in conditions at the airport, MEL items, I
13 guess, that were included on it. They couldn't do one in
14 Jacksonville itself because that's not in the simulator, but they
15 tried to duplicate it as best they could coming from Airport A to
16 Airport B and giving them the changes along the way.

17 Q. Okay. All right.

18 A. And, you know, landing over a barrier and things like that.

19 Q. Okay. You talked about they give them a wet runway. Since
20 I'm sure you've seen all their training over the course of your
21 time as POI, has wet runways, non-grooved runways, anything like
22 that, ever been in your mind something that you think about in
23 training? Like, hmm, we trained this; oh, they trained it well,
24 or maybe we should train this? You know, with your experience, is
25 that something that's been on your guys' radar?

1 A. No.

2 Q. Okay. Okay.

3 A. I mean, because --

4 Q. Help me understand a little bit of what you would expect. I
5 know you've flown for a couple different air carriers so you've
6 got some great experience, which I hope you translate that
7 experience teaching others as well because no reason to reinvent
8 the wheel, right?

9 A. Right.

10 Q. And with all your experience and you're sitting on the jump
11 seat, and if the crew's flying in and they get an EGPWS alert --
12 I'll give you some terrain, bank angle, things like that, what
13 would you expect a crew to do? They're, you know, below 1,000
14 feet when they get these alerts. What would you -- if you're
15 sitting in the jump seat, what would you expect to see them doing?

16 A. If they get a GPWS alert or something like that, I would
17 expect them to go around for that.

18 Q. For any GPWS alert or just certain ones? I don't want to put
19 words in your mouth.

20 A. Obviously terrain.

21 Q. Terrain.

22 A. You get a terrain warning, you'd go around, or if you get --

23 Q. How about bank angle?

24 A. Pardon?

25 Q. How about bank angle?

1 A. For bank angle, straighten that out. But terrain --

2 MR. SMITH: I would like to interject for one second.

3 MR. CRUM: Yeah.

4 MR. ETCHER: Sure.

5 MR. SMITH: If you need more specific details for the
6 hypothetical scenario, you can ask --

7 MR. CRUM: No.

8 MR. SMITH: -- and they'll provide you with more specifics if
9 you need them.

10 MR. CRUM: Yeah. What else are you looking for? As being --

11 BY MR. ETCHER:

12 Q. And I guess let me jump forward just a little bit here
13 because, you know, GPWS gives you a whole lot of different alerts,
14 right?

15 A. Exactly.

16 Q. And I know Miami Air, and correct me if I'm wrong, they have
17 a procedure that if they get something they can say correcting,
18 and they correct the alert and silence it --

19 A. Right.

20 Q. -- if you will, to correct it? But if they kept getting the
21 same alert, even though they kept saying correcting, like bank
22 angle, sink rate, don't sink, things like that, would you expect
23 them just to keep saying correcting and continuing or would you,
24 after a couple of times hearing that, expect them to do something
25 different?

1 MR. SMITH: And, again, not to get too much on the details,
2 but when you say a couple of times?

3 MR. ETCHER:

4 Q. If they got sink rate two separate times, would you expect
5 the crew to just say correcting or would you expect them after the
6 second time to say, all right, let's go around, let's try this
7 again? What would you expect?

8 A. I would expect to go around.

9 Q. Okay, okay. I'm mean. I'm going to ask the question why?

10 A. Why what?

11 Q. Why would you expect them to go around? Help me understand
12 why. Why, if they say correcting, why would you expect them after
13 the second time to go around of this alert?

14 A. Yeah. Normally on an unstable approach you would go around.
15 And if you kept getting those alerts, then maybe you should go
16 around and come back and try it again, a stabilized approach.

17 Q. Okay. That helps. Thank you. I just -- I always like to
18 understand how people come up with what their expectations are so
19 I don't make assumptions. Thank you for that clarification.

20 You talked a bit about -- early on, about all your experience
21 at Air Florida, Midway, Carnival, and then you came to the FAA
22 back in '98, I believe. Did I get that right?

23 A. '98.

24 Q. All right. Have you been a POI or an assistant POI at
25 anywhere else other than Miami Air?

1 A. Yes.

2 Q. Where?

3 A. Falcon.

4 Q. Okay.

5 A. I was a POI at Falcon for a short period of time.

6 Q. Okay. How would you classify FAA's staffing overseeing
7 Falcon with what you have now overseeing Miami Air? How would you
8 classify that staffing? Are you just -- are you better staffed
9 overseeing Miami Air or were you better staffed at Falcon? I know
10 they're two different operators, two different things. I'm just
11 trying to understand workload, if you will, for you.

12 A. For me?

13 Q. Uh-huh.

14 A. It was about the same, the staffing, same.

15 Q. Okay.

16 A. Staffing for Falcon, staffing for Miami Air, same -- same
17 workload.

18 Q. Okay. All righty. You mentioned something earlier, and I've
19 heard the name but I don't know what it stands for, you said SAS,
20 you spend a lot of time in SAS, which I'm sure that's a word that
21 nobody likes to say over and over, but what is SAS? Do you know?
22 And if you don't know the acronym, that's okay, of what it means,
23 that's okay.

24 A. No. That is a system now that we do our surveillance under,
25 Safety Assurance System.

1 Q. Okay.

2 A. It replaced ATOS.

3 Q. Okay. I know that. So thank you. I just -- I've heard it
4 thrown around and I just wanted to make sure I knew what it was,
5 so --

6 A. Yeah.

7 Q. Okay.

8 A. That's what replaced ATOS as our -- the way we do our
9 surveillance, the way we do our work at the FAA.

10 Q. Okay. All righty. I know Warren had asked you about the
11 checklist and, you know, the "declare" I think is what it's called
12 in that. From your experience that you've had, have you ever seen
13 declare on a checklist like this before?

14 A. I can't remember.

15 Q. Okay. And, hey, "I don't know," "I don't remember" is just
16 fine.

17 A. No. Yeah.

18 Q. I was just -- because I know you've had a lot of experience
19 and I'm just trying to see if it's just something I've never seen
20 or if you have. I'm just curious. Okay.

21 Let's say Miami Air has a flight going somewhere and Tom is
22 doing the en route and he gets somewhere but during that flight he
23 noticed something of concern to him, or if you're doing an en
24 route and you noticed something of concern, how would you -- what
25 could you do at that point when you land? What would you do?

1 A. As far as --

2 Q. If you saw something that gave you concern in en route --
3 while you're doing an en route. If the crew did something, you
4 know, what would you do? Would you discuss it with the crew?
5 Help me understand what you would --

6 A. Oh, if you saw something that was of concern to you on an en
7 route, then you would say something to the crew.

8 Q. Okay. What if it was a safety item that you're like, boy,
9 this needs to be addressed? Do you -- can you make that call
10 right -- that judgment call right there on the crew? Do you need
11 to talk to anybody? What's your guys' protocol if there's
12 something like that here?

13 A. I would talk to the crew about it.

14 Q. Okay.

15 A. And then I would also talk to the company about it.

16 Q. Okay.

17 A. Depending on what it. you know, what it was.

18 Q. Okay. Is that something Tom would do also?

19 A. Yes.

20 Q. Okay.

21 A. Well, I can't speak for Tom, but he --

22 Q. And I apologize. Is that something you would expect?

23 A. Yes.

24 Q. Okay. All right. If a pilot was having trouble in training,
25 challenges, learning, all that -- they have to drink from that

1 fire hose during training, they're having challenges, do you
2 become aware of that or is that all internal to Miami Air and you
3 just know when their check ride is coming up?

4 A. No, I become aware of it.

5 Q. How so?

6 A. They tell me.

7 Q. Okay. And do you do anything with that or is it just you
8 keep it kind of in the back of the gray matter in case it comes up
9 later?

10 A. What do you mean, do I do anything with it?

11 Q. Do you sit down with Miami Air and say, well, let's see what
12 we can do to help this guy or this pilot? What do you do when you
13 get that information? What do you do with it?

14 A. Well, I sit down with Miami Air. Miami Air, before I even --
15 it gets to that point, Miami Air has already made -- they've
16 decided what they're going to do with this individual, and then
17 they'll tell me whatever their decision with him. But I'll know
18 about -- they will tell me. They don't ever hide anything from
19 me.

20 Q. Okay. All right. I assume you keep track of pass/fail
21 rates?

22 A. Yes. Yes, I do.

23 Q. Do you -- can you recall when the last unsatisfactory check
24 ride was?

25 A. Do I recall? Excuse me.

1 Q. When the last failure of a check ride or --

2 A. No. I don't know.

3 Q. Okay.

4 A. I get a report.

5 Q. Okay. How about en route inspections or line checks -- I'm
6 sorry -- line checks? I said en route; I meant line checks. Do
7 they tell you if a crew doesn't pass a line check also --

8 A. Yes.

9 Q. -- or is it just in the simulator?

10 A. No, they will tell me if a crew doesn't pass -- if someone
11 doesn't pass a line check. And obviously, if someone has a
12 problem in the simulator or doesn't pass the simulator, they tell
13 me.

14 Q. Okay. Can you classify your working relationship with Miami
15 Air? It seems like they tell you a lot of things, so --

16 A. They do.

17 Q. -- I can draw what I think from that, but I'd rather hear it
18 from you.

19 A. I think I have a -- that we have a good working relationship.

20 Q. Okay.

21 A. Myself and Miami Air.

22 Q. Okay. Excellent. I was probably -- when I flew, I was
23 probably one of those weird pilots. I actually enjoyed, in a
24 scary sort of way, when FAA would come and sit on my jump seat,
25 because I could talk with them and, you know, when in cruise; we

1 could communicate -- you know, it's nice to have a face and a name
2 type of thing. I know some pilots may not necessarily look at it
3 quite that way.

4 Do you have any pilots talk to you while you're en route, ask
5 you questions? Do you hear any complaints about what a pilot's
6 going through from pilots, you know, at Miami Air? Do you ever
7 hear any complaints about that?

8 A. No.

9 Q. Okay. All righty. My last set of questions here is the
10 electronic flight bag.

11 A. Yes.

12 Q. What do you think about that?

13 A. The EFB?

14 Q. Yeah.

15 A. I like it. It's good. It's a good tool.

16 Q. Okay. How so?

17 A. I'm sorry?

18 Q. How so? How is it a good tool?

19 A. Because you can put the information into it and it gives you
20 whatever -- the data that you're looking for, as opposed to you
21 having to go to a manual or a book and looking the data up. It's
22 in the electronic flight bag: Takeoff data, landing data, cruise
23 data, it's all there.

24 Q. Okay.

25 A. Put the information in and --

1 Q. Now I understand, and please correct me if I'm wrong, or if
2 you don't know it's okay, that Miami Air pilots, their EFBs, they
3 can't connect in flight. And do you know if that's --

4 A. What?

5 Q. They don't hook up to the internet in flight. Is that
6 correct, do you know?

7 A. I'm going to refer to Captain Joffrion. I don't think
8 they ---

9 Q. Let me rephrase that question. If a pilot is en route --

10 A. Yes.

11 Q. -- and he wants to look at weather. I know he's got the
12 weather radar on board, but, you know, the iPads, the EFBs will
13 have apps --

14 A. Right.

15 Q. -- that people can go and look at weather. Do you know if
16 they can do that yet? And if you don't know, "I don't know" works
17 good too.

18 A. I don't know.

19 Q. That works as well. All righty. So, in essence, because we
20 don't know about that, let's talk about the weather, on board
21 weather radar that Miami has on their 7-3s. I know they have a
22 couple different versions of radar. Have you ever seen crews use
23 that radar while you're doing an en route?

24 A. Yeah.

25 Q. How do you think their proficiency is with using the radar?

1 A. From what I've seen, it's good.

2 Q. Okay.

3 A. They know how to use it.

4 MR. ETCHER: Okay. That's good to hear.

5 I think that's all I have at this point.

6 MR. ABRAMS: All right.

7 MR. ETCHER: But I'll be like Kat, I'll reserve my rights.

8 MR. CRUM: Yeah, you reserve the right to come back.

9 MR. ABRAMS: How are you doing, Stan? You doing all right?

10 Do you need to take a break?

11 MR. CRUM: I'm fine, sir.

12 MR. ABRAMS: All right.

13 MR. CRUM: Any of you guys?

14 MR. ABRAMS: We'll keep moving on. Rich?

15 MR. LEE: Yes, sir, I have just a couple questions, maybe
16 just one.

17 BY MR. LEE:

18 Q. When you approved a checklist, do you compare it to the
19 Boeing checklist or the Boeing procedures?

20 A. Yes.

21 Q. And when you do a comparison, do you keep track of the
22 differences?

23 A. What do you mean the differences?

24 Q. Possibly one way is some sort of document that says Miami Air
25 is different in this way; these items are different from the

1 Boeing procedures.

2 A. I don't --

3 Q. They have the checklist -- this specific checklist, this
4 item, the Boeing procedure says X and Miami Air says Y?

5 A. Miami Air pretty much follows the Boeing checklist.

6 MR. SMITH: Did you understand his question?

7 MR. CRUM: Do I what?

8 MR. SMITH: Did you understand the question?

9 MR. CRUM: I guess not exactly.

10 MR. SMITH: Well, I just wanted to make sure.

11 BY MR. LEE:

12 Q. I was just wondering -- you answered, I think, you said you
13 do compare Miami Air requested for your approval to the Boeing
14 procedures?

15 A. Right.

16 Q. And then I said -- and you said, yes. And then I said, do
17 you keep track of the differences? And then I gave you an example
18 of a difference that if there's a checklist item that a response
19 is different on the Boeing procedure than the Miami Air procedure,
20 do you keep track of that somehow on a document?

21 A. Do I document it somehow?

22 Q. Yeah.

23 A. No.

24 MR. LEE: Okay. That's all I have.

25 MR. CRUM: But, I mean, I do look at it. I look at theirs; I

1 look at the Boeing checklist. They follow the Boeing -- pretty
2 much follow the Boeing checklist. You know, like you said, on the
3 Boeing -- this says declare; the Boeing checklist might say on,
4 off or whatever.

5 MR. LEE: Sure. That's all I have. Thanks.

6 MR. ABRAMS: Dave.

7 BY MR. THOMPSON:

8 Q. Hey, Stan. You mentioned SAS. Shawn was asking about that.
9 Tell me what is it for you and what kind of information do you put
10 in, you know, what does it give you as -- I guess what I'm getting
11 at, as POI you're not just an OPS guy, you're kind of in charge of
12 the whole airline, right?

13 A. Not in charge of the whole airline, no, but --

14 Q. Well, responsible for --

15 A. The flight operations side, right.

16 Q. Yeah. The maintenance guys report to you, the avionics --

17 A. Um-hum.

18 Q. Kind of or not?

19 A. They don't report to me, no.

20 Q. Okay. So if maintenance has a deal going on, do you know
21 about it?

22 A. Yes, usually.

23 Q. Okay. And how do you know about that?

24 A. They tell me.

25 Q. Okay. Can you -- does SAS give you that?

1 A. No.

2 Q. Okay.

3 A. My SAS is flight operations stuff.

4 Q. Okay, cool. And how many hours a day do you spend on SAS
5 about, or a week, just a rough estimate?

6 A. I don't know, 2, 3 hours a day.

7 Q. Yeah, a lot.

8 A. It depends on what's going on.

9 Q. Right. And the information it gives you, what do you get out
10 of SAS? I mean, you're spending a lot of time in there but what
11 does it give you that you can use for your job?

12 A. Let's see. As you know, SAS is a surveillance tool, the data
13 collection tools. And when you get the data, as you know, you can
14 -- you do your DCT, that's your data collection tool, has all the
15 information on it, and you can see trends. Maybe they're not --
16 they're saying it was good this time, but maybe this time there
17 were some different things on it. And then you can look at it and
18 decide what do you want to do with it. You know, notify the
19 company of your findings obviously, and then how are we going to
20 correct the problems that we have found.

21 Q. Okay, thanks. And do you like that tool? Don't compare it
22 to ATOS because --

23 A. Do I like SAS?

24 Q. -- (indiscernible) compared to ATOS. But what do you feel --
25 is it effective?

1 A. I think so, yeah.

2 MR. THOMPSON: Getting there. Okay. That's all the
3 questions I have.

4 MR. ABRAMS: Thank you, Dave. Todd.

5 MR. GENTRY: Just a couple real quick, if you don't mind.

6 BY MR. GENTRY:

7 Q. Stan, if you don't mind, we talked about compliance
8 philosophy just a little bit, and you alluded to it, and I don't
9 want to put words in your mouth, but I'm going to paraphrase, that
10 you felt it was a good -- compliance philosophy was a good
11 thing --

12 A. I do.

13 Q. -- because you could work with the company to resolve safety
14 issues --

15 A. Right.

16 Q. -- or any issue, right?

17 A. Yeah.

18 Q. If you needed to do an enforcement action, do you still have
19 the right to do that or the authority to do that?

20 A. Yes, sir.

21 Q. Okay. So with that said, if you decided that additional
22 training for a crew at the time was acceptable and then you
23 accepted that additional training, if you changed your mind later,
24 could you -- do you have the authority to go back and say I
25 changed my mind, I want to do something different or I want to do

1 a 709 or I want to do something else? Do you have that authority?

2 A. Well, I think so. Yeah.

3 MR. GENTRY: Thank you. That's all I have.

4 MR. ABRAMS: Thank you Todd. Darrin.

5 MR. NELSON: Yeah, actually I do, I do have something this
6 time. It relates to what you were talking about on the checklist
7 and the use of the word declare.

8 BY MR. NELSON:

9 Q. All right. Now as of the Miami Air pilots, I may be a little
10 bit more familiar with the checklist than you guys are. But if
11 the response to, say, on the descent approach checklist for the
12 auto brake was simply "set," I think that would be a little bit
13 vague.

14 DR. WILSON: You have a question, right?

15 MR. NELSON: I have a question.

16 DR. WILSON: Okay. Just checking.

17 BY MR. NELSON:

18 Q. Now on the auto brake there are five settings: There's off,
19 1, 2, 3 and max. Do you think, Stan, that there is any
20 possibility that the use of the word declare on our checklist
21 means anything to our pilots other than declaring which one of
22 those five settings that we're using for the landing?

23 A. No, I don't. I understand -- when I read that, I understood
24 that -- auto brakes 2, auto brakes off, or auto brake as opposed
25 to auto brake on --

1 Q. Right.

2 A. -- or just auto brake off.

3 Q. Okay. Thanks. I have one more as it relates to the GPWS,
4 ground proximity warning system. It has both cautions and it has
5 warnings. Now a warning such as "Terrain, terrain, pull up," I
6 know we'd be required to do a go-around. Are you familiar with
7 the difference if we get a caution while we're in visual
8 meteorological conditions and we're able to visually ascertain
9 that there is no obstacle or --

10 A. Right.

11 Q. -- or terrain in front of us, are we still required to do a
12 go-around with a caution under those conditions?

13 A. Are you saying like if -- give me an example.

14 Q. Sink rate.

15 A. Sink rate?

16 Q. It's a caution and --

17 A. Yeah.

18 Q. -- we're visual, we can see the runway and we're able to
19 correct the problem.

20 A. Yeah. You wouldn't have to do a go-around in that. You see
21 the runway, it tells you sink rate, you correct for that.

22 Q. Okay.

23 MR. SMITH: I think I need to go on the record to say that
24 we've put forth a lot of hypotheticals that the interviewee has
25 been asked to put himself in the position of --

1 MR. NELSON: Right.

2 MR. SMITH: -- a pilot flying.

3 MR. NELSON: Right.

4 MR. SMITH: That there may be several additional factors that
5 could contribute to the decision the pilot flying would need to
6 make. And while he is giving some opinions, I would like it to be
7 on the record that there are several other factors that could play
8 into affecting the pilot flying.

9 MR. NELSON: I was just trying to clarify that a caution
10 while in visual conditions, that the pilot can come on at the time
11 and does have the responsibility to ascertain whether they can
12 correct the situation and continue with the approach as opposed to
13 doing a go-around.

14 MR. SMITH: Understood. And I don't mean to temper your
15 questions. I just want to put something on the record as well.

16 MR. NELSON: That's it.

17 MR. ABRAMS: Thank you, Darrin. Steve.

18 BY MR. JOFFRION:

19 Q. Stan, do you receive a quarterly check airman activity report
20 from Miami Air?

21 A. Yes, I do.

22 Q. And how often do you receive that?

23 A. Quarterly.

24 Q. Okay. And what appears on that activity report?

25 A. On that activity report, everybody that was checked in that

1 quarter, whether the check ride was satisfactory or unsatisfactory
2 and why. It would be, yeah, the satisfactory reports and the
3 unsatisfactory reports, and it was unsatisfactory because or
4 you'll put the initials. I get that quarterly.

5 Q. Okay. On that report it includes all check rides?

6 A. Yes.

7 Q. I mean like line checks?

8 A. Line checks and simulator checks.

9 Q. Simulator checks. So it includes all checks?

10 A. Yeah.

11 Q. Got it, okay. Before a checklist change is submitted to you,
12 as far as the Miami Air side of the house is concerned, is there a
13 SMS process in place that is followed before -- if you know --
14 before you receive it?

15 A. Are you asking me does Miami Air have an SMS process?

16 Q. Do they use the SMS process before a change to a checklist is
17 submitted to you for your approval?

18 A. Yes, don't you have a Form 100, an Org Form 100, that you
19 use?

20 Q. And could you explain what the Org 100 form is for those of
21 us who are not familiar with it?

22 A. What --

23 Q. Just the basics what is the form and why do we even have it?

24 A. What your form -- what your Org 100 Form is, it's for that.
25 Whenever you make a change, as I know about it, who else does it

1 affect? Does it affect maintenance? Does it affect the flight
2 attendants? Who else is affected by this change? And then each
3 department head has to sign off on what you're doing.

4 Q. So I'm trying to be careful here. I'm doing the best I can.
5 Okay. As far as you know is there a risk management --

6 A. Yes.

7 Q. -- process accomplished --

8 A. Yes.

9 Q. -- before it goes to you? Okay, fine. Thank you. That's
10 all I have.

11 MR. JOFFRION: I'm done. Thank you.

12 MR. ABRAMS: Thank you, Steve.

13 Stan, we're going to go around the table one more time. This
14 is a much short iteration than what we just went through and we'll
15 just have some follow-up questions. Do you need to take a break
16 or anything?

17 MR. CRUM: I'm okay for now.

18 MR. ABRAMS: All right.

19 BY MR. ABRAMS:

20 Q. Stan, Shawn asked you about POI at other airlines and you
21 said Falcon, that you were the POI at Falcon. I'm a little
22 confused on -- and I'll say continuous service. I wrote down
23 earlier that you were the POI at Miami Air for 10 years, and is
24 that continuous 10 years or were you the POI at Falcon and then at
25 Miami Air or still at Miami Air for 10 years or --

1 A. I was the POI at Miami Air, and they had an office policy
2 type thing or FAA type thing, reason I don't remember. It came
3 out as to the POI should be type rated on at least one piece of
4 equipment that an airline has. And so what happened here, Falcon
5 Air operated DC-9s in the '80s. Miami Air operates 737s.

6 At that time the Falcon principal was not type rated on the
7 MD-80. She was type rated on the 737 and she was having health
8 issues about flying on the -- riding the jump seat at Falcon on
9 the MD-80. She had -- for health reasons she could not sit in the
10 jump seat. And so the office, to try to accommodate her or
11 whatever, they said -- they asked if there are any other principal
12 inspectors in the office that are type rated on the DC-9. That
13 happened to be me. I was the only one in the office that was
14 rated on the 9. So they said we would like to put her on Miami
15 Air, put you on Falcon, and so do an internal thing, and I agreed
16 to it. So I was on Falcon for a period of time.

17 And then they came back and said, well, you know what, this
18 person doesn't have to be type rated on the airplane, and so
19 through some internal things and other stuff that had nothing to
20 do with -- anyway they put us -- they swapped us back. I went
21 back to Miami Air.

22 Q. Okay.

23 A. And so I've been back on Miami Air.

24 Q. For how long?

25 A. Since '14.

1 Q. Since 2014, okay.

2 A. But I was on it prior to that for way back.

3 Q. Yeah. The word hull loss, did that increase your
4 surveillance on you in the Miami Office from Washington after
5 Miami Air had a hull loss?

6 A. Did it increase their surveillance on Miami Air?

7 Q. On -- yeah. No.

8 A. On me?

9 Q. Yes.

10 A. I don't know.

11 Q. Okay. I was asking the question. All right. In other
12 words, there were no directives that came out of Washington toward
13 the POI for this, that or the other? I mean, there was -- it's
14 still business as usual; there were no directives that came out
15 after the accident?

16 A. Not that I know of.

17 Q. Okay. You would know, so -- all right. So I'm going to take
18 that as a no answer.

19 MR. SMITH: I think the answer was he doesn't know.

20 MR. ABRAMS: Yeah. Okay. All right.

21 MR. CRUM: Don't know, yeah.

22 MR. ABRAMS: Okay. Don't know, all right.

23 BY MR. ABRAMS:

24 Q. NTO, no technical objection. Back to this checklist thing.
25 Does -- if they had -- if Miami Air wants to put something in

1 their checklist that's contrary to Boeing, they will file an NTO,
2 no technical objection. Would your office be privy to that
3 information?

4 A. I don't know whether we, you know, would or not.

5 Q. Okay.

6 A. I don't know.

7 MR. ABRAMS: All right. That's fine. See, I told you this
8 goes much quicker. That's all I have. Thank you.

9 Kat.

10 BY DR. WILSON:

11 Q. Just to follow up on what Warren was asking about. I believe
12 he asked you if the headquarters, FAA headquarters changed
13 surveillance on you -- surveillance, if that's the right word, but
14 just oversight of your role. Did you change -- so my question is
15 then, did you do anything differently in terms of your
16 surveillance of Miami Air since the accident?

17 A. Yes, yes.

18 Q. Can you tell me about that?

19 A. Well, we -- I increased the surveillance or we increased, Tom
20 and I. I increased the surveillance on Miami Air. Surveillance
21 on training, on check airmen. It was all -- mostly all directed
22 in that area: pilot training, check airman, new pilots, and I've
23 added en routes for, more en routes for -- this time including
24 myself in these en routes, and the training program and what
25 they're -- they made the changes to it before I suggested

1 anything, and then they told -- came to me about it with what they
2 were going to do.

3 Q. Is that still ongoing?

4 A. Yes.

5 Q. Okay. Have you found anything?

6 A. In respect to what?

7 Q. I mean, you've started increasing your surveillance.

8 A. Right, right. No, I have not found --

9 Q. Has anything come out from doing that?

10 A. No, not yet. Nothing.

11 Q. Okay. Is there a specified amount of time that you plan to
12 do that surveillance or when will you go back to normal
13 surveillance?

14 A. This is included in -- this is in addition to. So that's for
15 this quarter, for this --

16 Q. Okay. So you're doing it for this quarter and --

17 A. And in addition to normal.

18 Q. Right.

19 A. The stuff that I have added are something to do the
20 additional en routes and training, observe simulator training and
21 en routes.

22 Q. When you do these additional en routes, is there additional
23 paperwork that needs to be done?

24 A. Additional paperwork?

25 Q. Yeah. I mean --

1 A. No.

2 Q. Okay.

3 A. You just --

4 Q. You just do more of it?

5 A. -- put it into my program, this is what we're going to do.

6 Q. Okay.

7 A. And if there's resources needed, then they'll resource it.

8 Q. Okay. Did you need additional resources?

9 A. Not yet.

10 Q. Okay. Do you think you will?

11 A. I might. I don't know yet.

12 Q. And the additional resources come from where?

13 A. This would come from -- I'm trying to think of what the --
14 for example, if I needed another inspector to do an en route that
15 we didn't have in the office, then I would have to ask for that.
16 I can't think of the program now, but put in a request for someone
17 else to do the en route or to observe a check ride or to do a
18 check ride, put the paperwork in for that. I am at a complete
19 blank. I know what it's called but --

20 Q. That's okay.

21 A. And, anyway, you do that, and then it goes out national.
22 They find somebody and they will put them in it.

23 Q. Okay.

24 A. And where the resource money would come in is, does the
25 person have to stay overnight, does the person have to -- whatever

1 is involved.

2 Q. What discussions since the accident have you been involved
3 with at Miami Air about changes to their flight operations?

4 A. I went with Miami Air, and they came up with it too -- or
5 actually Tom suggested it after observing some of his training,
6 about the additional training in the flight training device, which
7 is a device which is like a simulator without motion, where they
8 can learn the checklist, they can learn the procedures. And so
9 they have done that.

10 We went to Boeing, and Boeing has two new training devices
11 that we looked at and observed and have decided to add more
12 training to that curriculum. He can -- Captain Joffrion can tell
13 you about increasing the time in this flight training device
14 before they go in the simulator or in addition to the simulator.

15 Q. And what -- I'm trying to tie this back to the accident.
16 This is because of the accident or it's just something that during
17 this additional surveillance came up?

18 A. It came up during additional surveillance.

19 Q. Okay. So, not necessarily --

20 A. As you know, there are a lot -- pilot pool's drying up. They
21 don't have the experience level out there that you -- they've gone
22 to other airlines or different places so you're getting pilots
23 with minimum requirements or minimum time, you know, and they're
24 not hired unless they meet at least the minimums. But some of
25 them are coming out of the commuter world, some of them are coming

1 out of corporate, and so that's why we've decided to do that. Not
2 because of the accident, but simply because of the pilots that are
3 out there. And like the new class they have now, these people
4 have come from the commuter world or from maybe corporate. They
5 have experience but not like you might have gotten a few years
6 ago.

7 Q Have you heard any concerns relayed to you about either one
8 of the accident pilots?

9 A. No.

10 DR. WILSON: Okay. That's all I have.

11 MR. CRUM: I know the first officer was new but I haven't
12 heard any concerns.

13 DR. WILSON: Okay.

14 MR. ABRAMS: Thank you, Kat. Shawn.

15 MR. ETCHER: I just have a few. I think. Just kidding.

16 BY MR. ETCHER:

17 Q. You may have said it early on and I must have blanked out
18 because I didn't have enough coffee in me or something, but
19 hearing all the stuff you do, all the programs you have to go into
20 and everything, can you walk me through -- I put it in quotes --
21 "typical day" for you? Help me understand what you do in a day,
22 every day?

23 A. What I do on a typical today -- do on a typical day?

24 Q. Yes.

25 A. Okay. Miami Air submits their requests now for flight

1 operations manual changes, AOM manual changes, they submit that
2 into the SAS program now, the external portal where they're
3 allowed to use it. They submit it to me, then I can review it and
4 do. So I review what they have submitted in there as far as
5 operations manual changes or wet lease agreements that they have
6 submitted, and then I do the data collection tool that I might be
7 working on. So I review their -- the submission they have sent me
8 for their manual revisions, for their wet lease agreements that
9 they've sent. I do that, and sometimes I go down there and I talk
10 to them about the issues, but mostly that's what I do.

11 Q. Okay. I know you said Miami Air, if they want a change to
12 their manual they input it into the external portal or --

13 A. Right. Yeah.

14 Q. So you get it. Walk me through what -- you know, what you're
15 doing when you're looking at the change. Do you have a time frame
16 like, oh, I get the change today, I have to have it back to them
17 tomorrow? You know --

18 A. No, there's no time frame. Well, you try to get it back to
19 it when you can depending on what it is. For example, they have
20 sent changes for the flight operations manual, they just included
21 and sent to me the other day -- the FAA just put out a SASO
22 concerning wet runway and braking action. They sent to me a
23 flight operations manual bulletin change including the information
24 that's in that SASO about braking action and things that they have
25 -- I don't know if it's a result of this thing -- this or not, but

1 wet runway conditions. Now if you have water on the runway,
2 things like that, they have added in their SASO that you will
3 consider braking action as poor or to nil.

4 And when you -- by doing that, that changes the information
5 that you put in that EFB for your landing data. So they sent that
6 to me, which the SAFO came from the FAA. So I read the SAFO and I
7 look at what Miami Air's change is, what they're proposing to do
8 with their manual change, and then I approve it or I send it back
9 and say, look at this or look at that.

10 Q. Okay. And I know there's no typical change, every change is
11 a little different, but do you often have to send it back and say,
12 hey, you need to look at this, look at that, or is that kind of
13 that rarity?

14 A. Not usually.

15 Q. Okay.

16 A. I may send it back, but for maybe for -- to clarify.

17 Q. Okay, okay. So you get this, you look it over. Is there any
18 -- I don't want to say pressure, but for lack of a better word, is
19 there any pressure to hurry up and get these changes approved and
20 back at them or is it you do it how you're supposed to do it? I
21 mean, I just want to know is there any pressure applied to you to
22 hurry up and help get these changes processed?

23 A. No.

24 Q. Okay, okay. You said to somebody, and it might have been Kat
25 or Warren, I don't remember. But since the event that took place

1 up in Jacksonville you've requested or you are doing an increase
2 in surveillance, increasing the en routes, I think you said?

3 A. En routes and observing simulator check rides and simulator
4 training.

5 Q. Okay. I know everybody has a different definition of
6 increase, so tell me what did you increase it from to?

7 A. Normally the work program that we have in SAS, it's an all
8 planned out thing. Cockpit en routes are usually done quarterly.
9 They consider that a high risk item, so those are done quarterly.
10 And sometimes training of pilots is done quarterly on the SAS.
11 Well, I can increase that; I can add an additional DCT to that to
12 make it so that I'll look at it. I will do more than one a
13 quarter; I might do two a quarter or something.

14 So that's what I have done with this. I had added cockpit en
15 routes for me and additional cockpit en routes for Tom so we could
16 see a different -- you don't want to see the same guy every time,
17 we want to see different pilots at different times and the
18 simulator too. So that's what I've done to see that, to make sure
19 they're --

20 Q. Is there -- and I just want to make sure I understand it
21 better. Is there a specific number of en routes you have to do
22 every quarter, that you increase that number up to a new number or
23 is it just you added some to you and some to Tom?

24 Help me understand. I'm not quite visualizing what the
25 increase is so -- I'm trying to make sure I have a clear

1 understanding of it.

2 A. I don't know if there is a -- there it at least -- you have
3 to do at least one. So I've added two to that.

4 Q. Okay.

5 A. An additional one for me, additional one for him, just to
6 see.

7 Q. Okay. So it's an additional one for each of you?

8 A. Yes.

9 Q. Okay. Thank you. That drew a picture in my head, so thank
10 you for that. The last question. You mentioned earlier the
11 experience level of the new hire pilots. In your mindset as a
12 POI, is that a concern to you, the experience level that's coming
13 into Miami Air or, you know, that's out there?

14 A. It is a concern because that's what you have now, they're out
15 there. And it's not just Miami Air, it's everybody. But as far
16 as the way Miami Air is handling it and handling the people that
17 they're getting, the quality, they're trying to get the best that
18 they can get. But Miami Air, I think is -- they're doing a good
19 job on the training. If the people don't get through the program,
20 they don't get through it.

21 Q. Okay.

22 A. And this --

23 Q. Do you feel that -- I know you say they're doing a good job
24 of handling it. Do you feel that there's anything that could be
25 improved even more in what they're doing or do you think it's the

1 same or better than what you would have expected?

2 A. It's about the same or better as what I would have expected.

3 MR. ETCHER: Okay. All right. That's all I have. Thank you
4 so much.

5 MR. ABRAMS: Thank you, Shawn. Rich.

6 MR. LEE: Nothing.

7 MR. ABRAMS: Dave.

8 BY MR. THOMPSON:

9 Q. Stan, in your relationship with Tom, your APM, you've got to
10 be tight. Do you trust him and his judgement on, you know,
11 passing to you what's going on with the operations there --

12 A. Yes, I do.

13 Q. -- Florida Air -- no Miami. That was -- that's a joke.
14 Is there any -- do you think that he passes onto you
15 everything he sees --

16 A. Yes.

17 Q. -- like he should?

18 A. Yes.

19 Q. And do you ever have any concerns about the job he does for
20 you?

21 A. No.

22 MR. THOMPSON: That's all the questions I've got.

23 MR. ABRAMS: Thank you, Dave. Todd.

24 MR. GENTRY: I have nothing. Thank you.

25 MR. ABRAMS: Thank you, Todd.

1 MR. NELSON: Nothing.

2 MR. ABRAMS: Darrin.

3 MR. NELSON: No questions.

4 MR. ABRAMS: Steve.

5 MR. JOFFRION: Nothing here.

6 MR. ABRAMS: Stan, that's all the questions we have. We want
7 to turn it over to you, is there anything you would like to say to
8 us, any comments or observations?

9 MR. CRUM: No. Yes. What will this thing -- I know you came
10 out with a preliminary and then eventually everything -- once
11 everything is all put together, and then this will go to, I guess,
12 what? What happens then?

13 MR. ABRAMS: All right. It will all go with the docket. The
14 docket is then open for public comment. And then we'll -- it will
15 eventually go to a Board meeting and it will be open forum and
16 anyone --

17 MR. CRUM: That's when everybody will decide what the
18 probable cause was?

19 MR. ABRAMS: Yes, yes. So, and I can't give you a timeline
20 on that, so --

21 MR. CRUM: No, I understand that. I know.

22 MR. ABRAMS: You know, these things -- a year from now maybe,
23 but that's just a -- that's a maybe. No timeline. That was
24 softball. You can have a little bit more than --

25 MR. CRUM: I don't know what else I could ask that's --

1 MR. ABRAMS: All right. That's fine.

2 MR. CRUM: -- or do.

3 MR. ABRAMS: Okay, good. That's fair.

4 MR. CRUM: Will you come back to me?

5 MR. ABRAMS: I beg your pardon?

6 MR. CRUM: Will you come back to me or you could?

7 MR. ABRAMS: We could. I could.

8 MR. CRUM: Yeah.

9 MR. ABRAMS: I don't think so.

10 MR. CRUM: No. Okay.

11 MR. ABRAMS: I would not anticipate it. No, I would --
12 highly unlikely.

13 MR. CRUM: Okay.

14 MR. ABRAMS: Matt, comment?

15 MR. SMITH: No, sir. Thank you.

16 MR. ABRAMS: All right. Stan, then I will end the recordings
17 here at this time and we'll thank you for your time.

18 (Whereupon, at 11:14 a.m., the interview was concluded.)

19

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD



IN THE MATTER OF: BOEING 737-800 OVERRUN
 JACKSONVILLE, FLORIDA
 MAY 3, 2019
 Interview of Stanley Crum

ACCIDENT NO.: DCA19FA143

PLACE:

DATE: July 17, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Cheryl Farmer-Donovan
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

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BOEING 737-800 OVERRUN *

JACKSONVILLE, FLORIDA * Accident No.: DCA19FA143

MAY 3, 2019 *

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Interview of: OSVALDO "OZZIE" G. ARBELO
Supervisory Safety Inspector

Wednesday,
July 17, 2019



APPEARANCES:

WARREN ABRAMS, Air Safety Investigator
National Transportation Safety Board

SHAWN ETCHER, Aviation Accident Investigator
Chairman, Operational Factors Group
National Transportation Safety Board

KATHERINE WILSON, Ph.D., Senior Human Performance
Investigator
National Transportation Safety Board

TODD GENTRY, Air Safety Investigator
Federal Aviation Administration

DAVID THOMPSON
Federal Aviation Administration

RICH LEE, Safety Pilot
Boeing

STEVEN JOFFRION, Pilot
Miami Air

DARRIN NELSON, Executive Board Member
International Brotherhood of Teamsters (IBT) Local 1224

MATTHEW T. SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Arbelo)

MATT PICCIOTTI, Attorney
Federal Aviation Administration
(Observing)

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I N T E R V I E W

(1:02 p.m.)

1
2
3 MR. ABRAMS: Ozzie, our interest, our purpose here today is
4 safety and to try to figure out what went wrong, what happened,
5 and you're just a -- you're part of the process to ask questions
6 to because your division covers Miami Air and they were the reason
7 we're here.

8 So anyway, we're -- as you know, we're not punitive. We're
9 strictly safety and that's what we're all about.

10 We do have parties to the investigation. We'll introduce
11 ourselves in just a second, but Boeing's here at the table, the
12 IBT is here, other members of the FAA are here, so -- in addition
13 to the NTSB. So it's all a group process to get down to the
14 answers.

15 Before we introduce ourselves, you're allowed representation.
16 Do you have a representative that you would like to represent you
17 today?

18 MR. ARBELO: Yeah. Mr. Matt here will be my representative.

19 MR. ABRAMS: Okay. We'll note that you pointed to Mr. Matt
20 Smith.

21 MR. ARBELO: Matt Smith.

22 MR. ABRAMS: The general counsel for the FAA. Very good.

23 So let's go around the room and introduce ourselves. Shawn,
24 we'll start with you.

25 MR. ETCHER: Good afternoon again. I'm Shawn Etcher. I'm

1 the Operational Factors Group chairman for the NTSB on this event.

2 MR. ABRAMS: For the recording, Warren Abrams, air safety
3 investigator with the NTSB.

4 MR. LEE: Rich Lee, Boeing safety pilot.

5 MR. THOMPSON: Dave Thompson, FAA CMO 67 in Orlando, part of
6 the ops team.

7 MR. ARBELO: Okay.

8 MR. GENTRY: I'm Todd Gentry from accident investigation for
9 the FAA in headquarters.

10 MR. ARBELO: Okay.

11 MR. NELSON: Darrin Nelson, and I'm a rep for the Teamsters
12 union.

13 MR. JOFFRION: Steve Joffrion, chief of flight standards,
14 Miami Air.

15 DR. WILSON: Katherine Wilson, human performance, NTSB.

16 MR. ARBELO: Okay.

17 MR. SMITH: And again, Matt Smith, chief counsel's office for
18 FAA. And with me in training --

19 MR. PICCIOTTI: Matt Picciotti with the FAA, Office of the
20 Chief Counsel.

21 MR. ABRAMS: Very good.

22 So, Ozzie, there will be a pop quiz. We're going to ask you
23 to name everyone right there in just a second. So, we're not even
24 going to wait until the end of the discussion before I'll ask the
25 question. Just kidding, of course.

1 Are you ready?

2 MR. ARBELO: Yes, sir.

3 INTERVIEW OF OSVALDO G. ARBELO

4 BY MR. ABRAMS:

5 Q. For the record, if you'll state and spell your last name.

6 State your full legal name and spell your last name, please.

7 A. Full name is Osvaldo, middle initial G, last name is Arbelo,

8 A-R-B-E-L-O.

9 Q. And how old are you?

10 A. I am 52.

11 Q. And what is your current title here with the FAA?

12 A. I'm currently a supervisory safety inspector with the FAA.

13 Q. And what do you do as a supervisory safety inspector?

14 A. I supervise currently two CMTs -- Miami Air being one and

15 World Atlantic the second one, the two CMTs.

16 Q. I was writing instead of listening. Would you repeat who you

17 -- the two you mentioned?

18 A. Miami Air.

19 Q. Miami Air.

20 A. And World Atlantic.

21 Q. All right. Very good. Thank you.

22 And those two -- are you a pilot?

23 A. No.

24 Q. Okay. So no airman certificates?

25 A. I have a A&P certificate.

1 Q. Okay. Tell me about the leadership here. Who do you report
2 to, going up the line?

3 A. I report to the assistant manager, which is Sam Perry.

4 Q. Okay. And who does he report to?

5 A. He reports to the acting office manager, Richard Falcone.

6 Q. Okay. Do you have an assistant? Do you personally have an
7 assistant?

8 A. No.

9 Q. Okay. Just you?

10 A. Um-hum.

11 Q. Good staffing? I mean, do you need more people? Can you do
12 the job with what you have?

13 A. Yes, I can.

14 Q. Okay. Very good. How long have you been in your current
15 position?

16 A. Been a frontline for 5 years and 3 months.

17 Q. And how long have you been with the FAA?

18 A. Since 2006.

19 Q. 2006?

20 A. Going on 13 years now.

21 Q. Okay. What did you do prior to your -- what did you do at
22 the FAA prior to your current position?

23 A. I was a PAI inspector, and prior to that I was a geographic
24 inspector.

25 Q. Okay. What would you say is your biggest challenge in your

1 current job?

2 A. My biggest challenge is basically all the changes in the FAA
3 with, you know, just maintaining up -- keeping up with all the
4 changes that we're going through and the way the FAA is being
5 structured and all of that. But besides that, that's pretty much
6 it.

7 Q. Give me an example of one of those changes that you -- that's
8 a challenge to keep up with?

9 A. Leadership changes. You know, that's the biggest one, you
10 know, who works where now. That's usually, that's the hardest
11 thing that -- you know, it's moving pretty quickly, so we're just
12 trying to keep up with that.

13 Q. I'm not asking anything proprietary, so don't provide it.
14 But do you expect any leadership changes in the current
15 organization? And if -- I'm not asking proprietary. I mean
16 public knowledge, is there any?

17 A. Not that I'm aware of right now. We do have an acting.

18 Q. Miami Air had an incident back in early May in Jacksonville.
19 How did you find out about that accident or incident?

20 A. I found out -- the POI contacted me that night.

21 Q. Okay. And what did you do? Did you take any specific action
22 at that time or just information and go back to bed? Or what --
23 did you react or act in your current capacity with the FAA in
24 regard to that Miami Air accident?

25 A. Yeah. Once I was notified, I contacted the office manager at

1 that time -- of the incident, and he took his actions that he had
2 to take.

3 Q. Okay.

4 A. And then we engaged a little bit that night.

5 Q. Is there a playbook for an accident? In other words, does he
6 pull up a checklist and go through or --

7 A. I can't answer that. I don't know.

8 Q. Okay. All right. Do you ever get out of the office and get
9 over to Miami Air?

10 A. Yes.

11 Q. How often do you do that?

12 A. We usually do that, for sure, once a year. We go out to the
13 operator to do a meet and greet with the leadership there. Not
14 the 119s, just the leadership, the CEO. I usually -- that's a
15 requirement usually from the office manager. I usually accompany
16 the office manager.

17 Q. All right. And anything -- do you discuss anything? Yearly
18 reports? I mean, tell me what -- you get there once a year with
19 the CEO and things like that. Is there an agenda item, anything
20 specific that you need to discuss?

21 A. It's usually just a meet and greet.

22 Q. Okay.

23 A. Just to see if they want to share any information with us.
24 They ask us questions, you know, the future flight standards, how
25 -- you know, any news from the FAA, but nothing in specific.

1 There's no agenda. We usually just go out just to do a basic meet
2 and greet, is what we do.

3 Q. The PMI -- well, let me withdraw that and say it this way.
4 The accident airplane had several MELs on it. Some were current
5 as of that day. I mean, they were not flying around with a lot of
6 MELs. But as the day progressed, they did accumulate. Are you
7 familiar with the MELs that were on the airplane on that day?

8 A. I was -- I know of one MEL that I was briefed on, which was
9 the thrust reverser.

10 Q. Okay.

11 A. It's about the only one that I do remember.

12 Q. All right. How would you categorize the Miami Air
13 maintenance program?

14 A. I can only speak on what's, what I look at that's in the
15 database.

16 Q. Of course.

17 A. Okay?

18 Q. Okay.

19 A. And from the PMI side there was -- there are some concerns
20 that are identified in the database. But overall, I don't -- I'm
21 not -- I can't draw any conclusion by what's in the database just
22 based off some surveillance, some concern from the PAIs in the
23 database. But overall, I see it's a good program, I'm assuming,
24 based on what's in the database.

25 Q. Okay. Can you share anything that was in the database or do

1 you recall anything that's in the database, either positive or
2 negative?

3 A. Maybe some recent concerns regarding outsourced maintenance,
4 but there's several entries in there that they haven't -- that he
5 has made. I don't have them on top, but I know outsourced
6 maintenance is one because we've been looking at the resourcing of
7 it. So -- that's about it.

8 Q. From the operations side, though, training side, the
9 operation, the actual line operations, how would you categorize
10 that? How is that going?

11 A. For?

12 Q. For Miami Air. Sorry.

13 A. Miami Air? I'm going to have to answer that it's going good.
14 I don't see any concerns in the database.

15 Q. No concerns?

16 A. Right.

17 Q. All right. Great. You get quarterly or yearly or monthly
18 statements on the surveillance that goes on from this office with
19 Miami Air?

20 A. Surveillance is done -- it's broken down into quarters. So I
21 do review -- I do sample the data that gets inputted by the PIs.
22 And we have a quarterly meeting that the PIs attend that they have
23 to review some of the data, and we have a yearly meeting that we
24 review the data.

25 Q. Okay. Do you attend the quarterly meetings?

1 A. I try to. If it's -- it's not required, but I try to.

2 Q. Okay. I'm pretty sure I'm asking a moot question, but have
3 you ever attended any of Miami Air's simulator training?

4 A. No, sir.

5 Q. Like you said, if you only get over there once a year with
6 the CEO, I didn't think you would do that. But I had it written
7 down in my questions anyway.

8 Do you review the PTRS data from time to time that's inputted
9 from the PMI?

10 A. Yes. We do data quality reviews.

11 Q. Okay. And how often do you do those?

12 A. Try to do them quarterly. We try to review them quarterly.

13 Q. Anything that your recall stand out in those reviews?

14 A. Not much, no.

15 Q. Okay. Do you get reports of failures at Miami Air with
16 pilots? If they were un-sat in a rating ride? If the --

17 A. No, sir.

18 Q. You don't get that one either?

19 A. No, sir.

20 Q. ASAP, FOQA, SMS, some safety programs over there at Miami
21 Air, are you familiar with those?

22 A. Yes, sir.

23 Q. And big picture wise, how would you categorize those
24 programs?

25 A. Not knowing much about the FOQA and the ASAP, just very

1 overall, we do -- it's in SAS currently. There is some, I believe
2 some concerns regarding SMS that we're working with the operator
3 currently. That's the only safety program that I -- that does
4 show some concerns in the database right now.

5 Q. Can you elaborate on that?

6 A. I don't know off the top of my head, but they're in the
7 database. They are documented.

8 Q. Okay. Are you privy to any of the PRIA records that Miami
9 Air has on their pilots they hire?

10 A. Any what?

11 Q. It's PRIA, the Pilot Records Act. Go back and look at a --

12 A. Yeah. No, sir.

13 Q. -- pilot's history.

14 A. No. I don't know that.

15 Q. Okay. If somebody files a complaint, and I'm going to say if
16 all -- my example is, if a Miami Air employee files a safety
17 complaint with the FAA about -- it doesn't matter whether it's
18 maintenance or operations, if they file a complaint through the
19 safety hotline, do you get involved with that?

20 A. Yes, sir.

21 Q. Okay. And what level of involvement do you get?

22 A. My level of involvement is assignment of that investigation
23 to an inspector.

24 Q. Okay. So does it go to the -- if it's maintenance it goes --
25 would you assign it to the PMI? Or where would you assign that

1 basically?

2 A. I would assign it to an available inspector.

3 Q. Okay.

4 A. Not exact -- it wouldn't have to be part of the same -- an
5 available inspector, depending on the workload of those
6 inspectors.

7 Q. So same answer goes for the POI?

8 A. Yes, sir.

9 Q. Okay.

10 A. Yes.

11 Q. All right. Miami Air is using iPads right now instead of
12 paper Jeppesen charts and things like that. Are you familiar with
13 the iPads they're using?

14 A. I'm aware that they are using PEDs, but that's the extent of
15 my knowledge.

16 Q. Okay. That's all right. And your thoughts on electronic
17 devices for the pilots?

18 A. It's good. I guess more current data, I think.

19 MR. ABRAMS: Thank you. Ozzie, we're going to go around the
20 table and give everybody a chance to ask questions.

21 MR. ARBELO: Yes, sir.

22 MR. ABRAMS: We do two rounds of questioning. We'll go
23 around the table with our first round. The first round is a
24 little bit more in depth, and then we'll see how you're doing,
25 holding up. If we need to take a break, we'll take a break. And

1 the second round is usually much quicker and is just follow-up
2 questions. But I'm going to defer to Dr. Wilson right now and let
3 her ask some questions. Thank you.

4 DR. WILSON: Thanks. Thanks, Ozzie.

5 BY DR. WILSON:

6 Q. I want to go a little bit more broad. Could you just
7 describe your duties and responsibilities as a supervisory safety
8 inspector?

9 A. Basically my duties and responsibilities are what's outlined
10 in my PD: oversight of the team, make sure they have all the
11 tools available for them to do their job. That's my -- my biggest
12 function is to make sure that we do that.

13 Q. Okay. And so, what would a typical day look like for you?

14 A. A typical day, come into work, check emails. I may get a
15 visit from some of the CMT members to talk about surveillance
16 activity, projects, whatever they have going on. Review emails.
17 I usually review -- maybe twice a week, just review the SAS data
18 to see what's in there. And everything else that comes -- you
19 know, time and attendance, website, travel websites to make sure
20 I'm up on vouchers and all. Just the basic routine stuff that we
21 do.

22 Q. Okay. And if you had to, you know, where would you say you
23 spend a majority of your time? Is it doing administrative duties?

24 A. Pretty much, yes.

25 Q. Okay.

1 A. Um-hum.

2 Q. So how often are you interacting with folks at the CMT? So
3 POI, PM, are you interacting with them on a daily basis?

4 A. Interacting on a daily basis, yes.

5 Q. Yeah. Okay. Warren asked you about what would you do if
6 there was an employee at Miami Air filed a safety concern. You
7 said you'd assign an inspector to an investigation. Have you ever
8 had to do that with Miami Air?

9 A. Yes.

10 Q. Okay. How recently was that?

11 A. Probably middle of May.

12 Q. Okay. Do you recall what the issue was? Can it be shared?

13 A. The issue was a passenger complaint, I believe is what it
14 was.

15 Q. Okay. Have there been any safety concerns related to like
16 flight operations, you know, maybe a pilot who has a concern about
17 how management, I don't know -- management pressures? I'm making
18 that up.

19 A. Not that's come in.

20 Q. Okay.

21 A. Yeah. We haven't had those complaints come in, no. No.

22 Q. And then how long do the investigations typically last?

23 A. We usually assign them in what -- we have a protocol logbook
24 and we'll assign it. Depending on what it is, if it's a hotline
25 investigation, it'll assign -- it's time. It's got a preset time.

1 It's usually 60 days. If it comes from headquarters down, it's
2 usually a little more, and they'll determine the process,
3 response, usually memos and stuff like that.

4 Q. Okay. When you say response, like a memo, is that the final
5 product or what is the final --

6 A. The final product, yeah.

7 Q. Okay. Got it.

8 A. Some -- yeah, the final product, yeah.

9 Q. Are you aware of any increased surveillance going on at Miami
10 Air since the accident?

11 A. Yes. Yes.

12 Q. Okay. What does that entail?

13 A. That entails to, we had findings from the AVP-100 inspector
14 that went to the -- went to Miami Air after the accident and did
15 have some observations, some concerns, which we've addressed in
16 SAS. Okay, we put them in SAS, and they've been addressed. And
17 just basic -- increased surveillance based on findings that we've
18 had after, from just normal surveillance that was scheduled
19 already in the quarter.

20 Q. Okay.

21 A. Just follow-ups and stuff like that is what we had.

22 Q. So what type of increased surveillance are you doing?

23 A. DCTs, like extra data collection tools to follow up responses
24 to previous findings, stuff like that. That's how we're, that's
25 what the increase -- not increased, that we've increased because

1 of the accident, increased because we've had more stuff to follow
2 up on.

3 Q. Has there been an increase in doing like en route inspections
4 or other observations? I don't know whether that falls under data
5 collection tool. I don't know all what's entailed in that.

6 A. No, just our basic scheduled work we've had -- that's about
7 it.

8 Q. Okay. So, with the increased surveillance, do you feel like
9 you've got the staff to handle the additional work?

10 A. Yes. We have the staff.

11 Q. Okay. And you said that you do meet and greets with Miami
12 Air management. I think I missed if you said how often you do
13 that?

14 A. As a requirement, once a year, the office manager will meet
15 with the CEO. Usually that's the level that we'll meet with, and
16 I usually will accompany him.

17 Q. Okay. Were you involved in any of the discussions regarding
18 the pilots getting back to flying at Miami Air?

19 A. Yes.

20 Q. Okay. What can you tell me about that?

21 A. The discussion was a -- the POI did come see me regarding
22 that pilot, and my first answer to him was if -- did Miami Air run
23 it through their safety risk assessment process, their SMS
24 process. And my recommendation to the ops team was that decision
25 wouldn't be on us, on the FAA. They would have to make their

1 safety risk assessment and it would be their decision to put the
2 pilot back on.

3 Q. Got it. And do you know if any of your -- anyone from your
4 team was a part of -- you know, worked with Miami Air and sat in
5 on any additional training that this crew might have had?

6 A. Yes. The APM, Tom Berg, I believe did do an observation in
7 the simulator, I believe.

8 Q. Do you know if there was any discussion about the crew having
9 a 709 ride?

10 A. No.

11 DR. WILSON: I think that's all that I have for now. Thanks,
12 Ozzie.

13 MR. ARBELO: You're welcome.

14 MR. ABRAMS: Thank you, Kat.

15 Shawn, do you have any questions?

16 MR. ETCHER: I know surprisingly, I do. But --

17 BY MR. ETCHER:

18 Q. Doing all right?

19 A. Yeah, I'm good.

20 Q. All right. Dovetailing just a little bit there, just to
21 clarify in my brain -- I've only had one glass of sweet tea, so
22 I'm running a little slow here. The 709?

23 A. Yes, sir.

24 Q. You said no. Was it no to no discussion about the 709, or no
25 to no 709?

1 A. At no time was there no discussion of doing a 709.

2 Q. Okay. I just wanted to make sure I understood what you were
3 saying, so thank you for that clarification.

4 Hearing what you describe as things you do, you know, and the
5 all the certificates, you know, you have two certificates you're
6 kind of in charge of. It seems like you're juggling quite bit of
7 -- many things. Help me understand. I know you kind of walked
8 through a day-to-day thing, but how much time do you spend on,
9 let's say, Miami Air or any of your other certificates? How much
10 time in a given week would you estimate that you spend working
11 with that?

12 A. I mean, I have enough time to share with all the teams, to be
13 honest with you. It's -- it more reflects on what they have to
14 bring forward to me. Sometimes they just want to chitchat and
15 talk, and sometimes it work-related, sometimes it's just personal.
16 But there is time spread for that between our meetings and regular
17 administrative duties that we have.

18 Q. Okay. And since you bring up meetings, you said you meet --
19 Miami Air's PIs meet quarterly and yearly.

20 A. Right.

21 Q. Okay. And you try to attend those. Sometimes you can and
22 sometimes you can't. Do you ever -- do they meet, that you know
23 of, on a weekly basis or a monthly basis also just to interact
24 with each other, the --

25 A. They meet -- yeah, they meet often. They're -- I kind of

1 have a golden rule with my teams that they interact as a team,
2 meaning all three, when they get a -- when there's an opportunity,
3 that they operate or go together as a team, present a team front.
4 So they're -- you know, besides our schedules and travel and all
5 that, they do interact fairly well overall. I don't have any --
6 there hasn't been any complaints to me from them regarding that,
7 that situation.

8 Q. Okay. And when they go do on-sites at Miami Air, for
9 instance, if they go as a team, when they come back do they brief
10 you on anything they saw, or they only brief you if there's
11 concerns?

12 A. Only if there's concerns.

13 Q. Okay.

14 A. Only -- I mean, they do let me know that they're going, just
15 so I know where they're at in the sense of in case anything
16 happens. But they usually do brief if they have concerns or
17 they'll just stick their heads, hey, everything went good; we're
18 back. You know, just basically that's what they do.

19 Q. Okay. All right. And I don't mean to put words in your
20 mouth, but it seems like you give your principal inspectors quite
21 a bit of latitude to make decisions. Do they -- are they able to
22 make decisions without your input or do you encourage or seek out
23 to give them input?

24 A. No, I give them the ability to make their decisions. They're
25 the experts. I give them that ability.

1 Q. All right. You said earlier, and I think it was maybe with
2 Warren that one of the concerns -- I don't remember who mentioned
3 the concern, but it was about outsourcing maintenance.

4 A. Yes, sir.

5 Q. I'm not a mechanic, so forgive me for probably asking a
6 really simple question for you, but what kind of concerns would
7 that -- what would raise a concern to you for outsourcing
8 maintenance? What draws that line?

9 A. The concerns that they have documented in the database are
10 regarding the oversight of the outsourced maintenance. Outsource
11 maintenance, it's a broad scope. It can be anywhere from the
12 mechanic to a part that's sent to a repair shop. So basically,
13 what the PIs have identified in the database is a general concern
14 about Miami Air's oversight of that contract maintenance.

15 Q. For Miami Air, the operator, or those are the PIs --

16 A. The certificate holder.

17 Q. Oh, okay. All right.

18 A. Oversight of their contract maintenance.

19 Q. Okay. Thanks for that clarification. I know you've been in
20 your current job, forgive me, 8 years?

21 A. Five years.

22 Q. Five years. See I told you, I need more sweet tea. During
23 that time has there been any changes with any of your PIs on the
24 Miami Air certificate?

25 A. Okay. I've been on Miami Air since October of last year.

1 Q. Okay. So you're new on that?

2 A. Fairly new on Miami Air. Yes, sir.

3 Q. Okay.

4 A. Yeah. And so, we've had the same PIs -- from October to now,
5 it's been the same PIs, POI, PMI and PAI, up to this point.

6 Q. Okay. Was that change, was that something that you put in
7 for or was that something that was, I'm going to say, given to
8 you?

9 A. It was a, I guess, a position change in the office, and I
10 inherited that team.

11 Q. Inherited. I like that word. That's a much better word.
12 See, you've got better words than I do. Okay.

13 Since you've been in your current position for 5 years and
14 here for almost a year, if an operator has a concern with one of
15 the PIs, whatever that may be, do they come to you or how do they
16 -- what do you expect or is there a protocol within the office of
17 dealing with that?

18 A. The expectation that I would have -- that I have, if the
19 operator has a concern with one of our assigned inspectors, it
20 would usually be a call from one of the 119 personnel to myself.
21 If -- and they're welcome to elevate the concern to the assistant
22 or the office manager.

23 They also have the CSI process that they can file a CSI
24 process, which is a consistency and standardization initiative.
25 They can file a CSI, if they wish, if they have those concerns

1 about a particular individual or inspectors, per se.

2 Q. Since your time at Miami Air certificate, has any of that
3 came to your attention at all?

4 A. Yes.

5 Q. Concerns have?

6 A. Concerns regarding inspectors, yes.

7 Q. And in broad terms what -- give me an idea. Help me
8 understand what concern that --

9 A. It was a concern regarding an inspector did an inspection at
10 their facility and there was a conversation over the phone. The
11 inspector forgot to hang up the phone and used a derogatory term
12 towards the person, and that got back to me. That was reported to
13 me. That was about it.

14 Q. And if you can't answer it for privacy reasons, that's okay.
15 But how did you handle that? Help me to understand what you did
16 when you got that information, so I kind of can see what you do.

17 A. When I got that information, I notified the assistant
18 manager, which then notified the frontline supervisor for that
19 person. And it -- I don't know what actions were taken with him,
20 but it was handled through that person's frontline supervisor.

21 Q. Okay. Do they --

22 A. It wasn't my supervisor -- it wasn't my employee. It was
23 another frontline's.

24 Q. And I know we always ask airlines the same thing, did you
25 close the loop? Was there any feedback to you that we've got it,

1 we've dealt with it?

2 A. Yes.

3 Q. Or there was or no, there wasn't?

4 A. (Indiscernible)

5 Q. Okay. All right. How would you classify your office policy?

6 Do you kind of an open-door policy or -- you know, do people, are

7 people willing to come in and just sit down and talk to you if

8 they have concerns or anything, or how would you classify that

9 here? Just --

10 A. Yeah, overall, we have an open-door policy. I really have no

11 -- not any difficulties with people coming to me, speaking, you

12 know, concerns or any issues. I guess, for myself, I can speak

13 for myself. I don't have any issues with that.

14 Q. Okay. If one of your PIs came up -- let's just take Miami

15 Air because we're kind of here talking about that. And they're

16 doing extra surveillance or something, but they need more

17 staffing, you know, they need to do more surveillance but they

18 just -- they don't feel like they have enough hours in the day.

19 Do they come to you for that? How does that process work so they

20 can try and acquire some staffing to help?

21 A. If they have elevated risk in a certain area, they would

22 identify in their database. They would create the tools to go do

23 the work and put the recommendation -- the recommended inspectors

24 to do the inspections. It's then my job to resource it. If

25 there's no local resources, we try to outsource, get resources

1 from Orlando, another office to assist us. And if resources are
2 not available, we would RNA, which is resources not available, and
3 then document it in the database and elevate the risk based on not
4 being able to have the resources.

5 Q. Okay. How much staff do you actually have here that you
6 would classify as your resource?

7 A. Well, currently right now we have two geographic inspectors
8 that are shared amongst the office for all the certificates.

9 Q. Okay. Is overtime approved here pretty easily for -- to do
10 an extra surveillance if they need to, or is that kind of frowned
11 upon for your PIs?

12 A. No, it's -- I'm not -- I won't say it's liberal, but it's --
13 if it's justifiable, it's not a problem. It's not a problem.

14 Q. Okay. If an operator wants to do some changes to some of
15 their policies, procedures, or manuals, do you get involved with
16 that at all or does your POI or whoever approves those manuals, do
17 they just have that, like I said earlier, the full latitude to --

18 A. They have the full latitude to review -- to do their reviews
19 of manuals or changes that they -- that's being requested by the
20 operator.

21 Q. Okay. All right. Before you came into your current job,
22 were you ever -- you said you were a PAI?

23 A. Yes, sir.

24 Q. Were you on the Miami Air certificate?

25 A. No.

1 MR. ETCHER: Okay. All righty. I think you've answered most
2 of my questions right now. So thank you very much.

3 MR. ARBELO: Okay.

4 MR. ABRAMS: Thank you, Shawn. Rich.

5 MR. LEE: Yeah. So maybe one quick question here.

6 BY MR. LEE:

7 Q. Would you know if Miami Air had a requirement to have a
8 mechanic in the cockpit as a safety observer? Would you know
9 about that?

10 A. No.

11 Q. No?

12 A. Can't answer that.

13 MR. LEE: Okay. That's the only question I have.

14 MR. ABRAMS: Thank you, Rich. Dave.

15 BY MR. THOMPSON:

16 Q. How many certificates do you, do you oversee as the FLM?

17 A. Two.

18 Q. Just --

19 A. Two. Yes, sir.

20 Q. Okay. And do you ever have any trouble getting -- say if you
21 have extra DCTs you need done, do you ever have any problem
22 getting help doing those for your teams?

23 A. Yeah, I have not had that problem. We're -- as a matter of
24 fact, we do get contacted by other offices that have resources
25 available. As a matter of fact, we have one now, a gentleman from

1 Boston that's going to be assisting us. So we do have -- there's
2 some pretty good communications with some of the frontlines. They
3 do -- they reach out to us and say we have resources available to
4 use. So, so far, we've been good with that.

5 Q. Cool. And how many FLMS in this office?

6 A. Five. Five frontlines.

7 MR. THOMPSON: And that's all the questions I have.

8 MR. ARBELO: Yes, sir.

9 MR. THOMPSON: Thanks.

10 MR. ABRAMS: Thanks, Dave. Todd.

11 MR. GENTRY: Just one quick question.

12 BY MR. GENTRY:

13 Q. I want to clarify, you've never had to do an RNA, resources
14 not available?

15 A. Myself, no.

16 Q. Okay.

17 A. Personally, I've never done one.

18 MR. GENTRY: That's all I have.

19 MR. ABRAMS: Thanks. Darrin.

20 MR. NELSON: No, no questions.

21 MR. ABRAMS: Steve.

22 BY MR. JOFFRION:

23 Q. Ozzie, I don't know if you can answer this question, but how
24 would you characterize Miami Air as far as outstanding DMIs? Does
25 it compare -- and I'm not asking to compare against World

1 Atlantic, but just your experience? Do they carry more
2 outstanding DMIs than the average airline, less, same, average,
3 whatever? If you know.

4 A. I really don't know, to be honest with you.

5 Q. Okay.

6 A. I don't keep track of the MELs --

7 Q. That's fine. Okay.

8 A. -- or get into those weeds.

9 MR. JOFFRION: Okay. No questions.

10 MR. ABRAMS: You doing okay, Ozzie?

11 MR. ARBELO: Yes, sir.

12 MR. ABRAMS: Ready for a second round? Do you need to take a
13 break?

14 MR. ARBELO: I'm good.

15 MR. ABRAMS: All right. Roll in here. Just a few things.

16 BY MR. ABRAMS:

17 Q. I asked you about if you were privy to PRIA records and you
18 said, what is that? And I couldn't come up with PRIA. PRIA
19 stands for Pilot Record Improvement Act. That's just a statement.

20 A. Okay.

21 Q. Not a question.

22 A. PRIA, okay.

23 Q. That's for all of our education.

24 You said that there are five FLMS, frontline managers in this
25 office. And you are -- you have Miami Air and World Atlantic.

1 Are those the only two certificates that are held in this office,
2 not just you, but are those the only two certificates?

3 A. No, we hold several certificates.

4 Q. And can you elaborate on how many others there may be?

5 A. Sure. Six.

6 Q. Six?

7 A. Six additional. I'm sorry, let me make -- counting. I'm
8 sorry. Seven total.

9 MR. ABRAMS: Okay. Seven total? That's pretty good.

10 See I told you that was going to, that was going to be quick.

11 Dr. Wilson, anything else?

12 MR. ARBELO: I'm sorry. Let me correct that.

13 MR. ABRAMS: Okay.

14 MR. ARBELO: Seven airlines, one 142, so a total of eight
15 certificates.

16 MR. ABRAMS: Okay.

17 MR. ARBELO: I believe, if I'm correct. Sorry.

18 MR. ABRAMS: All right. Katherine Wilson, Dr. Wilson.

19 DR. WILSON: I have no questions. Thanks.

20 MR. ABRAMS: Shawn.

21 MR. ETCHER: Just a few.

22 MR. ABRAMS: All right.

23 BY MR. ETCHER:

24 Q. I'm sure -- are you aware of the pilot shortage out there?

25 A. Yes, sir.

1 Q. I'm sure you've heard that there's a pilot shortage and
2 everything. Has that -- has any of your POIs and, more
3 importantly, Miami Air's POI come to you of concern with the pilot
4 shortage and how that might affect their operator? Have they
5 mentioned anything like that?

6 A. Yes, it's mentioned. It's an office-wide problem, I think,
7 with all the operators currently.

8 Q. Okay.

9 A. Yeah.

10 Q. So it's kind of something everybody here --

11 A. Yes, sir. Yes, sir.

12 Q. Okay. If a pilot or somebody at Miami Air doesn't pass a
13 check ride -- I know you said you give the POIs the latitude and
14 all that. That's great. Do they ever bring you up to speed on
15 the pass/fail rates at an operator or they just kind of deal with
16 that, take care of it, and then not bother you with it? And I
17 don't mean bother in a negative way.

18 A. Yeah. My expectation would be if they have a concern in that
19 area that they would identify it probably in the database. And
20 then based on that concern, we would assign, again, more
21 inspections or elevated surveillance on that program. That's the
22 expectation I have of the PIs. Since I don't see any risk -- I
23 can't say. I mean, that's -- I can just go by what's in the
24 database currently.

25 Q. Okay. And that's good enough. That's what I'm asking there.

1 If one of your, and I hope it never happens to you, but one
2 of your PIs decides, you know what, I'm retiring, I'm quitting,
3 whatever, so you have to get you a new PI. Run me through that
4 process. What -- how do you get a new PI to a new certificate, or
5 to a certificate? What do you -- I assume you have to be the one
6 interviewing or obtaining one?

7 A. Yeah. Current, what would happened is we would identify the
8 need for the PI based on the situation. The office will probably
9 put out a 6 month -- a temporary bid to cover the immediate
10 shortcoming there. And then we would follow up with a permanent
11 bid. If it's a permanent position, we'd follow up with a
12 permanent bid and then go through the regular hiring process.

13 Q. To be a POI at a certificate is there any certain things you
14 look for, for a candidate, a POI candidate to come in, and you're
15 like, ooh, this is kind of something I'd like to see for somebody
16 to be a POI?

17 A. No. Basically the job announcements will categorize what you
18 -- what's the requirement to meet to be able to qualify for the
19 position. That's done through HR. Once they apply, they get
20 qualified, they get put on the referral list, and then they get
21 interviewed here in the office. Sometimes by, you know, a panel
22 board will -- they'll assemble a panel, interview panel together
23 and they will, they'll interview those folks.

24 MR. ETCHER: Okay. And like I said, I hope you never have to
25 go through that. It sounds like you've got a nice tight-knit

1 group there and that's always, that's always good to hear. So
2 that's all I have. Thank you, sir.

3 MR. ABRAMS: Very good. Thanks, Shawn. Rich.

4 MR. LEE: Nothing.

5 MR. ABRAMS: Dave.

6 MR. THOMPSON: No more questions.

7 MR. ABRAMS: Todd.

8 MR. GENTRY: No, sir. Thank you.

9 MR. NELSON: No.

10 MR. ABRAMS: All right. You good, Darrin. All right, Steve.

11 MR. JOFFRION: No thank you.

12 MR. ABRAMS: Ozzie, it's your turn. What would you like to
13 say to us?

14 MR. ARBELO: Not much. I mean, I'm glad you folks are here.
15 I hope that we get some good answers. And I hope whatever
16 information I gave was -- can help you out. And that's about it.
17 We're just -- we're moving forward, so --

18 MR. ABRAMS: Yeah. Absolutely. Well, your information has
19 been very insightful and helpful in helping us move forward.

20 Matt, you got any comments?

21 MR. SMITH: I don't. Thank you.

22 MR. ABRAMS: All right. Ozzie, we can stop the recordings
23 and we'll do our -- thank you, Ozzie, for coming in to --

24 (Whereupon, at 1:40 p.m., the interview was concluded.)

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD


IN THE MATTER OF: BOEING 737-800 OVERRUN
 JACKSONVILLE, FLORIDA
 MAY 3, 2019
 Interview of Osvaldo G. Arbelo

ACCIDENT NO.: DCA19FA143

PLACE:

DATE: July 17, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.


Romona Phillips
Transcriber

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of: *

BOEING 737-800 OVERRUN *

JACKSONVILLE, FLORIDA * Accident No.: DCA19FA143

MAY 3, 2019 *

* * * * *

Interview of: CHARLES BANKS
Aviation Safety Inspector

Wednesday,
July 17, 2019



APPEARANCES:

KATHERINE WILSON, Ph.D., Senior Human Performance
Investigator
National Transportation Safety Board

SHAWN ETCHER, Aviation Accident Investigator
Operational Factors Group Chairman
National Transportation Safety Board

WARREN ABRAMS, Air Safety Investigator
National Transportation Safety Board

DAVID THOMPSON
Federal Aviation Administration

TODD GENTRY, Air Safety Investigator
Federal Aviation Administration

RICH LEE, Safety Pilot
Boeing

STEVEN JOFFRION, Pilot
Miami Air

DARRIN NELSON, Executive Board Member
International Brotherhood of Teamsters (IBT) Local 1224

MATTHEW T. SMITH, Attorney
Federal Aviation Administration
(On behalf of Mr. Banks)

MATT PICCIOTTI, Attorney
Federal Aviation Administration
(Observing)

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I N T E R V I E W

(2:02 p.m.)

1
2
3 DR. WILSON: As I said, I'm Katherine Wilson. I'm a human
4 performance investigator with the NTSB.

5 MR. BANKS: Hold on. I'm going to write it down on each
6 side.

7 MR. ETCHER: I'm Shawn Etcher, with the NTSB. I'm the
8 Operational Factors Group chairman.

9 MR. ABRAMS: I'm Warren Abrams. I'm an air safety
10 investigator with the NTSB.

11 MR. BANKS: Okay.

12 MR. LEE: Rich Lee, Boeing safety pilot.

13 MR. THOMPSON: David Thompson, CMO 67 on the NTSB ops team.

14 MR. GENTRY: I'm Todd Gentry from AVP-100.

15 MR. BANKS: Todd, yep.

16 MR. NELSON: Darrin Nelson, pilot representative for the
17 Teamsters union.

18 MR. JOFFRION: Steve Joffrion, chief of flight standards,
19 Miami Air. Steve.

20 MR. BANKS: Good to see you again, Steve.

21 MR. JOFFRION: You too.

22 DR. WILSON: And you are entitled to have one person
23 represent you as a part of this process. Is there somebody that
24 you would like to have with you?

25 MR. BANKS: He's sitting right here.

1 DR. WILSON: Okay.

2 MR. SMITH: Matt Smith with the Office of Chief Counsel for
3 the FAA.

4 Ms. WILSON: Great. Before we get started, do you have any
5 questions for us?

6 MR. BANKS: Nope. I know what it's about. Question is I
7 have no idea what your questions are going to be. So you have to
8 be specific, okay?

9 DR. WILSON: We will do that.

10 MR. BANKS: All right.

11 DR. WILSON: And if we do ask you a question that you don't
12 understand, ask us to clarify.

13 MR. BANKS: I will tell you.

14 DR. WILSON: If you don't know the answer to a question, "I
15 don't know" is perfectly acceptable also.

16 MR. BANKS: Not a problem.

17 DR. WILSON: We'll start -- I'll start by asking questions
18 and we'll go around the room and each person will have a turn to
19 ask questions. At the end of going around the table, if you need
20 to take a break, we can do that, otherwise we'll go around for a
21 second round of questions in case anybody has any follow-ups.

22 MR. BANKS: Okay.

23 DR. WILSON: Second round usually much quicker.

24 MR. BANKS: No problem, Kat. I got that right, yeah,
25 Katherine.

1 DR. WILSON: Yes.

2 INTERVIEW OF CHARLES BANKS

3 BY DR. WILSON:

4 Q. For the record could you state your full name, please?

5 A. Charles Ray Banks, Jr.

6 Q. You go by Charles?

7 A. Chuck is fine.

8 Q. Chuck, okay. Is it okay if I call you Chuck?

9 A. You can call me whatever you wish.

10 Q. Okay. And what is your title?

11 A. I'm an aviation safety inspector, airworthiness and avionics.

12 Q. And how long have you been in that position?

13 A. I've been working for the agency since 2003.

14 Q. Okay. And what certificates are you assigned to?

15 A. None at the moment. I work for AFS-910.

16 Q. Okay.

17 A. That's a certification and evaluation group out of
18 Washington.

19 Q. All right. What other positions have you held at the FAA
20 since 2003? Oh, wait. I'm sorry. You've been an air safety
21 inspector since 2003?

22 A. That's correct.

23 Q. How long have you been with the FAA?

24 A. Since 2003.

25 Q. Okay. So you've had -- held the same position?

1 A. Right.

2 Q. Okay.

3 A. There's different aspects to that position, but yes.

4 Q. So as an air safety inspector, airworthiness and avionics,
5 what are your duties and responsibilities?

6 A. What are my duties and responsibilities? I'm to oversee
7 aviation to ensure safety and quality and meet the regulatory
8 requirements.

9 Q. Okay. And have you been assigned to a certificate in the
10 past?

11 A. Several.

12 Q. Okay. How about, have you been assigned to Miami Air?

13 A. How long?

14 Q. No, were you assigned to Miami Air?

15 A. Yes, I was.

16 Q. Okay, and when was that?

17 A. I couldn't tell you. I know it's -- I left as their PMI
18 about 2 years ago. I'm not quite sure.

19 Q. Okay. And what was the reason for leaving as their PMI?

20 A. I was removed.

21 Q. Okay. Can you discuss at all the situation?

22 A. You'll have to ask specific questions on that because there's
23 a lot to it.

24 Q. Okay. All right. I know we're having this transcribed, but
25 it helps me --

1 A. That's quite, quite all right.

2 Q. -- with my line of questioning if I type at the same time.

3 All right. Well, let's back up before I ask you those specific
4 questions. Brief history of your aviation background that got you
5 to the FAA in 2003?

6 A. Started out in the military. I had 4 years in the military.
7 Left the military, started in commercial aviation, both heavy
8 maintenance and dealing with landing gear A, B, C, and D checks.
9 Went to Embry-Riddle. I have a master's in business, bachelor's
10 in professional aeronautics focused on aerospace engineering.
11 Applied for the FAA and qualified for avionics and maintenance and
12 engineering for both GA and air carrier.

13 Q. Okay. When you were assigned to Miami Air, what were your
14 duties and responsibilities?

15 A. I was the primary maintenance inspector.

16 Q. Okay, and what does that entail?

17 A. There is a lot that's entailed in being a PMI.

18 Q. Cliff Notes version?

19 A. Responsible for their approved programs and accepted
20 programs, and responsible for the oversight of the carrier.

21 Q. The carrier's maintenance only or --

22 A. The air carrier.

23 Q. Okay. And how long were you the PMI for Miami Air?

24 A. Three years, 3 or 4 years. I couldn't be specific. Give me
25 one second. I hung up.

1 Q. So as a part of the oversight of the air carrier did that
2 involve surveillance activities?

3 A. Yes, it did.

4 Q. Okay. What type of surveillance activities did you do?

5 A. Maintenance, contract maintenance, line, en route
6 inspections, that kind of stuff.

7 Q. Okay. Did you observe training? Were you --

8 A. Yes. That's part of maintenance.

9 Q. Okay. To become the PMI at Miami Air did you have to go
10 through any specific training?

11 A. I've got over 300 courses given to me by the administrator
12 that pertain to being a principal inspector.

13 Q. Okay. And were those courses, courses that you took with the
14 FAA or are they specific -- was any of those specific to Miami
15 Air?

16 A. No. None specific to Miami Air, but all of it specific to
17 being an FAA inspector.

18 Q. Okay. Were you required as a PMI to sit through the
19 maintenance training or any other training at Miami Air so that
20 you were familiar with it?

21 A. That's part of our surveillance requirements.

22 Q. Okay. So to sit through all of the training or to do --

23 A. No. We're not required to sit through all of it. It's so
24 that we can make a determination whether they have or have not met
25 the requirements for their program.

1 Q. Okay. Did you find in any of your surveillance that --
2 starting with the training program, did that meet all of the
3 requirements?

4 A. I can't be specific, but I do remember there were some issues
5 with training. To get the specifics, you'd have to go into the
6 database and pull it from the database.

7 Q. Okay. So if you saw something that you thought was a
8 deficiency with -- just saying training for now, what would you
9 do?

10 A. I would discuss it with the carrier, the director of quality,
11 the director of maintenance, then come back and document it into
12 our system. And then request corrective actions for those
13 discrepancies, or in this case they're called deviations now.

14 Q. And do you recall having to do that?

15 A. Yes, I did.

16 Q. What was the company's response?

17 A. I couldn't tell you off the top of my head. There were
18 several times. There were some adequate responses and some were
19 inadequate responses, but we'll leave it at that.

20 Q. Would you say that Miami Air, when you had feedback,
21 comments, concerns that you brought to their attention, did they
22 seem receptive?

23 A. No.

24 Q. No. Okay. So if a company or an operator isn't receptive to
25 this feedback, what do you do then?

1 A. Well, you do your best to try to work with them. If things
2 were to work the way they're supposed to, you would start what's
3 now called a compliance action. Back then it was -- there was no
4 compliance action. That was just a process we dealt with.

5 You would generate and go through the enforcement process.
6 You either end up with a warning letter, letter of correction. A
7 warning letter is just letting you know, hey, you did this wrong,
8 let's not do it again. Letter of correction is letting them know
9 you got an issue you need to give me a corrective action, and then
10 have a timeline specified in which that corrective action gets
11 fixed, depending on the severity of the issue and the risks
12 involved.

13 The other one would be enforcement, complete enforcement,
14 meaning civil penalty. And that's determined through the PMI or
15 -- excuse me -- the inspector whomever that may be and Legal, and
16 the 240 division back then. We'd all sit down, discuss it, go
17 through the data, and make a determination based off the severity
18 of the risk and the willingness of the operations -- or operator.

19 Q. So these -- you mentioned a warning letter, a letter of
20 corrective action and the enforcement. Did you have to do any or
21 all of those with Miami Air?

22 A. Yes, I have.

23 Q. Okay. So warning letter?

24 A. I've done warning letters, I've done letter of corrections,
25 I've done enforcement actions, I've done compliance actions. You

1 name it, I've done it.

2 Q. Okay. And when you are submitting these letters, do you have
3 to report that back to the CMO? Are you talking to your
4 supervisor here?

5 A. When these -- when actions, any actions come out of an
6 inspector, it's processed through the office. It's not just one
7 individual that makes that determination. The principal is
8 ultimately responsible. He or she are the ones that really make
9 the determination how far you want to go. But there's always
10 coordination you have to do and collaboration you do with your
11 front lines, your office management, the regional manager and so
12 on. That's all got to work into play as well as Legal.

13 Q. Okay. So when you did these various letters, you went
14 through that process?

15 A. They were all informed and it was processed accordingly.

16 Q. Okay. And so does there need to be support from all of the
17 people within the FAA that's a part of that discussion in order to
18 move forward?

19 A. In order for it to move forward, yes.

20 Q. Okay. Did you ever feel like there was a time that you felt
21 that a letter or a corrective action was needed and you didn't
22 have the support?

23 A. There were several times.

24 Q. Okay. And then what happened? What would happen in that
25 case?

1 A. What happened as far as the issues or what happened as far
2 as --

3 Q. Well, yeah, so you have an issue that you wanted to bring to
4 attention, you wanted to write a warning letter or letter of
5 corrective action, and you took it back to your management and you
6 had this discussion.

7 A. Well, I documented I disagree with them, and I process as
8 they requested. In some cases they went in and changed the data
9 or changed the documentation or told me to do something other than
10 what Legal had said to do. Now that's on the FAA side. When it
11 got to a severe enough issue, I filed an inspector general report.

12 Q. Okay.

13 A. Okay. And then they came in and did their own investigation,
14 which is now -- yeah, I have the FOIA, but you guys need to FOIA
15 it yourselves to get it or do whatever you need to do.

16 Q. Right. Okay. In terms of the safety concerns that you had
17 that you didn't feel like the FAA supported or agreed with you,
18 are those still safety concerns that you have with the company?

19 A. I could not tell you because I am not part of the
20 certificate. I don't know what has been -- has or has not been
21 accomplished. From my understanding -- the other principals come
22 in and talk to me about some of the issues -- it doesn't appear
23 so.

24 There was a discussion with the last investigation in this
25 office where some items were not taken care of and they submitted

1 a team to go take care of it, and one of the aircraft that was in
2 question that pertained to primary structure was actually sold by
3 Miami Air to somewhere else. So as far as whether or not this
4 stuff has been taken care of, I couldn't tell you.

5 Q. Okay. I don't want to put words into your mouth or --

6 A. Yes, ma'am.

7 Q. -- I might have misunderstood, but you -- did you say that
8 you don't remember what some of those -- what those issues were
9 that did not get resolved?

10 A. Some -- again, I can't tell you whether they're resolved or
11 not. I am not the current principal.

12 Q. No, I understand you don't know whether they've been resolved
13 at the company, but the ones that you had issues with when you
14 were the PMI --

15 A. They were not resolved. I was removed.

16 Q. Right. Do you remember what those issues were?

17 A. Yes, I do. Some of them, not all of them.

18 Q. Okay. Can you share what any of them were?

19 A. Miami Air had -- I had issues with Miami Air not overseeing
20 their vendors for fueling of aircraft, which ended up with two
21 aircraft that I know of through a third party, another FAA
22 inspector, that had to have a return back to the airfield in Texas
23 due to contaminated fuel where they uploaded mud in the system. I
24 could not follow through. My office manager and management group
25 wouldn't allow me to travel to finish the inspection or to find

1 out what happened. There is an occurrence identifier that was
2 given for that, but management did not give that to me. It wasn't
3 until after I was pulled from the certificate that management gave
4 that occurrence, which was already 30 days past due, to the next
5 inspector. Whether or not that's been fixed, I cannot tell you.

6 The structural repair work, the air carrier had some work
7 that was done for the -- on the aircraft structure by a repair
8 station that wasn't certified to do that kind of work. They were
9 only certified to do line maintenance.

10 The individual wasn't on their training list or whatnot, so
11 the person wasn't trained. And there's other documentation like
12 level of corrosion, this, that and the other, that wasn't
13 documented as well. I don't know what happened to that one
14 either.

15 Q. As your time as the PMI, did you interact with the POI?

16 A. I tried to interact with the POI on a daily basis.

17 Q. Do you recall was there ever any concerns that the POI might
18 have shared with you that he felt wasn't addressed adequately by
19 the company?

20 A. The POI and I really didn't have -- we didn't have an
21 adversarial relationship, but it was more of like a relationship
22 that we're here to do a job and process forward. There were items
23 that I would identify that were issues and he would process
24 through with them when he shouldn't, like approving op specs,
25 this, that and the other. Or line stations or -- in this case,

1 not specific line stations, but it's a terminology I'm using.

2 So we had our differences of opinion, which every team does.
3 You're supposed to work through them. Unfortunately we weren't
4 able to work through them.

5 Q. Okay. You mentioned an issue that you had risen to the level
6 of the inspector general, is -- was that ultimately what led to
7 your removal from being the PMI on Miami Air?

8 A. The inspector general, I filed -- I can't remember what year,
9 I think it finished in '15. There is -- they concurred with my
10 findings. Then 240 branch came in, did an investigation,
11 concurred with my findings. Then a group from D.C. came in,
12 concurred with my findings. Then 900 was brought in to do a
13 check, concurred with my findings.

14 I continued getting harassment from the management after the
15 IG investigation. And when it came to the fueling, which was -- I
16 would consider servicing, and it's actually in the guidance and
17 the regulations as such, and concurred with by the IG. When I
18 started digging into the fueling and trying to get some resolves
19 by discussing with the base, the base general -- I can't remember
20 it, I'd have to go back, and a few other people, that's when I was
21 removed. I just came in in the morning and found on my computer
22 that my position was up for bid. No other discussions. Pus
23 management put me on an ODP, opportunity for development plan.
24 Are you guys familiar with that?

25 Q. Um-hum.

1 A. Which could lead to a removal, which is another reason that
2 was after IG. So there's retaliation in that as well.

3 Q. When you were the PMI, how was -- how would you characterize
4 your workload as the PMI?

5 A. It was a lot. I wasn't provided the resources for geographic
6 assistance at one point, and there was 2 years that I wasn't
7 allowed to travel. The year before I was removed, I had my
8 counterpart, my avionics inspector that was going in for cancer
9 surgery and Miami Air was adding two aircraft. Regardless of the
10 differences, you try to do what you can for the operators. So I
11 had to add two aircraft, go through a complete MEL rewrite,
12 perform my inspections, my counterpart's inspections without any
13 assistance, and amongst other things, some manual changes.

14 My frontline at the time which was Brian Karnes, told me that
15 if I was requesting for geographic assistance that meant that I
16 couldn't do my job, and then he started requiring me to do a daily
17 activity report instead of just a weekly one. So now I had to do
18 a report everyday of everything I was doing, on top of all the
19 other stuff, and he threatened to tell my avionics inspector
20 counterpart that he was going to cancel his leave for his surgery.

21 Am I being specific enough?

22 Q. You are. Thank you.

23 A. Would --

24 Q. As PMI would you also receive reports from the company,
25 quarterly reports, let's say, that identified safety concerns that

1 mechanics or pilots or personnel had reported?

2 A. We're supposed to. I personally only received a couple. The
3 company had an issue with sharing that data. Even though by rule
4 the SMS process, safety process, is required and we're supposed to
5 oversee it and ensure that the process is working, and that
6 there's conclusions and follow-ups and so on and so forth, I was
7 not able to do that.

8 Q. You mentioned the SMS process. So did Miami Air have an SMS
9 program in place when you were the PMI?

10 A. Yeah. Miami Air was -- and this is a positive for Miami Air.
11 Miami Air did the due diligence and they were trying to work in
12 the advance process. They were certified as -- I'm forgetting the
13 term for it -- it's before SMS became a requirement. They were in
14 the pre-program and they were approved up to Level 3, I think,
15 which just meant that they had policy, procedures, and everything
16 else in place. And that was done through the 900 branch at the
17 time.

18 When the SMS rule came out that required them to generate and
19 process it through the principal inspectors, I had all kinds of
20 problems getting that to fruition, to where it needed to be, to
21 the point where Derrick Cheatham, an inspector that was up in
22 Washington, was down with Miami Air. I was discussing with the
23 director of safety at Miami Air and we were working together in
24 collaboration. He was doing a great job trying to get resolve for
25 the things because the AC did match the rule; there is a big

1 difference there, things change. Derrick Cheatham looked over at
2 me and told me that I needed to stop, they already approved the
3 program, and go and just do the inspections, which is contrary to
4 what the guidance was saying. So I closed it up and walked out.

5 Q. You mentioned that you thought that Miami Air was reluctant
6 to share some of the safety information.

7 A. Yes.

8 Q. Why do you think that was?

9 A. Because they wouldn't give it to me.

10 Q. Well, do you know -- do you have a thought on why or did
11 you --

12 MR. SMITH: I would just caution on asking him to speculate
13 too much. If you have an opinion --

14 DR. WILSON: Sure.

15 MR. SMITH: -- you can, but obviously you can't think for
16 Miami Air.

17 MR. BANKS: Yeah, what I was getting ready to say is I can't
18 tell you what they were thinking at the time. All I can tell you
19 is that when I requested the data or even requested to look at the
20 data, I would get pushback and wasn't able to review that data.

21 BY DR. WILSON:

22 Q. And regarding some of the pushback that you got from the FAA
23 when you brought concerns to the forefront, do you have any
24 information as to why that might have been?

25 A. I have my speculations.

1 Q. Okay.

2 A. But those are speculations. In this, I will only tell you
3 facts. You want to know the data of that, you're going to have
4 pull the IG and take a look at it. Or in this case, I believe it
5 was shared with the group. No? No. Okay.

6 DR. WILSON: Okay. Chuck, you've given me a lot to think
7 about so I'm going to let someone else ask some questions --

8 MR. BANKS: Not a problem.

9 DR. WILSON: -- for a little bit and I may have some follow-
10 ups during the next round.

11 MR. BANKS: Okay, not a problem.

12 DR. WILSON: Thank you. Shawn.

13 BY MR. ETCHER:

14 Q. You doing all right?

15 A. I'm perfectly fine.

16 Q. My fingers are getting sore from typing so fast. So thank
17 you for all the information.

18 A. Well, you have a recorder, so if you miss you got it.

19 Q. Well, but I don't trust electronics. I know how bad they are
20 with me, so -- no, you've really helped us a lot, so thank you so
21 much for that. Hearing you talk about your experience sounds like
22 you have a lot of qualifications. I mean --

23 A. Thank you.

24 Q. -- tons. I always -- when I hear people with that kind of
25 qualifications, I always hope that you share that information with

1 others, teach others to learn what you've learned and hopefully
2 you can do that.

3 A. No, I can't, because if I do then it's considered
4 intimidation. So I try to pull back and not tell people that.

5 Q. Okay. Well, hopefully you'll educate me then, how's that?

6 A. I doubt that.

7 Q. It's not hard to do, but I'm sure you'll give me some
8 education. You already have so far. You were the PMI for a while
9 at Miami Air?

10 A. Correct.

11 Q. Help me understand -- I know this was a few years ago. Kind
12 of walk me through a typical day that you would have had back
13 then.

14 A. As in the office or going to the carrier?

15 Q. Let me preface that. I'm a pilot, so I don't know a lot of
16 what maintenance does --

17 A. I'll forgive you.

18 Q. -- yeah, and that's what everybody says, "I'm so sorry." But
19 I'm not sure all that's entailed with being a PMI, so I'm hoping
20 -- you know, not -- maybe even not just on a day-to-day basis, but
21 over a course of a week, what -- let me be that fly on your
22 shoulder and understand what it is you do every day. Help educate
23 me with that.

24 A. Well, you have other inspectors that call and ask questions
25 for assistance, so you try to help them with their data. If you

1 have issues or concerns about or of an issue, you try to talk to
2 other inspectors and that means reach across to the AEG, the ACO,
3 the MIDO. I mean, I would call anybody that I thought that would
4 have a question or have an idea. The smartest person in the world
5 is the person that knows what he's dumb at. So my challenge to
6 myself was to make sure if I had any question or any doubt, I
7 would go and ask somebody else or I would take my data that I'm
8 looking at and say, hey, what do you think; what's your opinion?

9 You're always thinking about safety but you're also thinking
10 about they have an organization they have to run, they have money
11 that they need to make. Your concern isn't about what money they
12 make, but you don't want to inhibit that either. Okay. So you do
13 your best to work with whomever that air carrier may be or
14 individual to get resolve for issues.

15 With Miami Air there's a lot of times it wasn't a
16 collaborative feel, so -- or a process. So as a -- it's, okay, if
17 I can't get them to understand this way, how else can I do it?
18 Well, if I showed them this and I showed them this, now what? And
19 you just keep going. And then when you come back -- for me, when
20 I came back to the office and I'm trying to work with management
21 and I show -- laid stuff on the table, they pushed back. It was a
22 constant battle for me. It was a nonstop battle in all
23 directions.

24 Q. Okay.

25 A. Now just as a caveat, and I'll give you the reason why I

1 still pressed forward. When this IG was completed, when all this
2 stuff started coming around afterwards, nothing to correct the
3 issues but focused on me. I was called to Washington D.C., AFS-
4 300. And I sat at a table, and I had their group and they were
5 talking to me about the issues. And they -- just this one point
6 and I'll make it. The lead person in that group looked at me and
7 said, you know, Mr. Banks, there's a lot of things, a lot of
8 problems here, and it's been validated several times. So if they
9 had a problem, why did you add two aircraft? Well, that's a good
10 question. I'm darned if I do, darned if I don't.

11 If I add the aircraft, then you're asking this question. If
12 I don't add the aircraft, then I got John Duncan calling and
13 everybody else saying I'm inhibiting the operator from moving
14 ahead and pushing forward with their economic processes and
15 whatnot. So you constantly have to juggle all that in your mind
16 every time you're looking at this stuff.

17 Did I answer your question?

18 Q. It did. Thank you. Makes me glad I'm a pilot, because you
19 have a lot of responsibility on your shoulders.

20 A. Well, you guys do too. You fly the people on board, so --

21 Q. Well, thanks, but --

22 A. Push a button, autopilot, right?

23 Q. Exactly. Because you guys got that autopilot working well.

24 And I know doing your job, not every day is going to be roses.

25 A. Nope.

1 Q. And I know sometimes, I'm sure you can ask your POI riding
2 with some of us pilots, their jobs aren't roses either. I can
3 vouch for that because they rode with me, so they know what that's
4 like. But you're going to upset people at some point typically.

5 A. That's standard. It's going to happen.

6 Q. It should or I'd be wondering, you know, lots of things. But
7 if somebody had a concern with you, an operator has an issue with
8 you for delaying approving something, what process do they go to?
9 Do they come to you or is there another process that they have to
10 do?

11 A. There's different avenues for an air carrier. What's
12 preferred is they talk to the principal and they talk together and
13 they understand why. For instance, if I'm approving aircraft to
14 add on to your certificate, well, then your manual might have to
15 wait a little bit. Or your manual first because you need your
16 inspection program done before we can do an aircraft.

17 For instance, Miami Air, I had to hold off on some stuff
18 because their inspection program task cards weren't up to speed.
19 So you had to fix that before you can bridge an aircraft. If the
20 carrier has a problem, they can usually talk to the principal and
21 if you share that, hey, you can help me out by helping you if I --
22 you help me here and I can do this. If that doesn't work the next
23 step is maybe talk to the frontline or the office manager.
24 There's even a feedback process, a feedback loop.

25 Miami Air constantly used, from my perspective, John Duncan

1 up in Washington D.C. They would call D.C. and it would all come
2 down. Next thing you know, I'm being called a rogue inspector and
3 why am I interfering with the processes. So there's many avenues
4 for an air carrier.

5 Q. Okay. When John Duncan -- and I'm glad you clarified who
6 that was because I was kind of perplexed.

7 A. Well, there's other people. I'm just saying John Duncan's --

8 Q. Right.

9 A. -- in one instance.

10 Q. And whomever, but would they come down and talk to you or
11 would they have your supervisor, your frontline or --

12 A. In that case, it was an email just rolled downhill.

13 Q. Okay. Okay. All right.

14 A. Winston Thomas -- or excuse me -- Thomas -- was it Thomas
15 Winston? Oh, you weren't down here, you wouldn't know. He was
16 the regional director at the time. He and I actually spoke one on
17 one. He's the one that told me to back off, amongst others.

18 Q. Okay, okay. All right. Let's switch gears for just a little
19 minute -- little bit while my brain processes that.

20 I think you said you've given letters of warnings, letter of
21 corrections, enforcement, you've given just about everything.

22 A. Everything you can think of, yeah.

23 Q. And is that just -- I mean I know you've done it to every --
24 everybody that's on your certificate, at some point somebody's
25 gotten something. But have you given all of that to Miami Air?

1 A. Yeah, that's where it goes.

2 Q. Okay.

3 A. When you generate it, it goes to Miami Air.

4 Q. Okay.

5 A. They are always informed -- let's take the name of the
6 carrier out of this. Let's just say when you're processing any
7 one of those items, once it's determined a letter is sent. On an
8 enforcement, part of the protocol is a letter -- oh, man, hold on
9 -- not a warning letter. We send them a letter telling them that
10 there's an investigation going on. Sometimes that's not -- it's
11 not required, but we do it anyway.

12 Now, after the congressman flew into the airport that didn't
13 -- that was closed off, so then he forced the agency to do what's
14 called the Pilot Bill of Rights. So now on certain instances
15 we'll give that person a Pilot Bill of Rights.

16 In one instance, I had an individual at Miami Air I gave a
17 Pilot Bill of Rights to, and then the team, myself and three other
18 inspectors, were kicked off the property for issuing the Pilot
19 Bill of Rights because of the investigation.

20 Q. You were kicked off the property?

21 A. Kicked off the property.

22 Q. While on their certificate?

23 A. Yes.

24 Q. Okay. Because -- and I just want to make sure in my brain
25 correctly, you issued a Pilot --

1 A. Because I issued a --

2 Q. -- Pilot Bill of Rights?

3 A. I issued a Pilot Bill of Rights.

4 Q. Okay.

5 A. They were performing maintenance on an electronic flight bag
6 unit, and when you take a unit and you put it into a scenario
7 where it's on a bench, it's called bench work and that usually
8 requires a part 65 certificate for avionics. The individual
9 didn't have -- the individual was a certified pilot and a
10 mechanic. I didn't know that because he told me he didn't have
11 any. It wasn't until later that I found out he was certificated.

12 They had the procedures up on the wall. They weren't
13 following the procedures, and he's the one that wrote the
14 procedures. So when he told me that he wasn't following
15 procedures, I had no choice. I wasn't going to go back to the
16 office and start an enforcement because I can't. I have to give a
17 Pilot Bill of Rights. That's a requirement. So when I issued you
18 the Pilot Bill of Rights at that time, that's when they got up
19 upset because I issued a Pilot Bill of Rights.

20 So when an individual tells you that they're -- I am not
21 following my own manual, the procedures I wrote, I was basically
22 not supposed to give him a Pilot Bill of Rights?

23 Q. Okay. All right. Well, we might come back to that here in
24 just a minute.

25 A. Take your time.

1 Q. Yeah. I have to process -- my brain's slow. Remember pilot,
2 slow, so I've got to process things slowly.

3 On average, and I'm just -- a ballpark number, how many
4 letters of warnings would you issue, letter of corrections,
5 enforcements, on a given month or quarter or however you based it
6 on?

7 A. The last certificate I was on, I only issued in 2 years two
8 enforcements.

9 Q. Okay.

10 A. It depends on the certificate holder and the risks involved.

11 Q. Okay. And just for clarification, the last certificate you
12 were on was not Miami Air or was Miami Air?

13 A. Was not Miami Air.

14 Q. Okay. All righty. Let's kind of talk about working
15 internally here at the office when you were PMI under the
16 certificate with Miami Air. You have a POI and a PAI?

17 A. POI, PI -- PAI. Primary avionics inspector, primary
18 operations inspector, primary maintenance inspector. Those are
19 your three principals. But you have a CMT, you have a dispatch
20 safety inspector, cabin safety inspector, and then you're supposed
21 to -- well, it changes. They were geographic, then a shared
22 resource; the name changes. Just like procedures, everybody
23 changes. So you have other people that you would use to assist
24 you with inspections or certificates.

25 For instance, if I'm here in Miami and I need something done

1 in Texas, I can't go because I'm doing something else, I can issue
2 through our program, our automation program, a request. I cannot
3 tell you or tell anybody who's going to do it because I'm not a
4 manager. But I can say, I want Shawn to do a DCT for me, an
5 inspection in Texas, on these topics. And then I would attach
6 data to back up what that is. So you, Shawn, would be able to
7 look at that data and say I know exactly what he's looking for and
8 can call me. That's how it works. They're all considered part of
9 the CMT.

10 Q. Okay. And thank you for that clarification because I was
11 going to get into that.

12 A. That's fine. I sort of figured you would.

13 Q. You beat me to the punch. That's good.

14 So your team that you worked with --

15 A. The primary or the whole team?

16 Q. The whole team.

17 A. Okay.

18 Q. Did you guys meet regularly as a group, as a team, however
19 you want to call it?

20 A. Yes.

21 Q. Okay.

22 A. We did annual meetings every year -- matter of fact, we did
23 it every quarter. Yeah, the requirement is once a year to do an
24 overall risk assessment, but we would -- and I made it mandatory
25 for myself to get with the rest of them, and we would meet and

1 discuss things every quarter: These are the things we found this
2 quarter, this is the stuff that's from the past that we're still
3 working with, this is what we got going next quarter, these are
4 things we need to look for. And we'd go through an analysis and
5 analyze all this data first that would determine what we do for
6 the next quarter.

7 Q. Okay. In doing that, you guys worked -- how would you
8 classify your working relationship? Well, you know, accomplished
9 what you needed?

10 A. We did the job.

11 Q. You did the job. You didn't go have --

12 A. We did the job.

13 Q. Okay. Enough said. I won't go any further on that.

14 A. I mean, we were friendly to each other but we still did the
15 job.

16 Q. Okay. That's good.

17 A. We'd agree to disagree.

18 Q. Sometimes that's life. This question is going to be weird so
19 please don't take offense to it. But you said you were removed
20 from PMI --

21 A. That's correct.

22 Q. -- Miami Air. And then I believe, and correct me if I'm
23 wrong, that you were notified by a job announcement showing your
24 job?

25 A. That's correct.

1 Q. But I would assume you had to be officially removed or no?

2 A. I'll defer that to management.

3 Q. Okay.

4 A. You'll have to ask them.

5 Q. Let me rephrase that then. Did somebody officially remove
6 you from that position or was it just -- did they tell you, you
7 were no longer assigned to it?

8 A. No.

9 Q. Okay.

10 A. It was that email that told me I wasn't going to be the PMI
11 anymore.

12 Q. Okay.

13 A. I mean, if somebody come in and said your position for the
14 NTSB, give you whatever classification your position is, the NTSB
15 investigator with pilot for the Miami Air accident is open for
16 bid, what would you tell yourself? And then the next week you're
17 not on the certificate, what does that tell you?

18 Q. I can add, 1 and 1 equals 4, so I understand.

19 A. Okay.

20 Q. All right. I think when Kat was asking you -- I think it was
21 with Kat not me, you said that management was -- I tried to write
22 it down -- giving you harassment or harassing you?

23 A. They were harassing me.

24 Q. Can you clarify what management? Are you talking FAA
25 management here or are you talking Miami Air management?

1 A. Both.

2 Q. Okay. All right. I think --

3 A. Well, in that respect, I was focusing more on FAA management.

4 Q. Oh, okay. You also said that for 2 years you were not
5 allowed to travel?

6 A. That's correct.

7 Q. And I just need to understand what --

8 A. Approximately 2 years. Let's not go for specific dates
9 because --

10 Q. Yeah, around 2 years you were not allowed to travel. So what
11 are you classifying as travel? You could not go to Miami Air or
12 you could not fly somewhere to do something?

13 A. There were some points I couldn't go to Miami Air. Which is
14 down the road.

15 Q. And why was --

16 A. Because I was informed by my management here that I need to
17 either give advanced notice or, well, we don't see a need for you
18 to go down there.

19 Q. Had that ever been an issue before?

20 A. No.

21 Q. Okay.

22 A. With other certificates no.

23 Q. Well, you -- and forgive me for assuming; we know that's
24 never a good thing. I assume you had the same manager --

25 A. No.

1 Q. -- frontline at the -- when this was all going down here at
2 Miami Air, as you did when you first got on Miami Air?

3 A. No.

4 Q. It was a different manager?

5 A. It was Mike Busch.

6 Q. So did that all start when your manager, your frontline
7 changed?

8 A. No. It started with Mike Busch and ended with Brian Karnes.

9 Q. Okay.

10 A. But you've got to remember it wasn't just the frontlines that
11 were involved with this. We're talking director down.

12 Q. Okay. All right. Last question, I think. Have you ever,
13 while you were under the Miami Air certificate, ever have any
14 Miami Air employees bring any concerns to you?

15 A. Many.

16 Q. Can you recall what some of those concerns were?

17 A. Inspections being missed, items being done without
18 documentation, repairs being done without proper identification
19 and documentation, and management pushing back on those people
20 when they tried to do it. So when those kind of things come
21 around it's -- those are supposed to be discreet, they don't want
22 their name out there. So you have to go look to validate it.

23 I'm not going to tell Miami Air they're doing something
24 wrong. I mean it could be somebody that's just -- excuse my
25 French -- pissed off. So regardless of how your relationship is

1 with anybody, you have to be objective. And that's what I tried
2 to be, is objective. So when I had those calls or in person --
3 I've actually had people tell me -- pull me aside and tell me
4 right there at the operator and show me some of the stuff they
5 were doing. I would have to keep their names quiet, go back and
6 document, and then just start looking into and see. And some of
7 them panned out, some of them didn't. And of course when they pan
8 out, then you have friction again.

9 Q. Okay. Was that personnel -- is it Miami Air personnel or was
10 their outsource maintenance personnel?

11 A. That was Miami Air personnel.

12 Q. Okay. Did you ever have to deal with any outsource
13 maintenance there?

14 A. At --

15 Q. I'm sorry. At Miami Air did you ever -- as a PMI, I would
16 assume you would have to be the one that looks at all their
17 outsource maintenance and --

18 A. Yes.

19 Q. So did you have complaints from outsource maintenance as well
20 or did you have any issues with outsource maintenance there?

21 A. I had many issues with outsource maintenance, which I tried
22 to focus down to oversight. If an air carrier has proper
23 oversight of their contract maintenance, then 90 percent of the
24 stuff would go away. I had problems making sure there was proper
25 oversight.

1 I had the director of maintenance at one point tell me that
2 they don't need to train contract maintenance personnel to work on
3 their aircraft, which is contrary to the regulation. So, yes, I
4 had several issues with contract maintenance.

5 Q. Okay.

6 A. Or I didn't; there were issues.

7 Q. Okay, understood.

8 MR. ETCHER: I know I told you that was my last question a
9 while ago, so I'll stop and let my brain absorb what you did, but
10 I appreciate it.

11 MR. BANKS: I'm going to ask for a break for some water or a
12 coffee maybe.

13 DR. WILSON: Sure. Yes.

14 MR. BANKS: So I can spool up and make sure I --

15 DR. WILSON: Why don't we come back at 3 o'clock?

16 MR. BANKS: You're the boss.

17 (Off the record.)

18 (On the record.)

19 DR. WILSON: Okay. We're back. And Shawn, you were done
20 with your questions?

21 MR. ETCHER: I am done. Thank you.

22 DR. WILSON: All right. Warren.

23 MR. ABRAMS: I've a few questions. I don't have an extensive
24 list, but just a couple or two.

25 BY MR. ABRAMS:

1 Q. I would like to pick back up with the oversight.

2 A. Yes, sir.

3 Q. Routine oversight or non-routine oversight, in other words
4 routine maintenance or non-routine maintenance, was your concern
5 on oversight over both of those issues or where was your concern
6 more specifically?

7 A. Let me help you out. There's routine and non-routine
8 maintenance.

9 Q. Yeah.

10 A. As far as oversight, oversight is just oversight. Are you
11 referring to --

12 Q. Okay. Who did -- I don't know who does the routine
13 maintenance and who does the non-routine maintenance.

14 A. That could be contract personnel or it could be Miami Air
15 personnel.

16 Q. Okay. Who usually did the routine maintenance?

17 A. It would usually be contract personnel and sometimes Miami
18 Air personnel.

19 Q. Okay. And then same the same answer for the non-routine
20 maintenance?

21 A. That's correct.

22 Q. Okay.

23 A. Coming from my standpoint, non-routine maintenance is like if
24 you have a blown tire. You land in Podunk, Iowa, you have a blown
25 tire. They might have an on-board mechanic who can fix it or they

1 might have to bring in a mechanic. That mechanic could either be
2 contract or it could be somebody that they have stationed there.
3 So it all depends.

4 Q. Okay. And just for clarification, my definition of --
5 hopefully it matches yours -- of routine maintenance is the letter
6 checks and things like that, scheduled maintenance we know about
7 ahead of time and --

8 A. Scheduled maintenance is -- that's correct, is routine.

9 Q. Yes. Okay, good. We're on the same page. Good.

10 You just mentioned there may or not be a mechanic on the jump
11 seat. Were you responsible for the certification of that mechanic
12 on the jump seat?

13 A. No.

14 Q. All right. Do you know who was?

15 A. Well, certification, as far as their A&P certification or as
16 far as authorization?

17 Q. Authorization.

18 A. That is done by Miami Air. The air carrier has a
19 responsibility to ensure who they authorize for what job or task.

20 Q. Okay.

21 A. My job is to ensure they meet the requirements.

22 Q. All right. In your opinion, when you were the PMI how would
23 you describe the maintenance at Miami Air?

24 A. I will not divulge or go into opinions.

25 Q. All right. That's fine.

1 Q. I will go facts. Sometimes it was good, sometimes it was
2 bad.

3 Q. All right. You mentioned there was an issue one time with
4 contaminated fuel that I don't think you felt it was ever
5 resolved. Were there other fuel issues?

6 A. Off the top of my head, I couldn't tell you. I know that the
7 DOD approached me on issues with fuel contamination and servicing.

8 Let me drive you down a different road, so to speak. The
9 fueling is a service, you're servicing the aircraft, that's a
10 maintenance function. I'm looking at servicing the aircraft,
11 fueling was part of the problem. Okay. DOD was having problems
12 with servicing as well. Miami Air had many issues with servicing.
13 They've had aircraft damaged before because of aircraft servicing.

14 Q. Was the fueling in kilograms ever an issue?

15 A. The carrier determines based off their inspection program
16 whether or not it's kilograms or gallons, U.S. or whatever. I
17 don't care either way. The regulation doesn't specify you have to
18 have one or the other. The point is when you do have it, the
19 program and the aircraft all have to be in one fashion, one form.

20 You do have -- there's always different ways. Every carrier
21 is different. You have to give that latitude. Things grow,
22 things change. The ability for a carrier to have another process
23 to translate that -- for instance, if they're on the pilot side
24 where they have gallons but on the aircraft -- I'm just giving an
25 example -- or if the aircraft it's kilograms, they can have as

1 long as it's in their program and it gets approved or accepted
2 based on where it's at and what it is that they're wanting to do.
3 Then they have procedures and policies on how to do that.

4 Q. Yes. If they had a fueling gauge in-op -- let me back up.
5 If they had fuel gauge in-op in the cockpit and they had to drip
6 the airplane, was that a process that was well documented and in
7 place?

8 A. There is a process by the AMM. The manufacturer provides
9 that process. The air carrier can follow that or if they get
10 another program that's approved by their PMI. By rule and by
11 guidance it has to be approved or accepted by the PMI, which they
12 can do that.

13 Q. Was there ever an alternate approval for --

14 A. Not from what I remember.

15 Q. All right. You said the last carrier you were with as a PMI
16 you issued two enforcement actions. I take it that's a low number
17 compared to what you did with Miami Air?

18 A. Yes.

19 Q. Do you recall how many enforcement letters you --

20 A. I don't recall. Everything's been documented in the system.
21 It's been, like I said, about 2 years since I've been on their
22 certificate. If I was still the PMI, I would tell you point blank
23 what that number would be.

24 MR. ABRAMS: Okay, that's fine. That's all the questions I
25 have, Chuck. Thank you very much.

1 MR. BANKS: No problem.

2 DR. WILSON: Rich.

3 MR. LEE: Yeah.

4 BY MR. LEE:

5 Q. I have a question to kind of follow up on what Warren was
6 asking a little bit about the requirement to have a mechanic in
7 the jump seat. Do you know if Miami Air has a requirement for
8 that?

9 A. I can't recall a requirement. They had the option for it.
10 It all depends on -- there's several variables that would make
11 that a requirement. There is no requirement by rule. Okay, let
12 me make sure that's perfectly clear: No requirement by rule for a
13 mechanic in the jump seat.

14 I had a certificate holder -- and I'm using this as an
15 example. I had a certificate that holder that was doing proving
16 runs for 757s. During those proving runs they're required to make
17 sure they have personnel, equipment, and blah, blah, blah, all
18 this stuff in place at every location they arrive and depart from.
19 Hence, another phrase that comes up with line stations, okay, but
20 that's -- let's not go into that detail.

21 But the point is every time, whatever place they go to, they
22 have to have personnel, equipment, material available. Okay.
23 That's a process. This carrier didn't have anybody. They wanted
24 to fly to A, B, C, and D. They didn't have any contract
25 personnel. I told them we can't continue with the certification

1 of the proving runs until you provide me how you're going to do
2 this. Well, then that's when they said, well, we're going to have
3 on-board mechanics. Okay. If you're going to have on-board
4 mechanics for your proving runs -- your proving runs have to be
5 exactly how you're going to operate. So if you have them in there
6 for proving runs, you have to have them in there for standard
7 operation. Okay.

8 Long discussions took place. They put it on the op specs
9 that they would have on-board mechanics for the proving runs and
10 for operation until said time that they have everybody in place
11 then they could have that removed. That's where it would be
12 required.

13 Miami Air's program didn't require it. They had on-board
14 mechanics, they had processes for on-board mechanics, but I do not
15 recall a requirement for those on-board mechanics.

16 Q. If there was no requirement by rule, would you get involved
17 in the process of training for a mechanic approval that would be
18 sitting in a jump seat as a safety monitor?

19 A. The regulations for training, on operation side that is
20 required and it gets approved. Unfortunately, on the maintenance
21 side there is no requirement for an approval for training for
22 maintenance. It is a regulation for training, but there's no -- I
23 don't have to go in there and approve a training program. I do
24 have oversight responsibilities for that training program, yes,
25 but again it's entirely up to the carrier if they have on-board

1 mechanics and what they require for training.

2 Q. You mentioned that there were several mechanics that came to
3 you personally and had issues. Do you remember any of the issues
4 being about being a safety observer as a maintenance person in the
5 cockpit?

6 A. I've had a couple that were on-board mechanics, yes. One in
7 particular issue that comes to mind was rest. You have crew rest
8 requirements for crew; you don't have them for maintenance.
9 Maintenance flies all day in the cockpit and then gets off and
10 does work on the aircraft afterwards; not really rest. But that's
11 not for me to make that call. That's for the regulatory and the
12 administrator to make.

13 MR. LEE: All right. Thanks. That's all I have.

14 DR. WILSON: Dave.

15 MR. THOMPSON: No questions.

16 DR. WILSON: Todd.

17 MR. GENTRY: No. Thank you.

18 DR. WILSON: Darrin.

19 MR. NELSON: No.

20 DR. WILSON: Steve.

21 MR. JOFFRION: Nothing.

22 MR. BANKS: Wow. You all want to go home. Cool.

23 MR. SMITH: There's two rounds.

24 MR. BANKS: Oh, there's two rounds?

25 DR. WILSON: Two rounds.

1 MR. BANKS: Oh, all right.

2 DR. WILSON: Round two, ding, ding, ding.

3 MR. BANKS: This is where the gloves come off?

4 DR. WILSON: Exactly.

5 BY DR. WILSON:

6 Q. I just have a couple of follow-through. One a clarification.
7 You talked about the travel restriction that you had and you said
8 you either needed to give advance notice -- or that you needed to
9 give advance notice, and I wasn't sure was it the advance notice
10 needed to go to Miami Air so that they would know you were coming
11 or --

12 A. Yes.

13 Q. Okay. And what would that afford Miami Air by giving them
14 advance notice?

15 A. Well, Miami Air had an issue that they complained about that
16 I would show up unannounced. We're required by guidance to do a
17 minimum, not a maximum, a minimum of 10 percent off hours. And if
18 I was to tell you -- Warren. Right, Warren?

19 MR. ABRAMS: Um-hum.

20 MR. BANKS: Warren, the regulation says you can't wear gray
21 pants. Okay. Well, if I tell you I'm coming, are you going to
22 have gray pants on? No. If I show up and you have gray pants on
23 -- I need to be able to see or the principal inspectors or any
24 inspectors have to be able to see what is going on as it's going
25 on, not just because we're there. So the only way to do that is

1 by doing that kind of oversight, and it is a requirement for us to
2 do that.

3 So we had issues and -- because I would show up, and that's
4 where a couple items were identified that management were telling
5 me that I have to get approval and send emails and notify them
6 days in advance of my arrival to Miami Air to perform my
7 inspections. Clear enough?

8 DR. WILSON: Yes.

9 MR. BANKS: Okay.

10 BY DR. WILSON:

11 Q. Compliance philosophy. I believe you said that was not in
12 place when you were the PMI at Miami Air?

13 A. No, it was not. And let me -- the guidance in our order was
14 not in place. There was no huge program for compliance
15 philosophy; however, that does not mean it wasn't being done. I
16 would go find and identify an issue. Compliance is working with
17 the operator or the individual saying, hey, what do you think; do
18 you think that's right? No. What do you think we can do? Should
19 we be doing this? What can you do to fix this? That kind of
20 stuff.

21 We've always done it, except towards -- about a year before I
22 came off of Miami Air, that's when the compliance philosophy
23 started.

24 Q. Okay. Were you a PMI at the time that the compliance
25 philosophy --

1 A. Initiated? Yes.

2 Q. Yes. In general, how do you think that the compliance
3 philosophy changed the way you did your job as a PMI?

4 A. I'm going to defer that question because that's an opinion
5 and I have strong opinions about it, but I do what my guidance
6 tells me to do.

7 DR. WILSON: Okay. That's all the questions that I have.

8 MR. BANKS: Okay.

9 DR. WILSON: Thank you, Chuck. Shawn.

10 MR. ETCHER: I just have --

11 MR. BANKS: That's fine, call me whatever you want.

12 DR. WILSON: -- two. How about I call you sir?

13 MR. BANKS: No, please don't.

14 MR. ETCHER: You said whatever I wanted, but -- all right.

15 BY MR. ETCHER:

16 Q. It might have been Warren or somebody asked --

17 A. Tell me the question and I'll tell you if it was him.

18 Q. I can't remember the question. I just remember your answer.
19 And you said there was examples of good maintenance and bad
20 maintenance.

21 A. That was Warren.

22 Q. Okay. And you had said, you know, factual basis. That's
23 what I'm hoping you're going to give me, an answer here based on
24 facts. Give me an example of good maintenance.

25 A. I would walk into the hangar. I'd go up to the aircraft.

1 I'd see maintenance is being performed. I'd walk up to the --
2 first thing I would do is ask what maintenance is being done.
3 They would show me that there's, say, an A check being done,
4 scheduled maintenance. Okay. All right. So I'm looking at the A
5 check, okay, and I would see all the task cards that were issued,
6 it's a tally, everything's there.

7 When somebody issues a non-routine, that's a piece of paper
8 that's used when there's not a task card for something. Okay.
9 Where if a task card says do an inspection and you have findings
10 and you generate non-routines for each individual finding. Okay.
11 That all has to be on a tally. I would look at the tally and it's
12 all there.

13 I'd go to the mechanics, they're all happy, they're working
14 on it, everything's working. I go out there, they have their
15 manuals, they have their tools. The shop would be clean. I mean,
16 not everything was bad. I mean, there were some really good
17 mechanics there, some good people. And there were times where
18 there were issues, I wouldn't have to say anything, they would be
19 -- already, hey, we have this issue we're fixing it.

20 So there are good things that are going on. So that would be
21 to me good maintenance. It's not whether or not there's a
22 problem; it's that when you find something you fix it. It's not
23 what you find; it's what you do after you find it.

24 Does that answer your question?

25 Q. It does, but I'm sure you can imagine I've got my second

1 question coming here.

2 A. Yeah.

3 Q. Give me an example of bad maintenance, I guess what you said.

4 A. I'll give you the structural repair. I'm up and Miami Air
5 just got through with a meeting. A designated airworthiness
6 representative that is certifying an aircraft through this
7 process, okay, comes in and tells me that there's corrosion going
8 on because it's an aging aircraft inspection for structural.
9 Okay. So he had something he wanted to ask me about and show me.
10 So I walked down and I look in the hangar, we're looking for this
11 primary structure. Are you all familiar with what primary
12 structure is?

13 (No verbal response.)

14 MR. BANKS: Okay. I don't have to explain. All right, so --
15 just asking. I look on the aircraft, several different pieces of
16 primary structure had been removed. Okay. Where's it at? Nobody
17 knows. Where's the paperwork? Nobody knows. I'm walking around
18 trying to find the paperwork, let alone the equipment. Come to
19 find out it's over at a repair station.

20 So the DAR and I went over to the repair station, because
21 everybody says they have the paperwork. Of course the tally
22 doesn't show anything. So I go to the repair station, I walk in,
23 I look at the guy and he's over there with a grinder and he's
24 grinding away on this primary structure, taking all this material
25 off.

1 I ask him, where's your paperwork? He doesn't have any.
2 Where's your manual? Doesn't have one. How much material are you
3 losing here? Couldn't answer the question. Did you check and
4 determine what kind of corrosion there was? Didn't know what I
5 was talking about.

6 I talked to the supervisor, where's the manual? I'll get it.
7 So he comes out and brings me a manual for removing rivets. Well,
8 we're far surpassed that stage. Okay. So now I have undocumented
9 maintenance being performed on a primary structure by somebody
10 that's not qualified.

11 The further I get into it, the repair station that was doing
12 the work was just violated and almost went to losing their
13 certificate for the same kind of stuff on a different aircraft and
14 a different certificate. I'm trying to find out just who's doing
15 what, who's on first, who's on second, and I couldn't figure that
16 out. The air carrier couldn't. If anybody, the carrier should
17 know this. Nobody could tell me. Then the carrier comes up and
18 says, well, it's not the repair station that's doing the work;
19 it's the mechanic.

20 Okay. We'll go down that road. Show me on your maintenance
21 provider listing that mechanic is listed. He wasn't. Well, if
22 he's not on there, who's doing the work? Was he trained? That's
23 when the director of maintenance said I don't have to train
24 everybody. Yes, you do.

25 My frontline at the time, Mike Busch, was sitting right there

1 when they were talking to me about that and told me that I didn't
2 know what I was talking about, the regulations, and said nothing.
3 I get the PO for the repair that was being done. The POs for
4 parts, material and labor to the repair station.

5 I'll stop there. I can go further but I'll stop there.

6 MR. ETCHER: That's all right. I just had (indiscernible),
7 so you're good. Thank you. That's all I've got.

8 MR. BANKS: You're welcome.

9 DR. WILSON: Warren.

10 BY MR. ABRAMS:

11 Q. In that same story you mentioned the DAR. Why were they
12 using a DAR in that instance and why weren't they doing it
13 themselves?

14 A. I --

15 MR. SMITH: Just be careful on speculating.

16 MR. BANKS: Yeah. The DAR is used -- yeah, the DAR wouldn't
17 be necessary for that kind of situation. I might have misspoken.
18 It might have been a DER. I got to remember -- because I'm
19 pulling out 3 years.

20 BY MR. ABRAMS:

21 Q. Okay. Designated engineering representative.

22 A. He was a designee that was used.

23 MR. ABRAMS: Yeah, okay. Designee. All right, that's fine.
24 That's all I have.

25 MR. BANKS: Good catch. Appreciate that. Thanks.

1 MR. ABRAMS: All right. That's all I have, Kat.

2 DR. WILSON: Okay. Rich.

3 MR. LEE: Nothing.

4 DR. WILSON: Dave. Todd.

5 MR. THOMPSON: No, sir -- no, ma'am.

6 MR. GENTRY: No.

7 DR. WILSON: Darrin.

8 MR. NELSON: No, no, ma'am.

9 DR. WILSON: Steve.

10 MR. JOFFRION: No.

11 MR. BANKS: Old Beer 30.

12 DR. WILSON: Yeah. Early tonight. Thank you.

13 MR. BANKS: Okay.

14 DR. WILSON: So we've asked you a lot of questions. Was
15 there anything -- we're obviously here as a part of the Miami Air
16 investigation. If there's anything that you think you need to
17 share with us that we didn't ask you about that you think would be
18 relevant to this investigation?

19 MR. BANKS: I would just say with most of your questions look
20 at the IG. That will answer a lot of them. Enough said?

21 DR. WILSON: Okay.

22 MR. BANKS: Okay.

23 DR. WILSON: Thank you. You've got our contact information?

24 MR. BANKS: Yes, ma'am.

25 DR. WILSON: If you think of anything after this interview --

1 MR. BANKS: That was painless. Nobody shot me.

2 DR. WILSON: We turn the recordings off for that first.

3 MR. BANKS: Oh. (Laughter)

4 DR. WILSON: I'm kidding. Gosh, I better get that on the
5 recording. If there's anything that you can think of, please
6 don't hesitate to reach out to us.

7 MR. BANKS: Yeah, and same here. My phone number is open,
8 always has been. I've always told every carrier I work with that
9 if you've got a call, you have a question, day or night, doesn't
10 matter, just give me a call.

11 DR. WILSON: Thank you very much.

12 MR. BANKS: Uh-huh. You all have a good --

13 (Whereupon, at 3:12 p.m., the interview was concluded.)
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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: BOEING 737-800 OVERRUN
 JACKSONVILLE, FLORIDA
 MAY 3, 2019
 Interview of Charles Banks

ACCIDENT NO.: DCA19FA143

PLACE:

DATE: July 17, 2019

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.



Wade Donovan
Transcriber