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Office of Aviation Safety, Eastern Region

Date: April 13, 2023

Subject: NTSB# ERA23FA188

Contact: Jeff Rucinski, A&P Mechanic, 3A4 Airport

Mr. Rucinski provided the below account of what he recalled regarding the relevant circumstances in the accident. Mr. Rucinski also assisted the investigation with examining the aircraft engine under the supervision of the NTSB. The following are details he recalled.

The right seat pilot as observed during the accident taxi and takeoff (Jimmy Foecking) was seen around 1100 local at the airport (3A4) taxiing for takeoff. He was observed in the left seat without any other occupant in the airplane. He subsequently took off.

Mr. Rucinski recalled for this takeoff, the fatally injured pilot was present at the airport standing near the hangars and observed this solo takeoff. Mr. Rucinski stated that the engine sounded normal for this takeoff. Mr. Rucinski heard the airplane return about 10 minutes later.

Mr. Rucinski subsequently observed the fatally injured pilot in the left seat taxiing the airplane for takeoff. He believed that the airplane returned following the solo flight and the fatally injured pilot boarded the accident airplane and was seated in the left seat. The pilot who had previously conducted the local 10 minute pattern flight solo had moved over into the right seat.

The airplane departed with both pilots onboard. He recalled that the engine sounded normal for this takeoff.

Mr. Rucinski was aware that the owner of the accident airplane asked the right seat pilot to burn off hours on the airplane in order to get it out of the flight test regime. The airplane was an experimental amateur built airplane. Mr. Rucinski believed that the right seat pilot had had flown the airplane in multiple instances before the accident flight. The owner desired to "burn" the 40 hours off to get the airplane out of the flight test regime so that the airplane could be sold.

Mr. Rucinski had no knowledge of what fuel was added to the airplane.

Mr. Rucinski spoke with the right seat pilot on the telephone on the day of the accident. The right seat pilot was at the hospital, and they connected through the right seat pilot's spouse's cell phone. Mr. Rucinski recalled that the right seat pilot stated, "we lost power" and that they were trying to land on the highway and a semi-truck was in the way that prevented them from doing so. He then stated that they hit the bridge crossing the highway. The right seat pilot reported nothing further on the brief call.

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