



# Aviation Investigation Final Report

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<b>Location:</b>	Suches, Georgia	<b>Accident Number:</b>	ERA23LA072
<b>Date &amp; Time:</b>	November 26, 2022, 11:26 Local	<b>Registration:</b>	N728RJ
<b>Aircraft:</b>	DANIEL ANTHONY PROCTOR M24 ORION PLUS	<b>Aircraft Damage:</b>	Substantial
<b>Defining Event:</b>	Collision during takeoff/land	<b>Injuries:</b>	1 Serious, 1 None
<b>Flight Conducted Under:</b>	Part 91: General aviation - Personal		

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## Analysis

The gyroplane pilot reported that he initiated his takeoff midway down the runway with a tailwind. After takeoff, the angle of climb was shallower than expected and the pilot determined that he may not clear the trees beyond the runway's departure end. He attempted to turn back toward the runway; however, the gyroplane had insufficient altitude and impacted the brush. The gyroplane sustained substantial damage to the fuselage and tail section and the passenger was seriously injured. The pilot reported that there were no preaccident mechanical failures or malfunctions with the gyroplane that would have precluded normal operation and that he gave up safety margin unnecessarily. He stated that he should have performed a full-length departure into the wind.

## Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be:

The pilot's decision to take off from the runway midpoint with a tailwind, which resulted in impact with terrain.

## Findings

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<b>Environmental issues</b>	(general) - Decision related to condition
<b>Personnel issues</b>	Decision making/judgment - Pilot
<b>Environmental issues</b>	Tailwind - Decision related to condition

## Factual Information

### History of Flight

<b>Initial climb</b>	Collision during takeoff/land (Defining event)
<b>Initial climb</b>	Attempted remediation/recovery
<b>Emergency descent</b>	Off-field or emergency landing

### Pilot Information

<b>Certificate:</b>	Commercial; Private	<b>Age:</b>	66, Male
<b>Airplane Rating(s):</b>	Single-engine land	<b>Seat Occupied:</b>	Left
<b>Other Aircraft Rating(s):</b>	Gyroplane	<b>Restraint Used:</b>	Lap only
<b>Instrument Rating(s):</b>	Airplane	<b>Second Pilot Present:</b>	No
<b>Instructor Rating(s):</b>	None	<b>Toxicology Performed:</b>	
<b>Medical Certification:</b>	Class 3 Waiver time limited special	<b>Last FAA Medical Exam:</b>	January 18, 2021
<b>Occupational Pilot:</b>	No	<b>Last Flight Review or Equivalent:</b>	October 7, 2022
<b>Flight Time:</b>	3416 hours (Total, all aircraft), 137 hours (Total, this make and model), 3310 hours (Pilot In Command, all aircraft), 137 hours (Last 90 days, all aircraft), 38 hours (Last 30 days, all aircraft), 1 hours (Last 24 hours, all aircraft)		

### Passenger Information

<b>Certificate:</b>		<b>Age:</b>	Male
<b>Airplane Rating(s):</b>		<b>Seat Occupied:</b>	Right
<b>Other Aircraft Rating(s):</b>		<b>Restraint Used:</b>	Lap only
<b>Instrument Rating(s):</b>		<b>Second Pilot Present:</b>	No
<b>Instructor Rating(s):</b>		<b>Toxicology Performed:</b>	
<b>Medical Certification:</b>		<b>Last FAA Medical Exam:</b>	
<b>Occupational Pilot:</b>	No	<b>Last Flight Review or Equivalent:</b>	
<b>Flight Time:</b>			

## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	DANIEL ANTHONY PROCTOR	<b>Registration:</b>	N728RJ
<b>Model/Series:</b>	M24 ORION PLUS	<b>Aircraft Category:</b>	Helicopter
<b>Year of Manufacture:</b>	2022	<b>Amateur Built:</b>	
<b>Airworthiness Certificate:</b>	Experimental (Special)	<b>Serial Number:</b>	24223826
<b>Landing Gear Type:</b>	Tricycle	<b>Seats:</b>	2
<b>Date/Type of Last Inspection:</b>	June 7, 2022 Condition	<b>Certified Max Gross Wt.:</b>	1320 lbs
<b>Time Since Last Inspection:</b>	125 Hrs	<b>Engines:</b>	1 Reciprocating
<b>Airframe Total Time:</b>	127.9 Hrs at time of accident	<b>Engine Manufacturer:</b>	Rotax
<b>ELT:</b>	Not installed	<b>Engine Model/Series:</b>	915i
<b>Registered Owner:</b>	On file	<b>Rated Power:</b>	141 Horsepower
<b>Operator:</b>	On file	<b>Operating Certificate(s) Held:</b>	None

## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	Visual (VMC)	<b>Condition of Light:</b>	Day
<b>Observation Facility, Elevation:</b>	DZJ,1909 ft msl	<b>Distance from Accident Site:</b>	9 Nautical Miles
<b>Observation Time:</b>	16:15 Local	<b>Direction from Accident Site:</b>	9°
<b>Lowest Cloud Condition:</b>	Clear	<b>Visibility</b>	10 miles
<b>Lowest Ceiling:</b>	None	<b>Visibility (RVR):</b>	
<b>Wind Speed/Gusts:</b>	8 knots /	<b>Turbulence Type Forecast/Actual:</b>	Unknown / None
<b>Wind Direction:</b>	100°	<b>Turbulence Severity Forecast/Actual:</b>	N/A / N/A
<b>Altimeter Setting:</b>	30.17 inches Hg	<b>Temperature/Dew Point:</b>	17°C / 5°C
<b>Precipitation and Obscuration:</b>	No Obscuration; No Precipitation		
<b>Departure Point:</b>	Canton, GA (CNI)	<b>Type of Flight Plan Filed:</b>	None
<b>Destination:</b>	Blairsville, GA (DZJ)	<b>Type of Clearance:</b>	None
<b>Departure Time:</b>	11:30 Local	<b>Type of Airspace:</b>	Class G

## Airport Information

<b>Airport:</b>	High Valley Airpark GA87	<b>Runway Surface Type:</b>	Grass/turf
<b>Airport Elevation:</b>	2800 ft msl	<b>Runway Surface Condition:</b>	Dry
<b>Runway Used:</b>	2	<b>IFR Approach:</b>	None
<b>Runway Length/Width:</b>	2000 ft / 60 ft	<b>VFR Approach/Landing:</b>	Stop and go

## Wreckage and Impact Information

<b>Crew Injuries:</b>	1 None	<b>Aircraft Damage:</b>	Substantial
<b>Passenger Injuries:</b>	1 Serious	<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>	N/A	<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	1 Serious, 1 None	<b>Latitude, Longitude:</b>	34.698131,-84.011144

## Administrative Information

<b>Investigator In Charge (IIC):</b>	Spencer, Lynn
<b>Additional Participating Persons:</b>	Rodney Hood; FAA/FSDO; Atlanta, GA
<b>Original Publish Date:</b>	June 6, 2023
<b>Last Revision Date:</b>	
<b>Investigation Class:</b>	<a href="#">Class 4</a>
<b>Note:</b>	The NTSB did not travel to the scene of this accident.
<b>Investigation Docket:</b>	<a href="https://data.nts.gov/Docket?ProjectID=106372">https://data.nts.gov/Docket?ProjectID=106372</a>

The National Transportation Safety Board (NTSB) is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable causes of the accidents and events we investigate, and issue safety recommendations aimed at preventing future occurrences. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for each accident or event we investigate. We also serve as the appellate authority for enforcement actions involving aviation and mariner certificates issued by the Federal Aviation Administration (FAA) and US Coast Guard, and we adjudicate appeals of civil penalty actions taken by the FAA.

The NTSB does not assign fault or blame for an accident or incident; rather, as specified by NTSB regulation, “accident/incident investigations are fact-finding proceedings with no formal issues and no adverse parties ... and are not conducted for the purpose of determining the rights or liabilities of any person” (Title 49 *Code of Federal Regulations* section 831.4). Assignment of fault or legal liability is not relevant to the NTSB’s statutory mission to improve transportation safety by investigating accidents and incidents and issuing safety recommendations. In addition, statutory language prohibits the admission into evidence or use of any part of an NTSB report related to an accident in a civil action for damages resulting from a matter mentioned in the report (Title 49 *United States Code* section 1154(b)). A factual report that may be admissible under 49 *United States Code* section 1154(b) is available [here](#).