Federal Aviation Administration

Memorandum

Date: November 16, 2017

To: Dale Donegan, Manager, Quality Control and Investigations A, AFB-440

LARRY G YORK Digitally signed by LARRY G YORK Date: 2017.11.16 15:35:39 -06'00'

From: Larry York, Manager, Quality Control and Investigations Branch B, AFB-470

Prepared by: Mark A. Whittier, Quality Control and Investigations Branch B, AFB-470

Subject: Whistleblower Complaint EWB17634 (Southwest Airlines)

This memorandum is in response to Whistleblower Protection Program (WBPP) Complaint EWB17634 to determine if there was a safety violation or other act of noncompliance with Federal Aviation Administration (FAA) regulations in accordance with the WBPP, 49 U.S.C. §42121.

FAA Aviation Safety Inspector (ASI) Mark A. Whittier conducted the investigation. Please find attached the Report of Investigation (ROI) for which a violation or noncompliance of an FAA order, regulation, or standard is not substantiated.

Attachment

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

WHISTLEBLOWER PROTECTION PROGRAM

CASE #EWB17634

REPORT OF INVESTIGATION

FOR OFFICIAL USE ONLY
Public availability to be determined under 5 USC 552

Investigation Team: Mark A. Whittier, (IIC) Aviation Safety Inspector, AFB-470
Paul Honken, Aviation Safety Inspector, AFB-470
Charles Whitlock, Aviation Safety Inspector, AFB-470

Person(s) Interviewed: **Telephone Interviews:**
Robert Blisset, FAA, Supervisory Principal Maintenance Inspector, Southwest Airlines (SWAA)
Antonio Aragon, FAA, Supervisory Principal Avionics Inspector, SWAA
(b) (7)(C) Director of Quality Assurance, SWAA
(b) (7)(C) SWAA Line Station Manager, LAX
Lee Seham, Attorney for the complainants
Ray Hodges, SWAA Line Mechanic, Remain Overnight (RON)
[redacted] LAX (AMFA Representative)
Mike Roca, SWAA Line Mechanic, LAX (Terminated)
Armando Tatad, SWAA Line Mechanic, RON Shift, LAX
Delfino Leon, SWAA Line Mechanic, RON Shift, LAX
Christopher Calkins, FAA ASI, SWAA Certificate Management Office (CMO)
[redacted] SWAA Line Mechanic, LAX
[redacted] SWAA Line Mechanic, LAX
In Person Interviews:
(b) (7)(C) SWAA Line Supervisor, LAX
(b) (7)(C) SWAA Line Supervisor, LAX
(b) (7)(C) SWAA Line Supervisor, RON Shift, LAX
(b) (7)(C) SWAA Line Mechanic, Day Shift, LAX
(b) (7)(C) SWAA Line Mechanic, Day Shift, LAX
(b) (7)(C) SWAA Line Mechanic, Day Shift, LAX
(b) (7)(C) SWAA Line Mechanic, Day Shift, LAX
(b) (7)(C) SWAA Materials Specialist, LAX
Armando Tatad, SWAA Line Mechanic, RON Shift, LAX
Ray Hodges, SWAA Line Mechanic, RON Shift, LAX (AMFA Representative)
[redacted] SWAA Line Mechanic, RON Shift, LAX
[redacted] SWAA Line Mechanic, RON Shift, LAX
[redacted] SWAA Line Mechanic, RON Shift, LAX
[redacted] SWAA Line Mechanic, RON Shift, LAX

Other Investigation Activities: The investigation team conducted interviews with the complainants, their attorney, FAA personnel assigned to SWAA, SWAA Management, SWAA Line Maintenance mechanics and materials personnel. The team reviewed routine work cards, log pages and related maintenance records related to the events. The investigation team reviewed FY16 and FY17 SAS data for related information pertaining to the investigation as well as Voluntary Disclosure Report (VDRP) 2017SW294055.

FINDINGS & FOLLOW-UP ACTIONS

ALLEGATION: Contrary to 14 CFR 119.65(d)(3), pressure to not document discrepancies.

Investigation: The first interview that was conducted was with the complainants Mike Roca, Ray Hodges, Armando Tatad, and Delfino Leon who were represented by their attorney, Lee Seham. During this telecon, the investigation team heard that since approximately January 2017, the atmosphere at the LAX Line Maintenance base had become increasingly uncomfortable due to pressure on mechanics to disregard findings on aircraft that would cause delays. The complainants verbally cited examples of abusive language, threats and aggressive attitudes towards the mechanics on the Remain Over Night (RON) shift. Specific issues mentioned were baggage bin liners, cargo door handle housings and other items found on the aircraft as part of the scope of the overnight checks. Mike Roca had been terminated from SWAA in April 2017. He states it was an effort to make an example of him to show that continuing to find minor discrepancies would not be tolerated. He stated he was terminated for a "paperwork issue". The complainants were informed by the investigation team that interviews would be conducted in-person at the LAX location and were asked if they had informed anyone in management of their filing of the Whistleblower complaint. They replied, no, they had not informed anyone.

(b) (7)(C) SWAA Senior Director of Quality Assurance, was contacted by the investigative team to request copies of aircraft records pertaining to the maintenance event that led to the termination of Mike Roca. [redacted] volunteered to give an account of the scenario. He stated there had been a history of errors with SWAA involving the removal and replacement of crew oxygen (O2) bottles. SWAA had spent a significant amount of time and money to develop and have manufactured unique O2 valve assemblies, installed fleet wide to preclude the type of errors that were happening. This was also the comprehensive fix for a Voluntary Disclosure to the FAA.

On May 25, 2017, on aircraft N798SW, two mechanics, Mike Roca and (b) (7)(C) were involved in the removal and replacement of the crew O2 bottle for re-servicing. After Mike Roca had removed, serviced, and re-installed the serviceable O2 bottle, the maintenance procedure requires two separate signatures to verify that the bottle had been re-opened fully after installation. Mike Roca and the other mechanic both signed the verification step. The investigation team has verified this in the aircraft records. Two days later on May 27, 2017, the same aircraft was at LAX and had a crew O2 discrepancy with the captain's mask not testing properly. According to witness statements from [redacted] SWAA Line Station Manager, LAX and the investigation conducted by SWAA QA Department, [redacted] the mechanic working on the O2 system on May 27, 2017, was reported to have said in the breakroom and common areas of the line station that the bottle was not opened fully from maintenance conducted by Roca and [redacted] two days prior. In an interview with the FAA Inspector working on the Voluntary Disclosure and an interview with this investigation team, (b) (7)(C) denied he said that to anyone. However, based on this hearsay, SWAA management and Quality Assurance decided to review the gate security video tape to determine if both mechanics had gone to

the baggage bin to verify the valve was open fully. The video concluded that the second mechanic had not gone back to the aircraft to perform the verification as required. This resulted in the termination of both mechanics.

According to the comprehensive fix report in the Voluntary Disclosure relating to crew O2 bottle servicing, there have been several mistakes made with valves not being opened properly across the SWAA system. It states that the security videos were reviewed in five instances to verify procedures for Crew O2 servicing. A memorandum was generated at the MDW line station due to the frequency of the mistakes.

On September 20, 2017, the investigation team traveled to LAX to interview management personnel and mechanics. In summary, all of the mechanics interviewed except two felt pressured and under scrutiny as to whether they were either doing their jobs correctly or if they were finding too many things wrong with the aircraft, i.e. finding discrepancies outside of the scope of the routine inspection. Some of the comments noted during the mechanic's interviews were:

- The culture has changed from a teamwork approach to scrutiny and threatening.
- Some feel there is a perception of management that the maintenance personnel are taking action because contract negotiations are stale with AMFA.
- Mechanics are told, "Dallas is watching us" don't make us look bad with delays.
- Some stated that the pressure is not only at LAX; it is system wide.
- When mechanics go out on a road trip to a remote station, their position is not backfilled with a spare mechanic which leaves that shift short-handed and under even more pressure.
- (b) (7)(C) (SWAA Line Station Manager, LAX) lives in PHX and commutes each day so he is not here and doesn't understand, just gets mad and abusive when there are delays.
- Mechanics have a fear they are being watched and scrutinized by the use of security cameras (which were used to facilitate Roca's termination).
- Manager is abusive; he "swears and barks".
- One mechanic recalled witnessing the Manager stating he was going to "walk somebody out" over the increased findings for discrepant cargo door handle housings.
- Several stated they are "writing up people for not finding things and writing them up for finding too much".
- The mechanics interviewed did say they were required to attend computerized training in SMS but were not very well versed in its application to this issue.

The three Supervisors were interviewed as well. The results of the interview indicated they knew of no "undue" pressure being placed on the mechanics. They just need them to get the work done. They stated no one wants a delay, so they work hard to get the aircraft out on time. They feel that may be construed as threats and pressure. They did not agree that the mechanics were being treated abusively or coerced to "sign-off" something that wasn't right. Three of the four Supervisors were interviewed. The other was on leave. The Supervisors were also aware of the requirement for training in SMS.

[redacted] SWAA Line Station Manager, LAX was interviewed and was adamant that the mechanics are not pressured in any way other than to stay on track and do their work. [redacted] stated he does remind the mechanics to stay within the scope of the routine work cards in accordance with Maintenance Steering Group-3 (MSG-3) logic. He stated he was out of town when the incident happened with Mike Roca and then got involved after the fact when another mechanic from the Day Shift found the discrepancy with the O2 bottle installation. He explained it was disclosed to the Certificate Holding FAA CMO, and the mechanics involved were terminated for basically falsifying aircraft records. [redacted] also mentioned he may need to spend some more time visiting the RON shift.

The investigation team interviewed the Principal Maintenance Inspector, [redacted] and Principal Avionics Inspector, [redacted] The PIs were aware of complainant Roca's termination and explained the long history of SWAA's problems and disclosures involving Crew O2 bottle issues. They were aware of the overall complaints of pressure and coercion at various stations including LAX. They explained they had just returned from Las Vegas (LAS) and had witnessed the same situation but were convinced that the complaints of pressure from management were part of unrest caused by the lack of a contract between AMFA and SWAA. They cited examples of the presence of an AMFA initiative called CHAOS, "Controlled Havoc Within Our System" and had seen stickers on toolboxes and other personal property around the line station. The PIs explained that enhanced surveillance had been initiated for FY16 and FY17 due to labor unrest and found these types of complaints with no remarkable findings. The following SAS records were reviewed, and indications were that these activities were not having an effect on the airworthiness of the aircraft returned to service: SAS Custom DCT # SWAA-FY17Q2-PICustom-0156 through 0170.

While there were no instances observed that indicated a violation of a regulation, or evidence of an aircraft being returned to service in an un-airworthy condition, it was observed that at the SWAA LAX line station, there is the absence of a "Just Safety Culture". Safety Promotion, a key part of an effective SMS seems to be deficient. There seems to be a lack of an environment of trust, effective communication and the willingness for employees to share mistakes, concerns or failures without the fear of threats or reprisal. This ultimately leads to a degraded level of safety that the SMS is trying to maintain at the highest possible level.

Finding: Evidence of a violation of a regulation, order or standard of the FAA related to air carrier safety is **not substantiated**.

Corrective Action: None required.