

Subject: Reopening a Closed ASAP Event

The ERC should not accept or close a report until all member investigations concerning the event are completed, including the determination of whether independent information on the event (i.e. information not obtained from, or predicated upon, the ASAP report) is known to the FAA (thereby making the report non-sole-source for the purpose of FAA action under ASAP). If in spite of best efforts to make this determination prior to acceptance and closure of a report as sole source, information subsequently becomes available to the ERC indicating that the FAA had independent information on the event, it is not considered a best practice to re-open and re-classify the report simply for the purpose of issuing an administrative action letter. To do so undermines employee trust and confidence in the program, and is therefore not in the long range best interest of encouraging employees to participate, or to be fully forthcoming on safety related events reported under the program. Rather, as indicated in paragraph 12 of AC120-66B, the circumstances under which re-opening of a closed ASAP case based on new evidence is appropriate are limited to those where the new evidence indicates that a violation should have been excluded from the program.

It should also be kept in mind that the ERC should make corrective action recommendations for an employee whenever appropriate, regardless of whether a report is classified as sole source or non-sole-source.