



U.S. Office of Special Counsel  
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## **DEPARTMENT OF TRANSPORTATION AGAIN SUBSTANTIATES FAILURE OF FAA OFFICIALS TO ENFORCE SAFETY REQUIREMENTS**

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### **FOR IMMEDIATE RELEASE**

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WASHINGTON, DC/March 18, 2010 – Today, the U.S. Office of Special Counsel (OSC) transmitted to the President and Congress the Department of Transportation’s (DOT) report substantiating allegations that for the second time the Federal Aviation Administration (FAA) knowingly allowed Southwest Airlines (Southwest) to self-disclose a violation of an Airworthiness Directive (AD) and continue operating aircraft in passenger revenue service in an unsafe condition, in violation of federal regulations. FAA’s actions also violated the procedures of the Voluntary Disclosure Reporting Program (VDRP) by failing to ensure that non-compliance ceased upon discovery, as required, and until the AD requirements are satisfied. The whistleblower, Charalambe “Bobby” Boutris, an Aviation Safety Inspector assigned to the Southwest Airlines Certificate Management Office (SWA CMO) in Irving, Texas, further alleged that the conduct of FAA officials constituted a violation of law, rule or regulation, gross mismanagement, an abuse of authority, and a substantial and specific danger to public safety.

A 2008 investigation confirmed that FAA employees in the SWA CMO failed to enforce AD requirements. In this second case, DOT’s investigation found that the Supervisory/Principal Maintenance Inspector, who replaced an FAA manager removed after the first investigation, violated FAA policy by allowing Southwest to self-disclose non-compliance with an AD involving 55 Boeing 737 aircraft. The DOT report concluded that permitting Southwest to self-disclose its violation and issuing a Letter of Correction allowed the airline to avoid a regulatory enforcement action and a civil penalty.

Due to Southwest’s history of AD non-compliance and the failure of SWA CMO employees to enforce FAA requirements substantiated by DOT’s investigation into Mr. Boutris’ previous disclosures, DOT concluded that the SWA CMO Manager should have been vigilant in his oversight and ensured adherence to FAA policy and enforcement of VDRP requirements. FAA proposed suspensions against both officials. Southwest’s AD non-compliance was incorporated into a \$7.5 million settlement on March 2, 2009.

OSC determined that the agency's reports contain all the information required by statute and the findings appear to be reasonable.

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*The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information, please visit our web site at [www.osc.gov](http://www.osc.gov) or call 1 (800) 872-9855.*