



Federal Aviation Administration

Memorandum

Date: September 28, 2018
To: [REDACTED]
From: C. Bobby Boutris
Prepared by: C. Bobby Boutris
Subject: Concerns regarding SWA's Non-Compliant Attitude

On December 13, 2017, via Compliance Action letter (CASW2920180112) our office (SWA CMO) notified Southwest Airlines Co. (SWA) that during aircraft records review we discovered some cases where SWA was not complying with the requirements of 14CFR Part 39.19 and FAA Order 8110.103 (Notification of intent to use an AMOC). The discrepancies were related to AMOCs obtained by Maintenance Providers on behalf of SWA for AD requirements and eighty eight (88) aircraft that were acquired by SWA from foreign operators that were previously operating under a non U.S. Registry.

On March 28, 2018, via letter WN 1712:3781, SWA responded to our findings and provided acceptable corrective actions ensuring compliance with the requirements of 14CFR Part 39.19 and FAA Order 8110.103. However, during our investigation, in addition to our original findings, we discovered that some of the 88 aircraft had noncompliance issues pertaining to tracking AD AMOC requirements and Major Repairs. We raised concerns regarding documentation issues/discrepancies that SWA failed to identify during the aircraft conformity process while they were reviewing the previous operators aircraft records for the affected 88 aircraft.

In looking for the root cause, we discovered that SWA had contracted out the review of the previous operators records (for the 88 acquired aircraft) to a consulting company (CAVOK). We also discovered that without validating the consulting company's process and without having any controls in place, SWA had relied 100% on the quality of the consulting company's aircraft record reviews in determining compliance with the aircraft conformity process and the applicable regulatory requirements.

In working with SWA (in the spirit of collaboration) and at the request of SWA, the SWA CMO agreed to include the above additional findings in the original/initial Compliance Action (CASW2920180112). During several meetings, and e-mails our office stressed the importance of correcting the root cause of the problem and requested that SWA

take immediate actions to ensure the records reflected the actual status of the 88 aircraft.

SWA agreed with our above additional findings and also confirmed their failure to validate CAVOKs process and made commitments along with due dates in addressing those findings in three (3) separate letters (WN 1712:37810, dated March 28, April 13, and May 1, 2018). However, other than blaming CAVOK (in writing), some email communications, revised letters and an extension request, SWA did not meet any commitments.

Due to the fact that SWA was not willing and able to address the identified discrepancies, on May 21, 2018, via Enforcement Action (EIR 2018SW290040), we advised SWA that the SWA CMO is removing the additional findings/concerns from the initial Compliance Action (CASW2920180112) and issued the independent Letter of Investigation.

In addition, our office put a team together to review the conformity records on some of the affected aircraft and advised SWA that prior to adding additional aircraft to the OPS SPECS our office team of inspectors would evaluate the performance of the conformity process and the records of those aircraft.

After several communications with SWA (meetings and e-mails) it was agreed that SWA personnel will perform Dirty Finger Print (DFP) review of the previous operators records for the 88 aircraft and provide our office with monthly update reports of their findings with a completion deadline of January 31, 2019. It was also agreed that the deadline was subject to change based on the findings.

On June 22, 2018, via letter WN 1805:4163, SWA provided our office with their first report of findings. In their report SWA states that during the aircraft records review, they identified 66 previously unknown Major Repairs on 24 aircraft. In the same report, SWA also states that during the same review, they identified 43 previously unknown AMOCs affecting six (6) Airworthiness Directives on 13 aircraft. SWA also stated that all the Major Repair and AMOCs requirements had the proper approvals and no inspection requirements were overflown.

The latest monthly update report that our office received from SWA is dated September 7, 2018 (letter WN 1805:4163) in which SWA advised our office that as of that date they had discovered a total of 83 previously unknown Major Repairs on 27 aircraft.

The previous operators for these aircraft are:
Aerolineas Argentinas, Aeromexico, Alaska Airlines, China Eastern, China Southern, Enerjet, Oman Airlines, Transaero, Turkish Airlines, Yakutia Airlines, Jet Time, West Jet.

Due to the number of findings, on September 24, 2018, via e-mail, we asked if SWA was considering in expediting the review of the records of the remaining of the 88 aircraft.

On September 26, 2018, via e-mail, SWA responded that they have no plans in expediting the records review. In addition, SWA stated that currently they have 10 aircraft that are in various stages of completion of the records review and that in most cases, the only hold up on these aircraft are documents that require translation. SWA also stated that currently they have translators onsite helping them to sort through the documents and as the foreign documents are translated, completion numbers will increase at a faster rate since some aircraft are only waiting on a handful of documents to be translated.

■, as discussed during our meeting, the translation of the foreign documents/aircraft records from the previous operators should have been done during the conformity process of these aircraft and prior to SWA sending a letter to our office stating that these 88 aircraft were ready for the OPS SPECS.

This is just one of the examples where our office has gone the extra mile in working with SWA to address their compliance deficiencies and inexperience. In a meeting, which took place in our office, I questioned the SWA inability and lack of expertise in keeping up with the ongoing projects and the Director of maintenance responded, "We are still learning".

Which brings us to the most recent events. It is totally unacceptable and unprofessional for the recently promoted SWA Senior VP of Tech Ops (Maintenance/ Quality Control and Engineering), ■ to harass and downright bully the PMI by telling him when it comes to compliance he is extreme and the worst PMI in the industry and challenged him to "bring it on".

For the record, I can speak from experience, shooting the messenger and cherry pick the CMO personnel hoping that their deficiencies in keeping up with the Regulatory requirements would go away, is not something new for SWA. They are using their pre 2008 approach. Title 49 does not give us the authority to arbitrarily deviate in order to compensate for an Airline's shortfalls. SWA needs to understand that compliance is mandatory not an option.

There are too many cases to list here, but I want to assure you that the PMI along with the Airworthiness team (which I am proud to be part of) have been working collaboratively with SWA and going above and beyond our duty in assisting them. However, it appears that lately they decided that earnings are the most important thing and anything else is an obstacle that stands in their way. When it comes to saving money, and even though it relates to safety, they do not listen even to their own employees. I had four cases where SWA employees from different cities came to me asking for my help. When I looked into their concerns they were valid safety related concerns that SWA had to revise their manuals in order to address them.

Due to the pending issues that SWA's is struggling with and does not seem to have the expertise to comply with (ETOPS, W&B), I am afraid that politics may get involved and

the FAA folks in DC might make the wrong decision (without having all the facts) which will have a major effect in safety.

I am very concerned with the SWA's recent bullying and non-compliant attitude, especially when it is taking place in the middle of an ongoing OIG investigation. One cannot imagine what is next.

Staying in silence, makes it appear that the FAA upper management is condoning this type of behavior and sends the wrong message to SWA and the inspector force who rely on their support in ensuring the airline provides Safe Transportation for the flying public.

Our Airworthiness unit is the best unit this office ever had. This is due to the PMI, PAI, and the FLMs who have brought the team together and support each other in the interest of safety. I have a plethora of evidence where the PMI and PAI along with the team have done nothing else but worked collaboratively with SWA in helping them with their deficiencies in understanding and complying with the Regulatory requirements without jeopardizing safety.

In order to be able to perform our duties, with this letter, I am requesting the support for our team from the FAA higher ranks and I am also requesting that the FAA addresses the SWA's Senior VPs unprofessional attitude by making sure that the SWA highest level of leadership is made aware of his behavior.

The current events caused by the recently promoted SWA Senior VP, do not promote safety or a collaborative environment.

Looking forward to our next meeting.

Thank you for your understanding and support,
Bobby Boutris