

Martin Bickeboeller

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

To:

Federal Aviation Administration  
Mark W. Bury, Acting Chief Counsel  
Office of the Chief Counsel.  
Attention: Enforcement Docket ([REDACTED])  
800 Independence Ave SW  
Washington, DC 20591

Cc:

Chad Meacham  
Acting United States Attorney for the Northern District of Texas  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699

[REDACTED]  
Regional Investigator  
Whistleblower Protection Program  
U.S. Department of Labor, OSHA  
1301 Clay Street, Room 1080N  
Oakland, California 94612  
[REDACTED]

**Subject: Complaint filed for the purpose of seeking enforcement action according to Code of Federal Regulations, Title 14, Part 13, section 13.5**

Dear Mr. Bury,

This is a formal complaint for violations of:

1. CFR Title 14 - Aeronautics and Space, PART 21 - CERTIFICATION PROCEDURES FOR PRODUCTS AND ARTICLES, Subpart G - Production Certificates, § 21.137 Quality system and § 21.135 (b) Organization;
2. U.S. Code Title 49—TRANSPORTATION, § 42121 - Protection of employees providing air safety information.

The complaint is submitted by Martin Bickeboeller (address above), a Technical Fellow employed at The Boeing Company.

The complaint is for violations of The Boeing Company, 100 North Riverside, Chicago, IL 60606, and seeks an appropriate order, enforcement action or compliance action to ensure root cause corrective action and a risk based assessment that airworthiness of flying 787 airplanes was and is not impacted.

The violations are a continuation of the violations with respect to Supplier Oversight the FAA cited in 2008-2010 and again in 2014. In 2014 the FAA decided to focus the investigation on only a part of the 2014-2 Chief Counsel docket complaint and as such did not get to the root cause of Boeing's underlying cultural issues with respect to compliance to federal regulations not proven to directly impact a specific airplane.

Boeing itself denied any corporate compliance and ethics issues related to these violations even after signing the deferred prosecution agreement with the Justice Department in January 2021, it is protecting senior executives from accountability, regularly. As such, Boeing still doesn't understand that compliance to all federal regulations is important, not just the once Boeing finds important enough to disclose to the FAA or put resources on preventing and correcting the violation.

This document provides a significant amount of space to the supplier Alenia, now called Leonardo. Other suppliers had similar issues, in particular the Boeing Charleston site. It is questionable that Alenia's issues are solved, seeing the recent press reports on Alenia subtiers.

### Identification of Violation of laws and regulations

Boeing Commercial Airplanes (BCA) as part of the FAA approved quality system, commits through the BCA Quality Manual<sup>1</sup> and [REDACTED] to the implementation of the Aerospace Standard AS9100.<sup>3</sup> The standard requires that "Top management shall demonstrate leadership and commitment with respect to the quality management system by: a. taking accountability for the effectiveness of the quality management system."<sup>4</sup>

Top management at The Boeing Company is still not taking accountability for the effectiveness of the quality system and as such is violating CFR Title 14, §21.137. Boeing's culture of dealing with issues Boeing perceives "only a violation of regulations" but "probably not a direct product safety issue" is a dangerous culture not conducive to the proper safety of aerospace products.

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<sup>1</sup> 14 CFR § 21.138 - Quality manual

<sup>2</sup> Boeing Procedure [REDACTED] (Quality Management System Deployment), Issue Date January 14, 2021, 1. Requirements, A> Adopt, deploy, and assess a QMS standard as follows: 1. "Boeing business units/operating groups/subsidiaries/programs/locations producing air or space vehicles, or weapon systems comply with [REDACTED]"

<sup>3</sup> SAE Aerospace Standard AS9100, Rev. D, Revised 2016-9. Quality Management Systems – Requirements for Aviation, Space, and Defense Organizations.

<sup>4</sup> AS9100 D, Section 5 Leadership, 5.1 Leadership and Commitment, 5.1.1 General.

1. The complainant will show that The Boeing Company continues to violate regulations (CFR Title 14, §21.137 Quality system (c) Supplier control) for which it was cited with formal findings in 2008 – 2010 and which it failed to correct despite another investigation in 2014 following a complaint to the FAA Chief Counsel Office (docket 2014-2). Current Safety Management System processes are failing to provide for timely correction of regulatory violations in 2021. Boeing's Regulatory affairs organization is still not providing notification to the Certificate Management Office. Boeing will no longer meet the conditions of Advisory Circular AC [REDACTED]. Details are provided in Chapter 1.
2. The complainant will show that The Boeing Company refuses to take accountability for the ineffectiveness of their Ethics Compliance Processes (14 CFR § 21.137 - Quality system (i) Corrective and preventive actions) and Investigations regarding retaliation (US Code 29 §42121). Details are provided in Chapter 2.
3. Top management was notified of the issues in items 1 and 2 and did not take accountability of resolution as required in AS9100 to which the company committed through their FAA approved procedures. The culture of regarding procedural violations as an issue to be dealt with when it is convenient is endemic at Boeing and within its executive management. Details are provided in Chapter 3. In particular the "The accountable manager" specified in § 21.135 (a) did not ensure that "the production approval holder satisfies the requirements of the applicable regulations of subchapter C, Aircraft." (§ 21.135 (b)). Besides the continuing violation stated in Chapter 1., some of the events in this complaint are about 10 years ago. Yet, Boeing closed Ethics investigations in 2015 on these issues and The Boeing Company's legal department confirmed The Boeing Company's 2015 position on these events in 2021 and stated that all processes were followed. As such Boeing continues the denial around the events regarding the Production Certificate Extension for the 787. The prior incidents are provided in detail in appendix E.
4. The Boeing Company continues to engage in conduct in conflict with the Boeing – US Department of Justice Deferred Prosecution Agreement<sup>5</sup> and the Boeing FAA settlement agreement, dated May 25, 2021.

None of these allegations are new to Boeing. The Boeing legal department has investigated these allegations and the legal department stated that Boeing is fully adhering to their internal processes. As such, it should be expected that The Boeing Company can reply to this complaint in a timely fashion.

The complainant is filing this complaint now, due to The Boeing Companies legal department position that Ethics processes were performed correctly in all the prior cases. If Boeing does not acknowledge their failures, how can they correct and improve their Corporate Compliance and internal Culture?!

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<sup>5</sup> Case 4:21-cr-00005-O Document 4, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, Fort Worth Division, Deferred Prosecution Agreement, Filed January 7, 2021

Following in Chapters 1-4 are the allegations in more detail. Evidence with supporting documentation references are provided in appendices.

## 1. Violation CFR Title 14, §21.137 Quality system (c) Supplier control

### 1.a Prior Technical Findings

The FAA found in 2008<sup>6</sup> that Boeing had "several systemic supplier control nonconformances requiring Boeing's attention prior to the FAA adding the 787 Model to Boeing's Production Certificate". The finding focused on nonconformances related to Configuration Management and supplier oversight. It included supplier (Commonality Matrix) and sub tier contract flow downs. Details are provided in appendix A.

During 2009 – 2011 the complainant found that several of the Boeing corrective action plans related to the finding were not successful and Boeing provided misleading information about the corrective actions to the FAA. The complainant unsuccessfully tried to correct this behavior through the Boeing internal Ethics process and the harassment compliance processes (see a later section on the details).

In 2014 the complainant filed a corresponding complaint with the FAA Chief Counsel docket 2014-2. The complaint was formally investigated, in particular with respect to the Boeing supplier Alenia<sup>7,8</sup>. The FAA "conducted an investigation regarding your allegations. The allegations related to configuration management and supplier oversight were confirmed by Boeing and the FAA. Boeing provided a corrective action plan to the FAA to address the identified issues. The FAA has verified that the corrective action plan was implemented and effectively corrects the issues."<sup>9</sup> (see appendices B and C for the memoranda).

The FAA did not confirm the allegations with respect to lying to the FAA in regards to the production certificate, nor was there any detailed investigative interview with the complainant on the violation. The FAA only investigated issues at Alenia, but did not investigate similar issues at MHI, Japan and Boeing Charleston despite having established the complainants credibility.

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<sup>6</sup> File Number [REDACTED] dated November 26, 2008, FAA certificate management office — Boeing to [REDACTED], FAA Liaison Manager, Boeing, appendix A

<sup>7</sup> Alenia is now Leonardo, <https://www.leonardocompany.com/en/products/aerostrutture-boeing-787-aerostructures>

<sup>8</sup> The complainant believes that the complaint on the docket 2014-2 was investigated only partially. A discussion is in appendix G.

<sup>9</sup> Memo Aircraft Certification Service, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, WA 98057, [REDACTED] for [REDACTED], Acting Manager, Transport Airplane Directorate, Aircraft Certification Service to M. Bickeboeller, dated April 26, 2016, see appendix B.

### 1.b Process and Systems Requirement Flow Down to Suppliers continues to fail in 2021.

The complainant noticed in December 2020 that two of the items from 2008 (see appendix A, items 3 and 4 related to Commonality Matrix (CMx) and 14 CFR 21.137) were continuing to be a systemic problem. The CMx is the formal contract vehicle used by the 787 program to flow down process and system requirements to suppliers. Boeing has not updated the CMx since 2017 and doesn't emplace and enforce the CMx systemically in the supply base. As of October 2021, the Boeing internal investigation is 10 months long without understanding the extent of the violation, immediate corrective action nor is there a completed root cause analysis. Details are in appendix D-2.

### 1.c Failure of Safety Management System to address the violation.

The complainant made a formal submittal to Boeing's safety management system for the violation in 1.b. The safety system record was closed within days, the regulatory affairs department didn't deem a notification to the FAA necessary until a direct impact to the airplane is proven. The issue is now tracked at a non-executive level with slow progress towards resolution. This demonstrates that Boeing does not consider every violation of federal regulations important enough for immediate disclosure. (Details in appendix D-2, items 12-16)

## 2. Failure of Boeing's Ethics and related investigative processes

The complainant will show below that Boeing has failed to institute an effective corporate compliance process with respect to regulatory violations of complex technical issues. Management judgement is overriding technical assessments, corrective actions are only occurring at the discretion of executives, removal from assignments are being performed when the technical assessments are a hinderance to schedule and the complainant is forbidden to file further Ethics cases.

All these issues were condoned by the Boeing legal department as appropriate in April 2021.

The complainant was responsible as a Technical Fellow for Configuration Management compliance for 787 suppliers in 2008 – 2011. He was removed from this position in 2011.

During 2007 - 2009, executive management was aware of the need to achieve configuration management compliance in the supply base.<sup>10</sup> The FAA had cited Boeing with violations<sup>11</sup> and the complainant was asked to lead the technical teams towards corrective action.

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<sup>10</sup> Performance Management Evaluations included "far exceed expectations", e.g. "Martin has demonstrated outstanding leadership in supporting the config management requirements for 787 Partners to ensure a sound QMS" (Quality Management System).

<sup>11</sup> See appendix A.

## 2.a Initial Ethics investigations

During 2010 – 2011, it became clear, that in many instances Boeing management was more interested in a quick resolution without root cause corrective actions, leading to repeated violations of configuration management processes with impact on the product. The complainant voiced his concerns in writing and in phone conversations to the Chief Technology Officer, [REDACTED], as well as in formal Ethics complaints. Details are in appendix E.3.

The main ethics complaints of 2011 were closed by the Boeing ethics advisor with a plan and executive commitment for resolution. This is in violation of Boeing's ethics procedures which require closure to achieve actual resolution<sup>13</sup>. Therefore, resolution never happened. Engaging in 2013 with the Ethics Department regarding further issues and the past failures led to no resolution and denial by Boeing of any violations. However, the FAA confirmed the technical issues at the only supplier they investigated. After confirmation by the FAA, Boeing still closed the ethics investigations after 2.5 years stating that the allegations were not proven. How can a company investigate safety issues and violations of federal regulations for such a long time? The company had no urgency and never acknowledged their mistakes.

This is a violation of 14 CFR § 21.137 - Quality system (i) Corrective and preventive actions. Details are in appendix E.1 and E.2

## 2.b Retaliation investigation

The complainant is alleging that The Boeing Company has violated US Code 29 §42121<sup>14</sup> and continues to conceal and deny obvious past violations shielding past and current executives.

The complainant is aware that the violations cited here are past the statute of limitations (90 days) with respect to the complainant filing for damages. This section is about Boeing violation section (a) of the statute independent of damages for the complainant. Violations not past the statute of limitations have been filed with the Labor Department<sup>15</sup>.

<sup>12</sup> Multiple emails documenting the failings and the increasing alarm of the complainant with respect to regulatory violations.

<sup>13</sup> The complainant is not able to find the actual procedures in Boeing's procedural system. The information on the closure requirements was provided by the VP for Ethics, [REDACTED].

<sup>14</sup> US Code 29 §42121. Protection of employees providing air safety information Section (a) PROHIBITED DISCRIMINATION.—A holder of a certificate under section 44704 or 44705 of this title, or a contractor, subcontractor, or supplier of such holder, may not discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)... (2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to aviation safety under this subtitle or any other law of the United States;

<sup>15</sup> Case # [REDACTED], Regional Investigator, Whistleblower Protection Program, U.S. Department of Labor, OSHA, 1301 Clay Street, Room 1080N, Oakland, California 94612, [REDACTED]

The removal from assignments occurred whenever there was a clash between schedule needs to deliver major components to Boeing's final assembly and the requirements to follow configuration management processes. Boeing intensified the removals when it became clear that the 787 production certificate extension was in danger due to finding more violations. A history of retaliation actions is attached in appendix F. A detailed example is contained in Ethics case [REDACTED] quoted in appendix E.1 where Boeing management removed the complainant from assignment after the complainant found evidence for further violations.

A serious retaliation involved the Boeing investigative organization itself. The investigator started to investigate the complainant with respect to inflating the seriousness of violations. Even when in 2012 Boeing confirmed the technical issues and in 2014 the FAA confirmed the specific allegations of the complainant, Boeing refused to address the retaliation accusation of the investigator. According to Boeing policy, "Retaliation against reporting parties is strictly prohibited by the Code of Conduct, and action is taken against violators of anti-retaliation policies, up to and including dismissal."<sup>16</sup> Boeing has not followed this policy with respect to the complainant. Details are in appendix G.

## 2.c Legal Department's order to not contact Ethics

After the initial Ethics complaints in 2010 with respect to misleading the FAA, the complaint was forbidden to contact Ethics again. He was told to only work with his management on Ethics concerns.

[REDACTED]

During the time in 2011 when Boeing Management was overriding many parts of FAA approved Boeing procedures, the complainant was allowed to be working only with his management, who was centrally accountable to such actions. Immediately after being transferred the complainant worked with his new management on engaging Ethics for the Ethics cases in appendix E.2.

## 2.d Boeing's re-investigation of prior Ethics and retaliation investigations.

The complainant advised the leadership of the Ethics organization in 2013, the Boeing legal team during a legal case in 2015<sup>17</sup> and the Boeing CEO in 2020 about the issues in sections 2.a and 2.b. The Boeing legal department investigated the Ethics and retaliation processes for more than one year from 2020 until April 2021. The Boeing legal department declined an offer to

<sup>16</sup> Boeing's Website <https://www.boeing.com/principles/ethics-and-compliance.page#/speaking-up>.

<sup>17</sup> [REDACTED] to M. Bickeboeller, dated May 13, 2011, subject In response to your question/concern.

<sup>18</sup> See appendix G.1, item 3, U.S. Department of Labor, Office of Administrative Law Judges, 2 Executive Campus, Suite 450, Cherry Hill, NJ 08002, Case No. [REDACTED]

interview the complainant on the evidence in meetings with the legal department and peer experts of the complainant. It let stand the violations of US Code 29 §42121. The details are in appendix G.2

### 3. Top Management Accountability

Top management was notified of the issues in chapter 1 and 2 and did not take accountability of resolution as required in AS9100 to which it committed in their FAA approved procedure. The culture of regarding procedural violations as an issue to be dealt with when it is convenient is endemic at Boeing and within its executive management.

Effectively, the Boeing legal department is shielding the company and its executive management by refusing to acknowledge the mistakes of the past. The BCA Quality Management Representative/Accountable Manager and its executive team failed to personally ensure that Boeing's corrective action processes were followed and personally allowed violations to continue, later found by the FAA.

#### 3.a Shielding of Management from Accountability

Most instructive is the reply of Boeing Senior legal counsel [REDACTED]<sup>19</sup> to the first formal complaint submitted to the FAA Chief Counsel. Many of his argumentations are incorrect or misleading. An analysis is performed in appendix I. Important in the context of management commitment are how The Boeing Company systemically shields its management team from any responsibility and acknowledges mistakes only when caught yet keeping the objectives of shielding the executives.

- i. Even when been caught by the FAA with the Alenia configuration management and supplier oversight issues, The Boeing Company still states: "Boeing strongly disagrees that the approach and actions taken in relation to these allegations constitute violations of any of the Federal Aviation Regulations or of Boeing's approved quality system."<sup>20</sup>
- ii. The Boeing Company refuses to acknowledge any management accountability: "Several previous complaints by Dr. Bickeboeller have been closed as unsubstantiated, particular with respect to management's responsiveness to, and responsibility for, alleged violations." Appendix J is providing an organizational description of the responsible participants in the violations. Through multiple layers of management, reporting of violations and their resolutions becomes incorrect. At the end, executive management can state that they relied on information from the lower level management infrastructure. Appendix D describes in detail the events

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<sup>19</sup> [REDACTED] Senior Counsel, The Boeing Company to FAA, attn [REDACTED], AGC-300, dated August 20, 2014, copy provided in appendix H

<sup>20</sup> See appendix I, item 1. At the time [REDACTED] wrote the reply, it was already several weeks after the FAA opened their formal investigation with a Letter of Investigation. The FAA had meetings with Boeing and the complainant in which the violations at Aleni were provided and understood by the FAA.

surrounding the production certificate application, appendix K describes in detail the organizational dynamic.

### 3.b Chief Technology Officer and direction not to contact senior executives again

The former Chief Technology Officer, [REDACTED], was contacted multiple times 2007 - 2012 and engaged with the complainant. The complainant was forbidden by VP [REDACTED] to contact executive management again: "I respectfully asking you to refrain from sending notes to our senior executives on this subject...". [REDACTED] then failed to execute on corrective actions yet the Ethics cases were closed.

### 3.c Management with responsibilities for prior violations are still in responsible positions.

Some of the executives involved have left the company. However, quite a few managers have still significant responsibilities. An example is [REDACTED], Vice President and General Manager of the 777 and 777X, the new airplane currently in the certification process. [REDACTED] was the complainant's director who did nothing preventing removal from assignments after the complainant found regulatory violations despite personal meetings<sup>21</sup> and explaining the technical content. [REDACTED] continued to deny obvious airplane configuration issues during an ethics investigation.

## 4. Conduct in conflict with the Boeing – US Department of Justice Deferred Prosecution Agreement and the Boeing FAA settlement agreement, dated May 25, 2021.

The Boeing legal department investigated the Ethics and Retaliation processes related to the complainant. The investigation was concluded in April 2021<sup>22</sup> which is 3 months after the signing of the Boeing – US Department of Justice Deferred Prosecution Agreement, January 7, 2021.

Despite obvious failures of the Ethics processes to correct regulatory violations and address the root causes of the violations as well as address retaliation, the Boeing legal department cleared themselves of mistakes. The complainant alleges that Boeing is violating several clauses of such agreement. Appendix G.3 is an analysis of the investigation with respect to the Deferred Prosecution Agreement.

The Boeing FAA settlement agreement, section 2.5a required a Safety Risk Management (SRM) activity for "A determination of whether Boeing has appropriate procedures and process controls in its internal procedures for reviewing Supply Chain Oversight conducted by the Boeing Supplier Quality (SQ) organization, including an assessment of SQ staffing levels, and the

<sup>21</sup> 1. Email M. Bickeboeller to [REDACTED], Subject: Personal, dated: June 24, 2011.

<sup>22</sup> Email [REDACTED] to M. Bickeboeller, subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated April 11, 2021.

effectiveness of the suppliers' corrective actions developed in response to Boeing's supplier audit findings.".

Supplier Quality did not discover the issues related to the Commonality Matrix over the last 4 years. Supplier Quality was a direct participant in the violations described in the various Ethics Cases, see appendix E. The complainant pointed these issues out to his executive director in person and in a requested email, to suggest, that they should be addressed as part of the settlement agreement's SRM.<sup>23</sup>

## Conclusion

When an organization does not acknowledge internally to its employees that violations of regulations occurred, even though the regulatory agency confirmed the technical correctness of the allegations, then the organization is not willing to really solve the issues and continue with the overall approach to business. Managers who "got away" with retaliation are still in leadership positions in the company without any consequence to their actions. Boeing internally does not have a statute of limitations.

A culture change can be accelerated by addressing mistakes of the past. Appropriate enforcement action will help to correct some of these behaviors and increase aviation safety.

Sincerely,

Martin Bickeboeller

Paper Copies to the FAA and District Attorney signed.

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<sup>23</sup> Email M. Bickeboeller to [REDACTED], subject FAA – Boeing Corrective Action Plans for Supplier Oversight, dated June 1, 2021.

## Table of Contents

Identification of Violation of laws and regulations.....	2
1. Violation CFR Title 14, §21.137 Quality system (c) Supplier control .....	4
1.a Prior Technical Findings .....	4
1.b Process and Systems Requirement Flow Down to Suppliers continues to fail in 2021.....	5
1.c Failure of Safety Management System to address the violation. ....	5
2. Failure of Boeing’s Ethics and related investigative processes.....	5
2.a Initial Ethics investigations.....	6
2.b Retaliation investigation .....	6
2.c Legal Department’s order to not contact Ethics .....	7
2.d Boeing’s re-investigation of prior Ethics and retaliation investigations. ....	7
3. Top Management Accountability.....	8
4. Conduct in conflict with the Boeing – US Department of Justice Deferred Prosecution Agreement and the Boeing FAA settlement agreement, dated May 25, 2021. ....	9
Conclusion.....	10
Table of Contents.....	<b>Error! Bookmark not defined.</b>
Appendix A – Prior FAA findings still a continuing regulatory violation .....	13
Appendix B – FAA Memorandum on results of prior complaint.....	17
Appendix C – FAA Memorandum on Alenia Issues found .....	18
Appendix D – Events related to the Production Certificate Application .....	20
Appendix D.1 - Configuration Management of the 787 at Alenia Aermacchi. ....	20
Appendix D.2 - Flow down Process and System requirements to suppliers .....	23
Appendix D.3 - Analysis of Commonality Matrix (CMx) technical Issues.....	28
Definition .....	28
Why is the Commonality Matrix important and different from other airplane programs.....	28
Document Hierarchy and relation to CFR .....	28
Content Overview .....	29
Boeing Supplier Contracts.....	29
Fundamental Process Failures related to the Commonality Matrix .....	30
Appendix E - Ethics Investigations .....	33
History - Summary .....	33
E.1 - Ethics Investigations 2013-2015 .....	35

Ethics Case [REDACTED] - incorrect and misleading information during an ethics investigation by senior management.....	37
Ethics Case [REDACTED] – Ethics Case not followed through to corrective action and resolution .....	39
Ethics Case [REDACTED] – VP Quality not ensuring that effective corrective action plans are implemented in nonconformities .....	42
Ethics Case [REDACTED] – Alenia Reconciliation .....	45
Ethics Case [REDACTED] – No Supplier findings filed as required .....	51
E.2 - Ethics Investigations 2011-2012 .....	54
Ethics Case [REDACTED] – Alenia Process Documentation SER closed incorrectly .....	56
Ethics Case [REDACTED] Closure of Alenia SER with evidence of reconciliation failure .....	58
Ethics Case [REDACTED] Reconciliation failure and removal from assignment Boeing Charleston.....	60
Ethics Case [REDACTED] Manufacturing Planning errors and removal from assignment Boeing Charleston .....	62
Ethics Case [REDACTED] Effectivity Issues at MHI.....	63
Ethics Case [REDACTED] Pattern of achieving closure of Supplier Evaluation Records for Configuration Management issues .....	64
E.3 – Ethics Investigations 2010.....	66
Ethics Case [REDACTED] – Misleading the FAA on Configuration Management status at MHI .....	67
Ethics Case [REDACTED] – Misleading Airworthiness Application .....	68
Ethics Case [REDACTED] – Misleading status to FAA on Configuration Management Health Assessments .....	71
Appendix F – List of Retaliations .....	73
Appendix G - Retaliation Investigations.....	79
G.1 – 2012 Retaliation Investigation.....	79
G.2 - 2020/21 Boeing Investigation of their Ethics and Retaliation processes.....	81
G.3 - Analysis of Boeing Legal departments investigation.....	83
Appendix H – Reply Boeing to FAA regarding 2014-2 FAA Chief Counsel Docket .....	85
Appendix I – Analysis of Boeing’s reply to Complaint Chief Counsel Docket [REDACTED] .....	88
Appendix J – Participants in the violations and their various responsibilities.....	93
Appendix K: Analysis of Organizational Diffusion regarding regulatory violations. ....	97

## Appendix A – Prior FAA findings still a continuing regulatory violation

Transport Airplane Directorate, Aircraft Certification Service, Certificate Management Office –  
Boeing, November 26, 2008 , File Number: [REDACTED]



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Transport Airplane Directorate  
Aircraft Certification Service  
Certificate Management Office - Boeing  
1601 Lind Avenue S.W.  
Renton, WA 98057-3358

November 26, 2008

File Number: [REDACTED]

Boeing Commercial Airplanes  
[REDACTED]

FAA Liaison Manager  
P.O. Box 3707, M/S 67-JJ  
Seattle, Washington 98124-2207

Dear [REDACTED]

The FAA has identified several systemic supplier control nonconformances requiring Boeing's attention prior to the FAA adding the 787 Model to Boeing's Production Certificate.

The FAA agreed last summer to track Boeing systemic issues relative to 787 supplier issues using Boeing's "Systemic Issues Review Process". However, this agreed process is not completely congruent with current corrective action activities, presented to the FAA. Therefore, this FAA "Surveillance Evaluation Record (SER)" will be used to document the CMO's concerns, track Boeing's corrective action plans and document actual actions taken.

Issues identified below are extracted from the agreed upon process documented in [REDACTED] (Ref: attachment 1). References in parentheses, adjacent to each issue are from Boeing's current spotlight chart (Ref: attachment 2).

1. The FAA observed several suppliers that had not performed E-BOM to M-BOM reconciliation and "freezes" according to contractual requirements. This caused configuration management issues. (Ref: [REDACTED])
2. Boeing oversight plan for Partners, including addressing systemic issues. (Ref: [REDACTED])
3. Sub-tier oversight and contract requirements flow down problems. (Ref: [REDACTED])
4. Commonality matrix noncompliances by suppliers. (Ref: [REDACTED])
5. Contract requirements: Work transfer notification inadequacy, and reducing [REDACTED] and [REDACTED] in the business provisions as guidance rather than requirements. (No apparent corrective action plan)

6. Inadequate “Partner Managed Inventory” control and corrective action. (Ref: [REDACTED] and [REDACTED])
7. Nonconforming product issues found at suppliers, i.e. fastener installation, sealant installation, bonds and grounds, etc. (Ref: [REDACTED])
8. “One-up” assembly, First Article Inspection, Pre-Production Verification and First Part Qualification bypasses. (No apparent corrective action plan)

This letter is to request that you investigate these issues and provide the FAA with a root cause analysis and any corrective/preventative actions taken by January 9, 2009. Any discussion or written statement will be given consideration in our investigation.

[REDACTED]  
Manager, Certificate  
Management Office-Boeing

### PSR/DO Audit Identified Issues Requiring Global Response

Defect	Issue	Response Corrective/Partial	Action being taken	Status
Reconciliation Management Configuration Management	Issues with EROA to USOR reconciliation at several of the partners, and lack of configuration management.		Action underway and regularly reviewed with FAA. Need to establish and document change control process.	
Ongoing Oversight Plan	Many serious non-compliance have been identified during PSR and FAA DO Audits. FAA has communicated their expectation that Boeing provide their plan for sustaining Partner oversight is include addressing systemic issues.		Team chartered to build future state of oversight. Road map of oversight established, areas for improvement identified, in process of prioritizing and assigning ownership to each project.	
Supplier Readiness	Partners unable to address they state that Sub-tier suppliers are capable of consuming and maintaining control of their production systems using TSC systems, tools and processes.	NEA	Sub tiered from Flow down of requirements. Consistent with Community Matrix issue and Oversight of Suppliers (Combine with Supplier Oversight)	
Commonality Matrix	Partners struggling with understanding and appropriately consuming and flowing down commonality requirements.		Team chartered to review the Commonality Matrix flowdown, review and establish process, implement actions to enable partner compliance to process requirements, integrating with SIF/USAR.	
Work Movement Not Addressed Contract Language	Contract language for Tier 1 Partners incorrectly stated navigation to Boeing of significant work movement to suppliers outside the United States and OFPs require notification to FAA of any significant work movement.		(O) Contracts have been revised. Objective Evidence being collected to provide FAA to close on this issue.	
Supplier Control Action (for PMS)	Boeing failed to establish effective processes to ensure corrective action was initiated for nonconforming Partner Managed Inventory.		Item plan is in place for SQ to monitor progress reports and generate recommendations. CA EPDs. Validity changes initiated to implement being taken (closed).	
Test, Bond & Ground Deficiencies	Concerns with application of test and basic understanding of new requirements have been noted at several of the partners. FAA expects to see a corrective action plan that addresses what Boeing is doing to address this systemic issue.		Team chartered to work system resolution issues including Test, Bond & Ground at all Partners.	
On-site Assembly Qualification	Several partners are not qualified for the manual on-site drilling process as required per BAC800.		A process has been implemented for notification to the partners of BAC spec changes, and to ensure all appropriate partners have On-site Assembly qualifications as required.	

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☒ Corrective Actions completed, Verified Effective

☐ Corrective Actions in Work

☒ No Corrective Actions Taken/CA Failed

Stoplight Summary							
CAP #	Issue	Topic (Abbreviated)	Regulatory Effect	Responsible Party	Co-Leader and Sponsor	Last FTR	Comments
	Workshop	Evolution Case RMA/Reg Agreement	RM, PTO Quality 10				Transition plan provided with Longfish/ABC D 10/1/20
	Workshop	Design & Development Process Deployment & Oversight	Design Engineering				Next Plan
		Supplier Control (T1 Partner projects oversight and Risk)	TCOM Procurement				Team established, TCOM working with CCOTB
	Workshop	Overights/Thresholds & Risk of Sequence work - Timeliness	Supplier Management Quality 10				QAI - Provided LM processes and evidence (QAI)
		Improved customer action	10				Defined Capabilities & Implementation - CCO (100% long term) major Capabilities
	CA (Head E)	Community Action (CAIR) Improvement Integration	TPST, TM 10				Team receiving from others are new opportunities to look to better and integrate. Weekly team meetings underway
	CA (Head E)	Community Action (CAIR) Improvement Integration (continued)	TPST				Team is working with all relevant and target 100% integration of TM 10 in the CCO T&O
		Community Action Implementation (continued)	Supplier Management				Long term strategy plan CCO 10/1/20. Near term implementation complete 10/1/20
		Community Action Oversight (continued)	Supplier Quality				
	Workshop	P&H Project Definition and deployment management	Material Management Organization/PM				Plan for Plan (P&H) (Target), Confirmation on RMA and needed
	Workshop	P&H CA	Supplier Quality				P&H (100%) implemented in May 20. Performance (P&H)
		Configuration control and (P&H) (CAIR) implementation & PM Services	ALP Quality Management				Plan in work. Understanding issues of control
		Discrepancies found at customer related to previous installation (Bond System, test, etc)	Supplier Quality				Program/strategy plan developed. Next steps: Review the strategy. Only requirement after deployment is work with LTO. Review the strategy and 10

## Appendix B – FAA Memorandum on results of prior complaint

Memo Aircraft Certification Service, Transport Airplane Directorate, 1601 Lind Avenue, SW,  
Renton, WA 98057, [REDACTED] for [REDACTED] Acting Manager, Transport Airplane  
Directorate, Aircraft Certification Service to M. Bickeboeller, dated April 26, 2016

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U.S. Department  
of Transportation  
Federal Aviation  
Administration

Aircraft Certification Service  
Transport Airplane Directorate  
1601 Lind Avenue, SW  
Renton, WA 98057

April 28, 2016

Martin Bickeboeller  
[REDACTED]

Dear Mr. Bickeboeller:

The Federal Aviation Administration's (FAA's) Aircraft Certification Service has completed its investigation of your concerns related to configuration management issues at Alenia, a Boeing supplier in Italy, which the FAA has documented as Formal Complaint No. [REDACTED]. You communicated your concerns by letter, dated May 22, 2014, to the FAA's Office of Chief Counsel and Boeing Certificate Management Office.

In your letter, you alleged that Boeing failed to conduct proper oversight of Alenia, which resulted in failures of the configuration management process. You also alleged that Boeing provided misleading information to the FAA relating to configuration control issues. You alleged these issues occurred during the certification program for the Boeing model 787-8 airplane.

We conducted an investigation regarding your allegations. The allegations related to configuration management and supplier oversight were confirmed by Boeing and the FAA. Boeing provided a corrective action plan to the FAA to address the identified issues. The FAA has verified that the corrective action plan was implemented and effectively corrects the issues. Our investigation did not substantiate your allegation associated with Boeing providing misleading information to the FAA relating to configuration control issues.

Thank you for bringing this matter to our attention.

Sincerely,

[REDACTED]  
Acting Manager, Transport Airplane Directorate  
Aircraft Certification Service

## Appendix C – FAA Memorandum on Alenia Issues found

FAA Memorandum, FEB 16 2016, to [REDACTED], Manager, Legal Program Management Staff, AGC-10, Thru: [REDACTED], Director, Chief Counsel, AGC-1, from: [REDACTED], Deputy Director, Aircraft Certification Service, AIR-2, Prepared by: [REDACTED], Manager, Transport Airplane Directorate, [REDACTED] subject: Formal Complaint Docket No. [REDACTED], Final Response to Configuration Management Complaint Regarding a Boeing Supplier in Italy.



## Federal Aviation Administration

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### Memorandum

Date: FEB 16 2016

To: [REDACTED] Legal Program Management Staff, AGC-10  
Thru: [REDACTED] Director, Chief Counsel, AGC-1 [REDACTED]

From: [REDACTED] Deputy Director, Aircraft Certification Service, AIR-2

Prepared by: [REDACTED] Manager, Transport Airplane Directorate, ANM-100

Subject: Formal Complaint Docket No. [REDACTED] Final Response to Configuration Management Complaint Regarding a Boeing Supplier in Italy

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#### Background

On June 12, 2014, the Federal Aviation Administration (FAA) received a written complaint from a Boeing employee regarding configuration management issues at Alenia, a Boeing supplier in Italy. The complainant alleged Boeing failed to conduct proper oversight, resulting in failures of the configuration management process.

In addition, the complainant alleged Boeing provided misleading information to the FAA relating to configuration control issues. These events allegedly occurred during the certification efforts of the Boeing 787-8 airplanes.

#### Discussion

Prior to FAA notification of this complaint, Boeing conducted a configuration management health assessment (CMHA) at Alenia, Italy in March of 2013. This assessment identified failures of Alenia's configuration management process, specifically the engineering bill of material (EBOM) to manufacturing bill of material (MBOM) reconciliation. Boeing issued a supplier evaluation report (SER) to Alenia requesting root cause and corrective action. The root cause corrective action related to this SER was allegedly validated as effective by Boeing and closed. The complainant believes the SER was closed prematurely and that corrective action effectiveness was not properly verified.

In addition, the FAA identified similar configuration management issues at Boeing suppliers, including Alenia, as early as November 2008. These identified issues resulted in the issuance of an FAA enforcement action in 2009, seeking root cause and corrective

action. The FAA found Boeing's corrective action acceptable, verified implementation of corrective action, and closed the enforcement case in June of 2010.

On July 10, 2014, two FAA inspectors met with the complainant, a Boeing senior manager and the Boeing supplier quality manager for regulatory affairs. The complainant presented information identifying configuration reconciliation failures at the Alenia facility in Grottaglie, Italy.

The complainant's allegations raised concerns that corrective actions noted in the 2009 FAA enforcement action were not effectively implemented. On July 11, 2014, the FAA issued a letter requesting further information from Boeing regarding their corrective action followup. The letter also requested reconciliation packages (for Alenia components) on two recently delivered 787-8 airplanes.

On July 22, 2014, two FAA inspectors again met with the complainant to review the two aircraft reconciliation packages. No discrepancies were identified when comparing the EBOM to the MBOM for both aircraft. The complainant stated he believed this indicated improvements in the reconciliation process. However, three unresolved concerns required further FAA investigation.

- The Boeing EBOM identified parts that should be installed on the aircraft. Alenia's MBOM did not show all these parts were installed.
- A concern that Boeing Management knew of the configuration management issues and provided misleading information to the FAA
- Alenia could not provide evidence they were following the process requiring a validation of the supplier's as-built to Boeing as-planned configuration

As a result of these concerns, the FAA issued a Letter of Investigation (LOI) to Boeing. The LOI final response was received January 30, 2015, with a commitment to implement final corrective action by August 28, 2015.

An FAA inspector conducted an onsite corrective action verification from September 14 through September 23, 2015 at Alenia facilities located in Grottaglie and Foggia, Italy. This verification was to confirm the corrective action commitments noted in Boeing's response to the FAA LOI had been effectively implemented. This FAA evaluation verified the corrective actions were effectively implemented. In addition, interviews with senior managers and documentation review could not substantiate Boeing provided misleading information to the FAA.

### Summary

The complainant identified configuration management noncompliances at Alenia that were subsequently confirmed by Boeing and the FAA. Boeing's latest corrective action plan for the three concerns above was satisfactorily implemented, verified by the FAA, and determined to be effective. Therefore, we recommend closure of this complaint.

## Appendix D – Events related to the Production Certificate Application

The 787 VP for Quality in 2011, [REDACTED] was the Boeing executive responsible for the application to the FAA concerning the 787 addition to the Boeing production certificate. She also signed the corresponding application and received the certificate from FAA administrator Babbitt in August 2011. During the time leading up to the issuance of the production certificate Boeing was performing corrective actions with respect to the FAA finding [REDACTED] (See appendix A), a pre-requisite to the Production Certificate. The corrective action included Configuration Management Health Assessments (CMHA).<sup>24</sup> [REDACTED] and/or her staff misled the FAA in reports on the corrective actions and did not notify the FAA of failed corrective actions which had a high potential in delaying the issuance of the Production Certificate, thereby costing The Boeing Company additional \$ billion in delay costs, as well as reputation.

As the signatory to the Production Certificate Application and as the VP for 787 Quality she had a statutory duty to ensure that the conditions for the Production Certificate were met. As shown in appendix A, the FAA made the issues below a condition of providing the production certificate.

Appendix D.1 will show with respect to Alenia Aermacchi the logic of the misrepresentation to the FAA. The violation was confirmed to be on-going until at least 2014 by the FAA.<sup>25</sup>

Appendix D.2 will show the second violation regarding the Commonality Matrix which is the contractual instrument flowing down Process and System requirements to suppliers. This violation was repeated or is on-going in 2021 after several years of neglect by Boeing. We will show that this is a systemic issue which Boeing's regulatory organization is not considering important enough to report to the FAA.<sup>26</sup>

Note, that the complainant believes that the FAA did not fully investigate the allegation on misleading the FAA in regard to the production certificate application and requests an investigation where the complainant can provide and explain the logic for his allegation.

### Appendix D.1 - Configuration Management of the 787 at Alenia Aermacchi.

Alenia Aermacchi was responsible for section 44, 46 and the horizontal stabilizer.

Alenia over many years was failing configuration management and quality management processes with several findings by Boeing. These failures continued as found by the FAA until 2014.

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<sup>24</sup> Configuration Management Health Assessment were explained by Boeing in the Attachment "Summary of Boeing Oversight on Alenia Aermacchi" in Boeing's answer to the [REDACTED]ocket complaint, dated August 20, 2014.

<sup>25</sup> See appendices B and C

<sup>26</sup> A potential exception might have occurred in 2021 as part of the Safety Management Submission by the complainant.

1. April 24, 2011 the responsible manager [REDACTED] working the Alenia findings (SER Supplier Evaluation Record) stated for [REDACTED] (see next chapter in this appendix) and [REDACTED] configuration management more described in the chapter):

“Verification for this SER failed. ... Need Boeing SQ (supplier quality) and Alenia to concur on the verification and issue a new SER per process.”<sup>27</sup> Her message to the Supplier Quality Director: “One of the issues that we seem to be finding at many partners including Alenia is the lack of effort in working the Corrective Action plans in the SERs and just trying to get something in place to close the SER doing the minimum amount accepted just to close the SER. This rarely addresses the root cause and the issues keep coming up over and over again.”

2. Boeing was required to report the failed verification of SERs and the new SER to the FAA as part of the corrective action process for the FAA finding. This did not happen to the complainant’s knowledge.
3. In May 2011, [REDACTED], upon receiving notification which described four failed supplier findings at Alenia<sup>28</sup>, requested, that Boeing continued to work towards closure<sup>29</sup>, not following Boeing procedures requiring the documentation of the failed findings and the issuance of a major SER for failed corrective action<sup>30</sup>. [REDACTED] linked the closure of the findings to the issuance of the 787 addition to the production certificate.
4. Alenia was already on supplier probation for lack of management commitment to quality, which [REDACTED] knew. The corresponding major SER<sup>31</sup>, open since August 2010, stated: “Alenia Aeronautica Top management does not ensure or provide evidence of its commitment to the development and implementation of the quality management system and continually improving its effectiveness.” The corrective actions for this major SER obviously failed, due to the above mentioned verification failures.

<sup>27</sup> Email [REDACTED] to [REDACTED] (Director SQ), dated April 24, 2011, subject: “Alenia CMHA SER Update”

<sup>28</sup> Email [REDACTED] to many directors including [REDACTED], dated April 22, 2011, subject “Alenia CMHA SER Update”, quote: “2 of the remaining SERs have failed verification ... A couple of the other SERs actually failed verification.”

<sup>29</sup> Email [REDACTED] to [REDACTED] (later VP for Manufacturing, Safety, Quality); [REDACTED] (director supply chain); [REDACTED] (later VP/GM 737 s2018 - 2019), dated May 4, 2011, subject “Alenia CMHA SER Update”, quote: “We have been working on Configuration Mgmt health across the supply base, and Alenia is the only one of the partners who has not brought their plan home. This creates 2 risks: that **FAA would hold up PC 700 addition for 787**, and that **issues discovered in the closure of this risk drive work to the airplanes**. I need your support in getting **Alenia to close this risk as soon** as possible.

<sup>30</sup> Boeing procedure [REDACTED] Supplier Evaluation Report Corrective Action, Date April 27, 2012, Step 6 Initiate SER for Ineffective Corrective Action, “Initiate a new SER for a nonconformity against the supplier’s corrective action process for ineffective corrective action. The original SER will remain open until the original SER’s nonconformity is resolved and CA is effective.”

<sup>31</sup> [REDACTED]

5. The [REDACTED] was closed without action in June/July 2011<sup>32</sup>. The closure statement was highly misleading: "Alenia and Boeing Configuration Mgmt agreed to close SER based on initial finding verification with continued follow-up working sessions between Boeing and Alenia in order to monitor and track the stabilization of the process." After the "initial verification", definitive failures were found until 2014.
- The initial finding was from July 2010<sup>33</sup>. For some reason the SER was not closed and the complainant was asked to review the SER in April 2011 for verification.
  - The verification failed in April 2011, the Alenia records were manipulated to achieve verification.<sup>34</sup> A technical explanation was not available, if the Alenia procedures were followed.
  - Between the time VP [REDACTED] gave the direction for closure (May 2011) and the closure of the SER (July 2011), no substantive action happened by Boeing and Alenia on the SER.
  - 2012, the SER was found to have failed in a follow-up audit<sup>35</sup> and a new SER was issued.<sup>36</sup>
  - 2013, the SERs were verified by a team led by the Senior Engineering Manager [REDACTED]. In particular for the Reconciliation [REDACTED] [REDACTED] stated: "I'd like to discuss with you all the SER Root Cause for the recent SER<sup>37</sup> that was written at Alenia. I was in a review yesterday on this subject, and it didn't feel like it hit the mark. I know all of us believe that we observed some irregularities with the reconciliation process at Grottaglie, notably the example shown on the SER where we found that we had a part installed on the airplane that didn't have any Engineering authority on the airplane."<sup>38</sup> This shows, that in 2013 the issues detected prior to the production certificate extension were not fixed, as well several other issues.<sup>39</sup>
  - 2014 the FAA found configuration management issues related to reconciliation, identified om appendices A and B.

<sup>32</sup> [REDACTED] "Alenia Aeronautica did not maintain a configuration management process appropriate to the product."

<sup>33</sup> Email [REDACTED], to [REDACTED] (FAA representative) dated July 29, 2010

<sup>34</sup> Email M. Bickeboeller to [REDACTED] (Supplier Quality), [REDACTED] (FAA representative), [REDACTED] (Mgr for configuration management), [REDACTED] (Senior Manager for Configuration Management)

<sup>35</sup> Email and PowerPoint, [REDACTED] (Engineering Manager 787 Airplane Level Integration Team) to Alenia et. al., dated March 21, 2012, subject 2012 Alenia CMHA Report Out.

<sup>36</sup> [REDACTED] Reconciliation

<sup>37</sup> [REDACTED] dated March 30, 2013, "Alenia has failed to apply a suitable methods for monitoring the reconciliation process and to plan the corrections and corrective actions for the results were not achieved."

<sup>38</sup> Email [REDACTED] to [REDACTED] (Supplier Quality Manager), dated May 1, 2013, subject SER Root Cause and Corrective Action.

<sup>39</sup> Email [REDACTED] (Manufacturing Engineer) to [REDACTED] (VP Processes 787), dated April 11, 2013, subject CMHA follow-up.

6. Yet, Boeing was required to report on the findings to the FAA prior to the Production Certificate application. The complainant surmises, that Boeing reported closure, not about the verification failures, since no further action was taken prior to the issuance of the Production Certificate.
7. Further failures would have had consequences on the major SER on Management Commitment. Boeing closed the SER September 29, 2011 after receiving the production certificate extension.

The issues around configuration management at Alenia were not unique to Alenia, but rather also present at other companies and at the Boeing Charleston plant. The FAA did not investigate those issues in 2014, despite having established credibility of the complainant.

In summary for this issue, Boeing and the FAA failed to achieve compliance for many years, because of a failure to insist on systemic corrective action and verification of improvements.

#### Appendix D.2 - Flow down Process and System requirements to suppliers

Process Requirements are provided through document [REDACTED] Processes and Systems Commonality Matrix to suppliers. Structures suppliers have to provide acknowledgement for applicability of the process requirements to the supplier and their subtiers, as well as which supplier documentation implements the process requirements specified in [REDACTED]. In addition, the supplier has to create and document their own configuration management plan, to show how the supplier has implemented the Boeing configuration management requirements, as well as when partner capabilities are in development, the estimated implementation date for that capability and associated documentation shall be in the partner CM Plan or in a separate document referenced by the partner CM Plan. (see document [REDACTED]).

Systems suppliers are also accountable to the Commonality Matrix within the scope of the statement of work: "Partner and Supplier developed process documentation for the 787 Program shall be created per partner internal requirements, and shall be compliant with this CM Plan and document [REDACTED], 787 Process and Systems Commonality Matrix."<sup>40</sup>

Following are a series of events which demonstrates that Boeing never controlled their process and systems requirements flow down to their suppliers, even after being cited in a formal FAA finding, until today. Boeing considers regulatory violations not involving a proven airplane issue to be not important to reporting to the FAA. Appendix D-3 describes the actual technical issues with the commonality matrix. This section deals with the behavior by management.

1. April 24, 2011 the responsible manager [REDACTED] working the Alenia findings (SER Supplier Evaluation Record) stated for SERs [REDACTED] (Alenia not updating procedures as required by the Commonality Matrix, that "Verification for this SER failed. ... Need

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<sup>40</sup> 787 Configuration Management Plan, document [REDACTED], chapter 2.3 Process Documentation

Boeing SQ (supplier quality) and Alenia to concur on the verification and issue a **new SER per process**. This was in the same email as for Appendix D-1.

2.– 4. Same as Appendix D-1

5. The [REDACTED] was closed June 30, 2011. It clearly states that the objectives of “updating procedures” were not accomplished. As such, **closure of such an SER is a violation of Corrective Action requirements.**

This verification will require continuous long term follow-up between Alenia and Boeing for the remaining verification actions noted in the follow-up plan:

- Identify resource to promptly manage and update the applicable documentation after Boeing communication of a “Block Point”.

2. Identification of documentation requiring priority attention.

Due to long-term continuous improvement oversight for this SER verification process it was agreed upon by both Alenia and Boeing to close the SER with the commitment by Alenia to ensure a full follow-up with pending long-term actions noted in the attachment.

All objective evidence will be maintained by the Alenia-Boeing CM Follow-Up Tiger team as part of an oversight toward ensuring continuous improvement and effectiveness of C/A.

THE ATTACHED DOCUMENT SIGNED BY THE ALENIA 787 PRODUCT UNIT SVP DEFINES THE FOLLOW-UP ACTIVITIES TO BE ACCOMPLISHED AFTER CMHA SER CLOSURE IN ORDER TO ASSURE PROCESS STABILIZATION AN PREVENT NON-CONFORMANCE REPETITION. (Capitals in the original)

6. [REDACTED] **was fully aware, that the SER was not correctly closed.** In a letter<sup>41</sup> to the Boeing Director of Supplier Quality [REDACTED] with a cc to VP 787 Quality [REDACTED], the Alenia Senior VP [REDACTED] committed to follow-up on the SER after closure, while stating the priority documents still needed to be done: “The purpose of this letter is to confirm that the subject activities included in the Ref. document (Annex 1) will be accomplished in order to ensure processes stabilization and prevent future non- conformance repetition. The CMHA activity will be monitored and tracked by Alenia through dedicated meetings until all items are accepted and closed by the designated Boeing team. Alenia is aware that the on time implementation of committed activities is fundamental to assure product integrity, re-obtain and maintain the Company Quality Management System qualifications for Boeing programs.”
7. Similar as in Appendix D-2, **Boeing performed audits in 2012 and 2013 which found in 2012 continued non-compliance with** <sup>42</sup> “Alenia did not ensure that relevant documents

<sup>41</sup> Letter [REDACTED] to [REDACTED], cc [REDACTED] et.al., dated June 29, 2011, subject: SER Follow-Up activities for Configuration Management Health Assessment Non- conformances, attached to [REDACTED]

<sup>42</sup> [REDACTED]

are amended and that relevant personnel are made aware of the changed requirements.”, as well as 2013 where problems were listed in internal documentation<sup>43</sup>, but no SER was filed and prior SERs were verified as correctly implemented.

8. The failings were described a side comment in the 2014 complaint and were presented to the FAA investigators.<sup>44</sup> The complainant doesn’t believe that the issues were followed up as an overall issue, but only limited with respect to Alenia reconciliation (see appendix D-1).
9. 2019, [REDACTED], Everett Engineering Operations asked for a “Help Needed”<sup>45</sup> to “Get Partners to align to CMx Revision AI (avoid audit findings). The situation was described as “There is no clear RAA to CMX management which involves many organizations and job roles. CMX continuity was lost due to many Boeing organizations and retirements. Supply Chain interface for 787 no longer in place – [REDACTED] retired, position not backfilled. Workshop held and gaps and process improvements identified.” A formal risk mitigation plan established June 28, 2019 yielded no change or action resolving the issues.
10. In 2020 [REDACTED] retired. Before she retired she described the situation to The BCA VP of Engineering [REDACTED] and the VP supply chain [REDACTED]. Again, no actions taken.
11. October 2020<sup>46</sup> a new employee [REDACTED] was assigned the management of the CMx. She discovered, that no updates were made since 2017.
12. December 2021, the complainant discovered that there were many suppliers which were in a contracting status listed as many years back in the CMx revision acceptance.<sup>47</sup> The complainant alerted his executive manager [REDACTED] as well as the Director Safety Management System [REDACTED]<sup>48</sup> who requested a formal submission. By January 2021, no investigative action had been taken. Early February 2021, the complainant alerted management of the significance and repeated nature of the regulatory violations.
13. February 2021 Boeing management decided to not report the violations to the FAA.
  - a. [REDACTED], Superintendent, Boeing Commercial Airplanes, Regulatory and Quality System Oversight: “The concern is compliance with the BPI attached [REDACTED] and potential noncompliance with CM responsibilities that support 787

<sup>43</sup> Email [REDACTED] (Manufacturing Engineer) to [REDACTED] (VP Processes 787), dated April 11, 2013, subject CMHA follow-up.

<sup>44</sup> Boeing Knowledge of Supplier Configuration Issues, PowerPoint presentation to FAA investigator, Bothell, WA, USA, dated August 14, 2014, pages 9 and 10.

<sup>45</sup> PowerPoint presentation, dated 6-10-19, by [REDACTED] & [REDACTED], Title: 787 Commonality Matrix (CMx) Help Needed

<sup>46</sup> Email [REDACTED] to M. Bickeboeller, subject 787 Commonality Matrix, dated October 5, 2020.

<sup>47</sup> COMX application report, dated December 10, listing the “Current Rev Contracted” status for about 160 787 suppliers.

<sup>48</sup> Meeting M. Bickeboeller, [REDACTED], December 8, 2020

Program Compliance with the BCA Quality Manual section 8.1.2 and compliance with Title 14 CFR 21.137(a).<sup>49</sup>

- b. [REDACTED], Senior Manager responsible for Commonality Matrix: “if we run across any evidence of a non-conformance or a building to a wrong revision or something along those line, then we would do a self-disclosure. ... [REDACTED] walked me through the process he would go through with the FAA and Martin is right we are not following the processes but we don’t have any evidence of it causing a safety or airworthiness issue or a non-conformance yet.”<sup>50</sup> [REDACTED] (Director Supply Chain Functional Excellence) was also informed, as well as was senior Boeing management for regulatory oversight ([REDACTED]).
  - c. The complainant provided a detailed analysis for the situation to his director.<sup>51</sup> He requested the issue to be raised into the Safety Management System of BCA. The director declined.
14. The complainant submitted the violation to the Boeing Safety Management System through the “Speak-Up” portal into the Aviation Safety Action Tracking System as ASR: [REDACTED]
- a. Title: “Repeated/Ongoing failure to control and emplace Process and Systems Requirements for 787 Suppliers.”
  - b. Potential Safe Question/Issue/Concern: “Boeing had several FAA findings on not providing supplier oversight for 787 processes and systems between 2007 and 2014. End of last year it was found, that the same issues have reappeared. Boeing failed to manage internal process and systems changes as required by PROs and contracts, as well did not flow them systemically down to the 787 supply base. Emplacement records show major oversight issues. A team is investigating limited aspects of the issue, a systemic investigation across multiple organizations is needed as well as an investigation of potential product issues due to non-compliance to processes.”
  - c. Record Added 3-4-2021, March 8, 2021 Recommendation Closure
  - d. Closure Summary: “Thank you submitting your concern through Speak-Up.
    - i. It is our understanding that this is a well known issue and that you are engaged with the team to investigate and address the concern.
    - ii. [REDACTED] was assigned to address the concern with [REDACTED] as the Executive Champion.
    - iii. This concern and actions taken to address it were reviewed in the weekly safety reviews with Boeing and FAA leadership.

<sup>49</sup> Email [REDACTED], to [REDACTED] et. al, cc [REDACTED] (BCA Quality Manager), subject: 787 Commonality Matrix – Keep up to Date (KUTD) & Regulatory Compliance Concern, dated February 12, 2021.

<sup>50</sup> Email [REDACTED] to [REDACTED] (director), [REDACTED] (Senior Director) et. al. subject: 787 Commonality Matrix – Keep up to Date (KUTD) & Regulatory Compliance Concern, dated February 12, 2021.

<sup>51</sup> Email M. Bickeboeller to [REDACTED], CMS\_Analysis.doc, dated 2-15-2021 and Email M. Bickeboeller to [REDACTED], subject CMx further information, dated 2-16-2021.

- iv. This concern was added in BORIS as an issue, and a BPSM ( ) was started to identify and address root causes.
- v. Additionally, a workshop to address the 787 Commonality Matrix will conclude the week of 4-5-21.
- vi. Emplacement was determined to be out of scope for this particular workshop, and they have requested support with addendum research.
- vii. Speak-up is intended to provide awareness of concerns and set forth actions to resolve the concerns. With the actions taken to date, we are now closing the Speak-Up report, and the on-going activities you have been involved with will continue outside of Speak-Up."

15. Few corrective Actions taken until October 25, 2021 in relation to the Speak-Up closure report

- a. Item 14, d.i: The extent of the regulatory violation with respect to emplacement, i.e. the contractual status of process and system requirements for 787, is still not known. Assigned supply chain personnel was stalling investigations through the "compass" research, considering research to understand the actual situation not important.
- b. Item 14, d.ii: There is still no accountability for emplacement with any executive management established. A presentation to Special Attention Meeting May 27, 2021 yielded no effective action.
- c. Item 14, d.iii: A onetime review with Boeing leadership and FAA without knowing the extent of the actual violation is misleading. It appears, that Boeing leadership and FAA consider regulatory violations without proven airplane impact not important for tracking within the safety management system.
- d. Item 14, d.iv: There has been no action with respect to risk mitigation in the BORIS issue. Root Causes analysis within the BPSM has started, yet is deemed incomplete until an understanding of the extent of the issue. No Root Cause Corrective Action, nor Immediate Corrective Action to stop the violation has occurred.
- e. Item 14, d.v. The workshop was inconclusive and narrow scoped.
- f. Item 14, d.vi. Research has yet to be concluded
- g. Item 14, d.vii. Without ASR tracking, there is no urgency to close and correct the issue. Executive Management, despite being invited to status meetings is not engaging.
- h. The content of the CMx is being updated since a few months.

16. Following some initial investigation, Boeing regulatory affairs decided to not disclose the violation until a non-conformity to a product can be determined. The violation of the CFR Title 14, 21.137 and the Boeing Quality Manual section 8.2 was not deemed sufficient for disclosure.

Boeing decided on closure of the ASR 5 days after submittal with the reasoning, that a corresponding Risk Management Issue was being worked, as well as a Boeing Problem

Solving Method (BPSM) project was initiated. Neither of these have achieved ceasing the conduct leading to the regulatory violation. According to the administrator [REDACTED], the FAA was present during the ASR closure decision.

The complainant is involved in the investigation process however the interest of executive management and assignment of resources is not conducive to adequate resolution.

The technical evaluation of the violation is in Appendix D-3.

### Appendix D.3 - Analysis of Commonality Matrix (CMx) technical Issues.

#### Definition

Document [REDACTED] 787 Processes and Systems Commonality Matrix “contains the 787 Program-required commonality between the Program and its Suppliers with respect to processes, data, and applications for the life cycle of the program. ... Boeing 787 program, Boeing internal suppliers or external Suppliers, are required to implement their processes, data, and applications, as defined in the commonality matrix ... and supported by Boeing and Partner Implementation Plans.

#### Why is the Commonality Matrix important and different from other airplane programs

- The 787 program relied more than any of the other BCA airplane programs on a digital definition of the airplane. That statement is in particular true for airplane system and the physical design of the airplane.
- The main structure of the airplane was distributed to several main suppliers for both engineering design and manufacturing. As such electronic coordination was important for all aspects of engineering and production. This coordination was defined through the Commonality Matrix.
- Airplane Systems were significantly more complex than prior airplanes.
- This coordination was under regulatory scrutiny during the certification processes related to the Type Design and the extension of the production certificate on the 787.

#### Document Hierarchy and relation to CFR

The Commonality Matrix receives its authority from the 787 Configuration Management Plan<sup>52</sup> which is authorized successively by [REDACTED]

[REDACTED] is a FAA approved procedure as part of the Boeing Commercial Airplane Quality Manual.

The 787 Configuration Management Plan specifies that “Partner and Supplier developed process documentation for the 787 program shall be created per partner internal requirements,

<sup>52</sup> Document [REDACTED], 787 Configuration Management Plan, Rev P, October 20, 2018

<sup>53</sup> [REDACTED] Boeing Commercial Airplanes Configuration Management Requirements and Responsibilities, Issue Date October 24, 2017

<sup>54</sup> [REDACTED] Configuration Management Requirements and Objectives, Issue Date December 8, 2017

<sup>55</sup> [REDACTED] Product Definition, Production, Support, Services and Product Safety

and shall be compliant with this CM plan and document [REDACTED] 787 Processes and Systems Commonality Matrix.

The October 2018 released revision J of the 787 Program Execution Plan specifies:

Section 4.3.4 Processes and Tools:...Supplier developed process documentation for the 787 Program are released per supplier internal requirements, and are required to be compliant with the Configuration Management Plan and document [REDACTED], 787 Process and Systems Commonality Matrix. Suppliers document their compliance to Boeing requirements in the partner Commonality Matrix Addendum.

Section 5.8 Supplier Integration Plan/Supplier Management Plan, [REDACTED]: The 787 Supplier Management Plan provides an overview of the processes and practices that BCA and Supplier Management follow ....

From [REDACTED]: 787 Program participants, whether they are Boeing 787 program, Boeing internal suppliers or external suppliers/partners, are required to implement their processes, data, and applications, as defined in the commonality matrix according to the schedule committed in the Block Point Release Plan and supported by Boeing and supplier/partner implementation plans. Validation of incorporation of Commonality Matrix requirements is given by the Configuration Management Health Assessments (CMHA) and Commonality Matrix Assessments (CMA)

#### Content Overview

The CMx contains requirements for

- Program Management
- Product Definition Development Processes including Engineering, Production Engineering and Change/Configuration Management
- Production Management Processes
- Support Product and Provide Service Processes
- Others

The necessity of these process and system requirements was driven by the larger reliance on computing automation and Computer Aided Drafting (CAD) systems across a diverse supply base providing a significant amount of Engineering responsibilities for the 787 airplane. The number of requirements documents is more than 300.

#### Boeing Supplier Contracts

The CMx was embedded into supplier contracts in various degrees of strength. Structures Partners had them as part of their statement of work. Other suppliers agreed to negotiate about these requirements, for these suppliers the current investigation has not been able to

conclusive determine whether or not the supplier is contractually obliged to the CMx or has other equivalent requirements provided.

Supplier contracts had a statement on “using best efforts to negotiate and reach agreement on mutually acceptable Commonality Matrix which will be signed under a separate cover.” Such agreements were not always executed which therefore provided no systemic flowdown.

Fundamental Process Failures related to the Commonality Matrix

A detailed, incomplete analysis of the failures is available at Boeing in the corresponding BPSM.

*Corrective Actions as part of closing 2008 FAA finding were abandoned*

1. Document Cleanup and Database Deployment
  - a. Completed 2009-2011, including a COMX database development
  - b. 2021: CMx was not updated and COMX database not maintained with respect to suppliers
2. Emplacement
  - a. [REDACTED] and Document [REDACTED] were released around 2010 to perform emplacement activities and implementations
  - b. [REDACTED] was cancelled 2015
3. CMx Assessment
  - a. [REDACTED] was released around 2010 for Boeing oversight of partner/supplier process, data and application compliance
  - b. [REDACTED] was cancelled 2015, with [REDACTED] to cover critical oversight obligations
4. CMHA Commonality Matrix Health Assessment
  - a. [REDACTED] released around 2010 for CMHA
  - b. According to current release, the BPI is targeted for cancellation.

*The Commonality Matrix was not updated with changing processes and systems over the years*

The current revision of the Commonality Matrix is from 2017. It was not been updated despite changes which would requires suppliers to perform their processes and systems in support of the 787 differently. A partial list of root causes is

- Change is Boeing’s process and system updates from a centralized Block Point controlled approach to a decentralized agile approach.
- Turn-over of personnel
- Lack of knowledge transfer during reassignments
- Management statements indicating irrelevance of the Commonality Matrix

*Contracts were not executed and maintained as required*

[REDACTED] “Performing 787 Commonality Matrix Emplacement Activities was cancelled February 29, 2016 with the statement that it “is no longer required since the 787 tool & process requirements have stabilized and the 787 program is now managing supply base

use of tools & processes using BCA wide methods.” An exception for Design/Built partner was listed.

██████████ and the 787 Configuration Management Plan do not reflect this cancellation of Emplacement activities and as such the cancellation of the BPI-5704 constitutes a violation.

BCA Supply Chain could not provide evidence how the change in managing the supply base for the 787 had been accomplished. Was it by updating contracts with suppliers who were contracted to the CMx or was it just by ignoring the current contract requirements?

2. BCA Supply Chain has not being able to provide contractual evidence about the Process and Systems requirements flowdown into Suppliers over many months during the investigation.

For other than 787 airplane programs Supply Chain relies on individual call outs of documents throughout different contractual instruments. The contract language includes as requirements also documents which are referenced in explicitly call-out documents, in other words the whole document tree underneath the callout documents. This amounts to around 1000 documents on some programs, many of which are not applicable to a supply, even so they are flowed down. This does not constitute appropriate management of process and systems documents. The CMX explicitly does not permit the applicability of referenced document to keep the number of process documents manageable.

3. COMX is an on-line application available to suppliers providing the suppliers search capability related to the tables applicable to the Partner statement of work<sup>56</sup>. The data in the COMX application is incorrect for many tables, documents and suppliers. As such, it is not clear which tables and documents in the CMx are actually applicable to a particular supplier. Boeing does not have the resources assigned to maintain the data in the application.

#### *CMx emplacement*

Structures partners were required to provide an addendum to the Partner Configuration Management plan as a vehicle to achieve concurrence on the requirements in the commonality for the partner and their subtiers.<sup>57</sup> Some structures partners have not supplied a required addendum for many years. Some partners have outstanding disagreements about requirements since 2013.

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<sup>56</sup> Document ██████████, section 3.4

<sup>57</sup> Document ██████████, section 3.4, BPI-4834 Implement Program Configuration Management and document ██████████ 787 Configuration Management Implementation (Partner Requirements)

How System and other suppliers reach agreement on the applicable sections of the Commonality Matrix is not clear to the complainant. What is actually applicable is open to definition and not clear through Boeing's procedural system in conjunction with the requirements of the 787 expressed through the commonality matrix.

*CMx accountability in the supplier's quality management system.*

Boeing cancelled [REDACTED] 787 Commonality Matrix Assessments on February 4, 2015 with the reason, that due to the transition of 787 to a "sustaining" program, the existing [REDACTED] Configuration Management Health Assessments covers critical oversight obligations.

[REDACTED], issue date April 4, 2019, describes the activities to prepare for and conduct a Configuration Management Health Assessment (CMHA) at a Partner or Supplier site. CMHAs are based on quarterly risk assessments at each site, structures partners and other suppliers. CMHAs maybe conducted for high risk partners or suppliers or according to an annual plan.

The details of the CMHA process were explained by Boeing in their reply to the complaint docket number [REDACTED].

[REDACTED] according to the BPI is targeted to be cancelled.

Since the CMHA is based on the Commonality Matrix and the Commonality Matric hasn't been updated appropriately since 4 years, as well as many suppliers have not provided appropriate CMx addendums, these problems should have been visible in CMHA assessments. The complainant is not aware of such assessments to have occurred during those years.

As such, it is not clear, how Boeing performs systemic oversight, when such issues are not discovered and corrected, in particular with respect to Supplier Quality employees discovering the issues above.

## Appendix E - Ethics Investigations

The complainant is discussing here the details of older Ethics investigations to show a pattern of violations and Boeing's denials of any wrong doings.

Besides these older violations of federal regulations which Boeing never fully addressed, these ethics cases are significant with respect to the failure of the Boeing compliance system to address the violations of federal regulations, repeatedly and with full knowledge of executive and senior management.

Despite major aspects of these Ethics cases being confirmed by the FAA investigation in 2014, Boeing even after signing the deferred prosecution agreement and the commitments to reviews of the corporate compliance system, did not find any mistakes in their processes in regard to these Ethics cases.

How can corporate compliance become sufficient, when such blatant violations of federal regulations get unnoticed and blessed as valid investigations. With Boeing in 2021 stating again that the Ethics investigations were performed properly with experienced personnel, it is possible that The Boeing Company is engaged in a conspiracy of hiding past violations to protect current and past executives, and protect the company from being guilty in defrauding the government beyond the findings in the criminal prosecution agreement.

### History - Summary

During the complainant's assignments at Mitsubishi Heavy Industries in Japan in 2007 the complainant was responsible for ensuring the correct and documented physical configuration of the first sets of 787 wings delivered to Boeing. The complainant discovered that Boeing decided to ship the wings while knowing, that their certificates of conformity were wrong. When management was continuing to ship major components in a similar condition, the complainant had a discussion with the Ethics advisor and the director of the 787 Quality<sup>58</sup>. He was told, that since the 787 program did not have a production certificate, the people on the program and suppliers did not have to follow procedures and were flexible to "make things happen". This behavior set the tone for the program.

2008 – 2010 the FAA found Boeing to have violations with respect to supplier oversight (see appendix A), Boeing started to mislead the FAA in reviews with respect to supplier oversight and configuration management. The complainant unsuccessfully tried to engage Ethics. Details see appendix E.3

2010 – 2012 Boeing management became very aggressive in closing related supplier findings without proper corrective actions, both with respect to the actual configuration of the airplane and root cause correction in the supplier procedures. This included removing the complainant

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<sup>58</sup> The complainant has no records of his formal complaint since it was made orally around 2008. The Boeing Company should have these records. The ethics advisor was [REDACTED], the director of quality [REDACTED]  
[REDACTED]

from assignments to make it simpler to force incorrect closures. Ethics complaints filed after Boeing achieved the 787 production certificate extension yielded a small amount of correction. But executive management including the Quality VP responsible for the effectiveness of the quality system refused to engage and see proper closure of corrective actions. Details see appendix E.2.

2013-2015 the complainant tried to address the continued failures, both of the Ethics processes, the behavior of the quality executive leadership and the actual situation at Alenia. After one year of no action through the Ethics processes, the complainant engaged the Boeing internal regulatory affairs office. Again, after no action, the complainant filed the violations with the FAA Office of Chief Counsel (see appendix xxx), docket [REDACTED]. Boeing kept the ethics cases open, and closed them while denying any wrongdoing in 2015, after the FAA had confirmed the technical issues at Alenia. (see appendices B and C). Details see appendix E.1.

## E.1 - Ethics Investigations 2013-2015

The main topic of the Ethics complaints in 2013 was the continued failure of Boeing management to address the supplier violations at Alenia in Italy. Boeing completely denied any failure.

Significant is the failure of the Ethics or Corporate compliance to follow corrective action to closure in the above technical cases. Ethics failed to override the desire of executive management to close the issues fast with just the talk of a plan. The executive [REDACTED], was himself experienced in regulatory affairs and representing Boeing in front of Congress.

As important is the failure of the BCA Quality Management Representative.<sup>59</sup> The top level executive for quality and his leadership team were fully briefed on the violations found at Alenia, including the analysis of incorrect corrective actions plans. He and his leadership team did not intervene, letting the issues go on until the FAA found some of them in 2014.

As such, it is not surprising, that lower level audit teams were failing in their responsibilities.

### 1. Failure of Ethics and Failure by VP to follow through on Corrective Action (Ethics case [REDACTED]):

- [REDACTED] is a former Ethics advisor at Boeing who was responsible to investigate and ensure closure of all the ethics issues submitted by the complainant. She only investigated one regulatory violation at Alenia and did not ensure that the corrective actions got implemented. Other violations submitted were not investigated by her. Emails state directly her plan to close the ethics cases based on “discussions”<sup>61</sup>
- VP 787 Engineering [REDACTED] never developed, nor implemented action plans to solve the ethics issues.<sup>62</sup> [REDACTED] was earlier Boeing's director of aviation safety for commercial planes, a former Lead Administrator, BCA Designated Compliance Organization, as well as the VP of Engineering for the 787 program. As such he was intimately familiar with relevant regulations.

### 2. Quality Management Representative (Ethics case [REDACTED]):

- The AS9100 Quality Management Representative (title 14 CFR 21.135) responsible to the FAA for overall compliance of the QMS failed knowingly together with his director staff, after being briefed in detail, both orally and in writing, to enforce

<sup>59</sup> Quoting from the BCA Quality Manual, approved by the FAA as the basis for the BCA Production Certificate: “The BCA Vice President of Total Quality is the BCA QMS Management representative and the delegated Accountable Manager as also outlined in [REDACTED] has the freedom, unrestricted access to top management, and authority to resolve quality management issues on behalf of BCA and is the FAA’s primary point of contact. ... The BCA management representative also reports on the effectiveness and efficiency of the QMS to the leadership team ... helping assure BCA personnel are aware of, and satisfy Boeing’s QMS requirements.

<sup>61</sup> Email [REDACTED] to Martin Bickeboeller, Subject Today’s Meeting Results, August 8, 2012.

<sup>62</sup> Email Martin Bickeboeller to [REDACTED], subject [REDACTED] Meeting Results, August 13, 2012

proper corrective action. As a consequence, the FAA found the subject violations to be persistent in 2014. The following matrix shows the failures in the corrective action process for the Supplier Evaluation records at Alenia. The rows are the 7 SERs Boeing issues at Alenia in 2012 for CMHA. The columns are the requirements Boeing provides for Corrective Action Plans for SERs. "No" means the requirement was not met, "ok" signifies possibly an acceptable answer and "Good" a good answer.

		Immediate Correction	Ensures that non-conforming condition has been corrected	Extent of non-conforming condition must be determined and contained.	Stakeholders informed of the problem	Immediate corrective action plan implementation date	Immediate Action: Direct cause with action plan and impl. Date	Root Cause Statement: Statement of fact without "why" questions.	Root Cause Analysis (RCA) Methodology	Corrective Action Plan	An implementation Plan with dates and assigns responsibilities	Changes to policies, procedures, or work instructions, supporting documents	Measures of effectiveness
	EDDR Mgmt at Horiz. Stab.		no	no	no	good	good	no	ok		good	no	no
	EDDR Mgmt at Sec 44/46		no	no	no	good	good	no	ok		good	no	no
	Supplier Oversight		no	no	no	no	good	no	ok		good	good	no
	Procedure Updates		no	no	no	no	no	no	ok		good	no	no
	Use of Sketches on Shop Floor		ok	good	ok	good	good	ok	ok		good	good	good
	Reconciliation Sec 44/46		good	ok	no	good	good	ok	ok		good	good	good
	Reconciliation Horiz. Stab/		no	no	no	no	no	no	ok		no	no	no

**3. Closure of Supplier Findings, Incomplete Corrective Actions and not documenting violations (Ethics Case [REDACTED]):**

- These were the violations the FAA found in 2014: "Alenia could not provide evidence they were following the process requiring a validation of the supplier's as-built to Boeing as-planned configuration"<sup>63</sup>

Following below are the details of the Ethics Case, including the written allegations.

<sup>63</sup> FAA Memorandum, FEB 16 2016, to: [REDACTED], Manager, Legal Program Management Staff, [REDACTED], Thru: [REDACTED], Director, Chief Counsel, AGC-I, from: [REDACTED], Deputy Director, Aircraft Certification Service, AIR-2, Prepared by: [REDACTED], Manager, Transport Airplane Directorate, ANM-100, subject: Formal Complaint Docket No. [REDACTED] Final Response to Configuration Management Complaint Regarding a Boeing Supplier in Italy.

Ethics Case [REDACTED] incorrect and misleading information during an ethics investigation by senior management.

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. Both Senior Managers [REDACTED] and [REDACTED] had prior responsibilities on the subject of the investigations, as such were biased. The Ethics advisor did not address the incorrect behavior of [REDACTED] and [REDACTED]. Boeing stated in their closure for this Ethics case, that the allegations below were not substantiated. Yet, most have written evidence. Boeing's reinvestigation of the case by the Legal Department in 2021 continued the cover-up. Acknowledgement by Boeing of the correctness of the complainant allegation would be admitting that airworthiness statements of prior airplanes were not based on facts (see below), as well admitting to conspiracy.)*

Submittal Date: 5/22/2013.

Caller: [REDACTED] Martin Bickeboeller

Subjects:

[REDACTED] (ed. Senior Manager Quality Regulatory Affairs)

[REDACTED] (ed. Senior Manager Supplier Quality Europe)

Reported misconduct:

The reported misconduct is providing incorrect and misleading information during an ethics investigation by senior management.

In December 2012 Bickeboeller filed six Ethics cases [REDACTED] and [REDACTED]. [REDACTED] started the investigation in January 2012. She combined the five Ethics cases into one, number [REDACTED] (ed. These 5 cases might have been closed early during the investigation without resolution). Since the cases involved several distinct complex violations, she wanted to concentrate on validating first one technical aspect which was documented in Ethics case [REDACTED].

She asked [REDACTED], Supplier Quality Regulatory affairs to investigate the technical aspect of Ethics Case that the Left and Right Horizontal Stabilizer configuration manufacturing specifications for the 787 airplane were hundreds of parts incorrect. [REDACTED] was supported by [REDACTED].

In the document "Executive Summary Ethics Matter [REDACTED], August 17, 2012 by [REDACTED], it stated "Result of findings from [REDACTED], [REDACTED] - conditions described by caller are no longer an issue at Alenia". This finding was incorrect, not based on facts.

As such, I believe, that [REDACTED] and [REDACTED] did not actually investigate the technical aspects of the issues. This believe is supported by the following facts.

- [REDACTED] received in January 2012 a detailed briefing on the technical facts, documented in a briefing PowerPoint and supporting technical data. I am convinced from the meeting that he understood the briefing. On January 25, 2013 [REDACTED] acknowledged receipt of this information.
- [REDACTED] was also responsible in his role in Regulatory Affairs to coordinate Boeing's response to FAA finding [REDACTED] which contained several of the technical

aspects of the Ethics cases. As such, he had an understanding of the significance of the technical issues and had prior responsibilities.

- [REDACTED] was the senior manager for Supplier Quality at Alenia. [REDACTED] was briefed in detail May 2011 (see e-mails May 16/17, 2011) on the issue when he was the senior manager responsible for closure of Alenia configuration management findings including the one for reconciliation [REDACTED]
- Prior to the closure of the SER I pointed out to him in particular, that **the Alenia signed declarations of conformity for the Horizontal Stabilized are not valid due to the flawed reconciliation**. As such, he had the knowledge to ascertain the facts.

In the document "Executive Summary Ethics Matter [REDACTED] August 17, 2012 by [REDACTED], it stated "Result of findings from [REDACTED] & [REDACTED] "conditions described by caller are no longer an issue at Alenia".

- This finding was incorrect, not based on facts. As such, I believe, that [REDACTED] and [REDACTED] did not actually investigate the technical aspects of the issues. Just one month later in March 2012, another configuration audit at Alenia established, that the technical aspects of my ethics allegations were factual, as documented by SERs [REDACTED] and [REDACTED]. The further statements in the "Executive Summary Ethics Matter [REDACTED], about "potential issues exist" were also pointing to invalid statements by other executive management the issues factually existed and to some degree still exist.
- The "Executive Summary Ethics Matter [REDACTED]" involved a commitment to solve the technical issues by executive management. As of May 2013 it is clear, that the plans have not materially been developed, documented and implemented.

**Therefore continued violations of federal regulations and Boeing procedural requirements on reconciliation are occurring as documented in the Ethics cases submitted concurrently. This would be in violation of the Code of Federal Regulations Title 14, Part 21, Section 21.137(i).**

As stated in FAA advisory circular 21.43 the Production Approval Holder (here Boeing) is required by the rule to have procedures to eliminate the cause(s) of known and potential nonconformities or noncompliances to prevent recurrence. That includes flow-down of the corrective action requirement to a supplier, when it is determined that the supplier is responsible for the nonconformities or noncompliances. When processes or procedures result in nonconforming products or articles, Boeing should monitor the response to, implementation of, and effectiveness of corrective and preventive actions.

- As an example, the problems with reconciliation in the Alenia production system for 787 section 44/46 led to **100+ non-conformances related to configuration in 2012 and to 100+ for line [REDACTED] the first 787-9 airplane**. This is in comparison to [REDACTED] and [REDACTED] which had only a couple of nonconformance, for sections [REDACTED] in the same periods. Reconciliation of supplier provided sections are a direct prerequisite of airworthiness determinations by Boeing.
- As such, the incorrect statements by senior management in conjunction with the ethics case [REDACTED] continue to endanger the airworthiness of delivered airplanes and airplanes in our production system.

When did this happen: August 2012

Ethics Case ██████ – Ethics Case not followed through to corrective action and resolution  
**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(Ed: The former Boeing ethics advisor ██████ never was able to insist on correcting the violations. First, she was stalled by biased senior management, provided with incorrect assessments<sup>64</sup>. Then, after violations were finally acknowledged after many incorrect assessments, she only was able to get a plan for resolution from the responsible VP*

*██████. ██████ and ██████ committed to "██████ today advising me (██████) he will commit to reviewing the progress of the committed actions on a monthly basis (I will provide you the forum at a later date when the information is available)." <sup>65</sup> This was the last substantiative communication in writing on the topic the complainant is aware off.)*

*Boeing's Closure statement in 2015 after the FAA audit: "In May 2013 you alleged that ██████ failed to ensure a complete investigation was conducted for allegations submitted to Ethics in December 2011. As you know, the matter was investigated by Corporate Audit Investigations. The outcome of the investigation is the allegation was not substantiated." In May 2013 you alleged that ██████ failed to take appropriate action to address issues brought to Ethics in December 2011. As you know, that matter was investigated by Corporate Audit Investigations. The outcome of that investigation is the allegation was not substantiated.*

Submittal Date: 5/22/2013.

Caller: ██████ Martin Bickeboeller

Subjects:

██████ (ed. VP 787 Engineering)

██████ (ed. Ethics Advisor)

*(ed. These action/non-actions are a direct violation of Boeing Ethics procedures. These procedures were explained to the complainant in a telephone conference by ██████, VP of Ethics in January 2020. Boeing executives and Ethics not following through on correction regulatory violations, and the Boeing legal department deeming this behavior in agreement with Boeing processes, is a dangerous cover-up of regulatory violations.)*

Reported misconduct:

The misconduct is for the ethics advisor not following through with ensuring an accurate and complete technical investigation of ethics cases and for executive management not following through with resolution to those ethics cases.

Since the technical aspects of the ethics cases are directly linked to airworthiness, there is a negative impact to the airworthiness certification of delivered airplanes.

<sup>64</sup> See ethics case ██████

<sup>65</sup> Email ██████ to M. Bickeboeller, subject ██████ Meeting Results, dated August 27, 2012

In December 2012 Bickeboeller filed six Ethics cases [REDACTED] and [REDACTED] started the investigation in January 2012. She combined the six Ethics cases into one, number [REDACTED]. Since the cases involved several distinct complex violations, she wanted to concentrate on validating the first technical aspect which was documented in Ethics case [REDACTED].

**The technical aspects for [REDACTED] got validated however, none of the technical aspects of the other ethics cases were addressed.**

I know this, since I never was contacted for the technical details and objective evidence for those cases. As part of the closure of [REDACTED], VP, 787-8 committed to addressing these other issues. Besides presentations about the issues to [REDACTED] (September 11, 2012 and additional meetings afterwards) and [REDACTED] (November 20, 2012), to my knowledge no significant actions occurred, despite their potential impact to airworthiness of delivered airplanes and definitive non-compliances to Boeing procedures and federal regulations.

In fact, [REDACTED], before knowing the details of the issues stated, that he “will not rip apart build airplanes”. *(ed. When configuration documentation is not able to proof that the airplane is correctly built, Boeing is required to establish the physical built through inspection.)* Both [REDACTED] and [REDACTED] orally concurred to the technical implications of the issues. Due to this understanding, Beezhold assigned Bickeboeller to working Alenia configuration management to get to the bottom of the alleged Alenia issues, specifically to investigate with a team the full 787-8 process, 787-9 process and open supplier nonconformities in SERs.

- Having issues confirmed would indicate, that the Boeing oversight process was not reliable, as such implicate risks at other suppliers also.
- However, over time, Bickeboeller was removed from those assignments after pointing out existing problems and insisting on getting to a management agreement on their validity and needed resolutions.
- The 787- 8 assessment was completely cancelled. **Bickeboeller believes the removal occurred when it became clear, that he would continue to insist on formal resolution of the issues and full investigation in compliance with Boeing procedures. Not addressing the technical aspects of the ethics issues is a violation of the Code of Federal Regulations Title 14, Part 21, Section 21.137(i).** Boeing is required, by the rule, to have procedures to eliminate the cause(s) of known and potential nonconformities or noncompliances to prevent recurrence. Boeing certainly has those procedures.
- The technical issues in the ethics cases are either potential nonconformities of the airplane to the type design or noncompliance to procedural requirements. As such, Boeing had a requirement to investigate the non-compliances to procedural requirements to eliminate the issues and prevent recurrence. That has not happened to my knowledge to scope of the issues documented by myself in notes and meetings to management.

- The consequence of the lack of proper investigation is, that **the requirement for airworthiness to ensure that each supplier-furnished product or article conforms to its approved design (CFR 21.137 (c)) has not been met.** The technical issues in contention were also subject to FAA finding [REDACTED] Bickeboeller has tried to address the issue with notes to executive management and working through the management system.

Bickeboeller and his manager [REDACTED] discussed the concerns about the resolution of the Ethics case with [REDACTED]. She stated that she is unable to resolve these issues and sees it as a responsibility of the management to solve the issues. Bickeboeller was directed in a note by [REDACTED] to "refrain from sending notes to our senior executives on this subject", but explicitly allowed "raising any concerns to the Ethics organization".

As such, there seems to be no organization at Boeing willing to get to the ground of these issues, both the technical aspects for delivered airplanes and airplanes in production and the incorrect behavior of the management system in this matter.

*(ed.: The Ethics organization not being able to force corrections of regulatory violations denotes a clear dependence on executive management agreement, not an independent Ethics organization. If executive management is unwilling to stop the violations as it is proven by the 2014 FAA investigation, then there is no internal Boeing corrective process.)*

When did this happen: August 2012

Ethics Case [REDACTED] – VP Quality not ensuring that effective corrective action plans are implemented in nonconformities

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. The VP of Quality did not fulfill his responsibilities as the [REDACTED] quality management representative as described in the BCA Quality Manual and 14 CFR 21.135(b). The VP of Quality did not engage when he was presented with significant deficiencies in Corrective Action at the supplier Alenia and did not ensure, that corresponding Boeing procedures were followed. As such, he and his directors present during the meetings engaged in subverting the regulations for producing aircrafts from Chapter C of the regulation.*

*Boeing's ethics processes failing to correct these violations and Boeing's legal review of these processes in 2021 continued the subversion of the regulations.)*

*Boeing's Closure statement in 2015 after the FAA audit: "In May 2013 you alleged [REDACTED], BCA Quality Vice President, [REDACTED], Supplier Quality (SQ) Director, [REDACTED], BCA Quality Director, and [REDACTED], SQ Manager, failed to ensure that Quality Management System (QMS) processes were established, implemented, and maintained because they allowed ineffective CAPs to be used as the baseline to close CMHA SERs at Alenia in March 2013. As you know, the matter was investigated by Corporate Audit Investigations. The outcome of the investigation is the allegation was not substantiated."*

*"In May 2013 you alleged [REDACTED], 787 Airplane Level Integration Team (ALIT) Engineering Manager, did not take action during the 2012 Configuration Management Health Assessment (CMHA) to address ineffective corrective actions, Supplier Evaluation Reports (SER) from the 2010 CMHA at Boeing partner Alenia Aeronautica (Alenia). Additionally you alleged [REDACTED] team accepted incomplete Corrective Action Plan (CAP) to close 2012 SERs at Alenia. The matter was investigated by Corporate Audit Investigations. The outcome of the investigation is the allegations was not substantiated."*

Submittal Date: 5/22/2013.

Caller: [REDACTED] Martin Bickeboeller

Subjects:

[REDACTED] (ed. first line manager, 787 Airplane Level Integration Team)  
 [REDACTED] (ed. Senior Manager Supplier Quality Europe)  
 [REDACTED] (ed. Director, Supplier Quality)  
 [REDACTED] (ed. Director, Supplier Quality, retired)  
 [REDACTED] (ed. VP, Quality, AS9100 Management Representative)

Reported misconduct:

The misconduct is to not ensuring that effective corrective action plans are implemented in nonconformities at supplier Alenia despite being briefed about the technical violations in [REDACTED] in those corrective action plans.

In March 2012 Boeing performed a Configuration Management Health Assessment at Alenia's three main sites in Italy. The Configuration Management Health Assessment is a supplier surveillance activity. The team was led by [REDACTED]. The report out "Configuration Management Health Assessment - Alenia Aermacchi - 3/16/2012 by [REDACTED], e-mail dated 3/21/2012 shows the nonconformities discovered by the team.

1. The first misconduct involves the "2010 Alenia CMHA SER CAP / Issues review" on pages 3 and 4 of the report out. They showed that for 55% of the issues reviewed, Alenia had noneffective corrective actions. Ineffective corrective action is in itself a nonconformity required to be corrected. Under [REDACTED] direction, there was no action taken to address "ineffective corrective action" (see [REDACTED]), nor were all the nonconformities formally filed as new SERs nor repeats indicated, as required by [REDACTED] "Any nonconformity discovered during initial approval, surveillance and/or maintenance approval activities shall be documented on a SER in the SQ supplier data system and processed per [REDACTED]."
2. The second misconduct involves [REDACTED] direction to accept incomplete corrective action plans for Supplier Evaluation Reports (SERs) [REDACTED] specifies in exhibit B the criteria for corrective action plans. Comments on the draft corrective action plans were provided in June 1, 2012 and again on June 27, 2012 to the supplier quality employee [REDACTED] with detailed explanation of which elements of the corrective action plans were incorrect and not fulfilling [REDACTED]. In the intermediate, despite the knowledge of the violations of [REDACTED] the corrective actions plans were approved.
3. The third misconduct is higher level management's failure to intervene and establish appropriate corrective action. BCA VP for quality [REDACTED] was alerted by an e-mail June 28, 2012, and also in a personal meeting with him, [REDACTED] and [REDACTED] on July 24, 2012 with the presentation file being provided on July 27 to [REDACTED]. [REDACTED] ethics advisor was present in those meetings. [REDACTED] received a detailed briefing Feb 8, 2013. Despite this knowledge, the incorrect corrective action plans were used in March 2013 as the baseline for closure of the findings.

**As BCA's leading representatives for the quality of the airplanes, and [REDACTED] as the Quality Management Representative ([REDACTED] section [REDACTED] they violated their "responsibility and authority that includes ensuring that processes needed for the quality management system are established, implemented and maintained".**

*[REDACTED] This conduct by the responsible VP for Quality, including his director's staff, shows, that the group together decided to ignore the relevant Boeing procedures and federal regulations)*

In my view, these three misconducts have placed The Boeing Company in violation of Code of Federal Regulations (CFR) Section 21.137(i), which requires procedures for implementing corrective and preventive actions to eliminate the causes of an actual or potential nonconformity to the approved design or noncompliance with the approved quality system.

With respect to Suppliers [REDACTED] is on the FAA approved quality system list for this purpose. By not following [REDACTED] and the [REDACTED] referenced as authority in [REDACTED], Boeing is in violation of the CFR, since Boeing "should monitor the response to, implementation of, and effectiveness of corrective and preventive actions." (FAA advisory circular 21-43).

I have tried to alert [REDACTED] during her investigation of Ethics case [REDACTED] to these issues, as well as send notes multiple times to executive management on 2012 and 2013. Not writing SERs on findings and closing SERs without proper corrective action is continuing as described in Ethics cases filed concurrently. When did this happen: June 2012 - August 2012

## Ethics Case [REDACTED] – Alenia Reconciliation

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(Ed. This ethics case contains in the details the evidence of Alenia's technical regulatory violations which were found to be still in existence in 2014. It contains the detailed description of the behavior of the audit team not acknowledging the issues and agreeing to simple corrective action plans which were proven to be ineffective by the findings of the FAA.*

*The retaliatory behavior of management is described below: Removing the complainant from assignments in order to prevent evidence to be found and preserved.*

*The senior engineering manager [REDACTED] led the audit teams and was actively preventing the formal acknowledgment of problems, while he was also responsible for airworthiness processes for the same airplanes, tainting the airworthiness applications.)*

*Boeing's Closure statement in 2015 after the FAA audit: "In May 2013 you alleged [REDACTED], Engineering Product Lifecycle Senior Manager, [REDACTED], Manufacturing Engineer (ME), and [REDACTED], SQ Principle Field Representative and Federal Aviation Administration (FAA) Designee, inappropriately initiated closure of 2013 CMHA SERs for the reconciliation process for Boeing Delmia (M-Spec) configuration even though Alenia's Manufacturing Bill of Material (MBOM) was not effective in catching configuration differences. As you know, the matter was investigated by Corporate Audit Investigations. The outcome of the investigation is the allegation was not substantiated."*

Submittal Date: 5/22/2013.

Caller: [REDACTED] Martin Bickeboeller

Subjects:

[REDACTED] (ed. Boeing Supplier Quality at Alenia

[REDACTED] (ed. Boeing Senior Engineering Manager, also responsible for the Engineering processes for airworthiness of delivered airplanes)

[REDACTED] (ed. Manufacturing Engineer specializing in Reconciliation, based in Everett)

Reported misconduct:

The misconduct is, that [REDACTED] and [REDACTED] initiated closure of a Supplier Evaluation Record (SER) for the reconciliation processes of the Boeing Delmia Manufacturing Configuration Specification (M-Spec) to Alenia MBOM while having evidence that the corresponding corrective actions by Alenia were not making the reconciliation processes effective in catching configuration differences as required.

*(Ed. The Alenia reconciliation process was investigated by the FAA in 2014, one year after filing of this Ethics case, and was found to be defective)*

The SER was initiated as part of the Configuration Management Health Assessment (CMHA) at Alenia in March 2012, a quality system surveillance activity according to [REDACTED]. The corrective action plan [REDACTED] was approved in June 2012 by [REDACTED], the responsible supplier quality representative.

- The approval itself had associated misconducts described in an ethics case filed concurrently.
- Reconciliation of the M-Spec to the Alenia internal Manufacturing Bill of Material (MBOM) is crucial in achieving an airworthiness certificate for any Boeing delivered 787 airplane. The FAA had made corrections of such processes a pre-requisite to achieving the 787 production certificate in FAA document [REDACTED]. The Code of Federal Regulations (CFR) 21.137, Quality System, specifies: "Each applicant for or holder of a Production Certificate must establish and describe in writing a quality system that ensures that each product and article conforms to its approved design".
- Boeing's Quality Management System ensures that a) every element in the Engineering Design is accounted for in the Manufacturing Plan and b) each part of the Manufacturing Plan is accounted for in As-Built Completed Records (work orders, nonconformities) and assigned to suppliers in M-Specs.
- As part of applying for the Airworthiness Certificate application Boeing checks (using [REDACTED] and the corresponding AAER report) that all Top Level Parts of the Engineering Design and their direct components are explicitly accounted for either in completed As-Built records at Boeing facilities (Final Assembly, Charleston, ...) or in released M-Specs to Boeing Suppliers.
- Boeing assumes that Suppliers deliver to the M-Spec. This assumption is based on the reconciliation processes at the suppliers and is subject to Boeing oversight in CMHA. The requirements are stated in Boeing documents [REDACTED] and [REDACTED].
- **Therefore compliance of suppliers to reconciliation requirements is a pre-requisite for Boeing's ability to apply for airworthiness of airplanes.**

On December 14, 2012 Bickeboeller was assigned by [REDACTED] and [REDACTED] to be part of a full assessment of Alenia's configuration management processes for the 787-8 and 787-9 airplane., because Bickeboeller had previously found significant violations and concerns when he analyzed data in the Boeing non-conformance systems and others, see e-mail November 21, 2012 to [REDACTED] and e-mail November 29, 2012 to [REDACTED]. This assignment was later scaled back to being limited to only 787-8 and then only to the CMHA open SERs.

*(ed. The scaling back of assignment is part of the retaliation pattern of removal from assignments when violations occurred or were likely to be found)*

[REDACTED] was assigned as the management leader of that team, with myself as the technical assessment leader. The assignment's RAA was agreed upon in detail in a meeting with

Bickeboeller's manager [REDACTED] and [REDACTED] on January 10, 2013 as well as documented in Bickeboeller's performance management plan.

Following the formal assignment, Bickeboeller was provided with detailed reconciliation data for Section 44/46 airplanes line Number [REDACTED] and others. He was not provided the detailed information for reconciliation of the Horizontal Stabilizer, despite several requests.

On January 15, 2013, the airplane [REDACTED] analysis data was provided by Bickeboeller to Supplier Quality and management. **It contained a significant number of proven configuration issues and supportive questions to understand the issues in more detail. The data had been confirmed by [REDACTED] and his team in discussions and e-mail. [REDACTED] provided some limited answers and general contention with the data in e-mail with no objective evidence.**

Except for this interaction, despite several requests (e.g. e-mail Jan 23, 2013), **the management team was not willing to put together a common session to get to a Boeing baseline of the technical issues and potential consequences with respect finding the SER Corrective Action Plans (CAPs) non-effective.**

[REDACTED] data was supposed to be the first airplane for which Alenia had corrected their reconciliation process following the SER [REDACTED]. On January 30, 2013, Bickeboeller had a detailed discussion with [REDACTED] on the significance of reconciliation for airworthiness of delivered airplanes.

Further discussions were held around February 1-6, 2013 with [REDACTED] and [REDACTED], again not leading to a joint conclusion. In particular, it was stated, that "The as-built record reconciliation plan in Grottaglie is being worked between Boeing ME, Quality and Alenia ME and Quality. [REDACTED] is working on that plan with them and he has expressed a confidence level that it will work." [REDACTED] was on-site at Alenia for several weeks during this time period with the focus on reconciliation.

[REDACTED] was not in agreement that Alenia had to use as-built records for reconciliation, as stated in requirements documentation [REDACTED] and [REDACTED], required within Boeing with certifying the airplane and required by CFR.

*(ed. Quoting from the FAA memo (appendix C): "Alenia could not provide evidence they were following the process requiring a validation of the supplier's as-built to Boeing as-planned configuration... The complainant identified configuration management noncompliances at Alenia that were subsequently confirmed by Boeing and the FAA" Therefore, in 2014 the FAA found this situation to be a violation.*

The Record of Collaborative Agreement (RCA) for Alenia section 46, [REDACTED] February 9, 2013 in Velocity document [REDACTED] documented, that reconciliation was not completed. The plan contained in the RCA was not performed on time, nor was it successful in leading to a correct configuration definition (see below evidence on Capture and Controls). This is evidence that the SER's CAP failed.

An e-mail by [REDACTED] on May 2, 2013 confirmed that the process requirements were not followed due to schedule pressure: "Alenia and Boeing to deviate, especially in timeline

prospective, for the Boeing process requirement". [REDACTED] as a FAA designee and the BCA Supplier Quality Principal Field Representative is responsible to ensure compliance to Boeing requirements and Conformance of the delivered airplane sections to Boeing. Schedule pressure is not an allowable excuse to violate Code of federal regulation requirements for airworthiness. [REDACTED] violated therefore his requirements as an FAA designee.

*(ed. [REDACTED] violations of the CFR as a FAA designee is not excusable. This fact should have been found by the legal review of Boeing in 2021.)*

The following Capture and Control (C&C) nonconformances in Velocity were written by Boeing South Carolina (BSC) and acknowledged as valid by Alenia in writing in the C&C response. They demonstrate that for a significant percentage of Alenia's Installation workstatement (20%) that Alenia did not control and document the configuration for the execution of installation requirements for their section correctly and failed to correct the configuration as provided in the RCA and corresponding Notice of Escapements which were also incorrect.

Please note that for the similar amount of workstatement and time period, [REDACTED] and [REDACTED] had only a couple of C&Cs. Significant issues with the process are also clear due to the high number of C&Cs for [REDACTED], where Alenia specified for example that most airplane blankets were missing, even so they were installed.

Please note, that the introduction of a new manufacturing planning system at Alenia as well as Boeing computing problems were blamed for the problems. That is an incorrect excuse, since the production system on the shop floor did not change and is the same for the prior system (COPICS) and 787-8 airplane. As such, the problems on [REDACTED] to establish a configuration from the built records are pointing to a larger problems also on the existing 787-8 production. The capture and control problems prove, that [REDACTED] confidence in the as-build record reconciliation is misplaced and not based on facts.

[REDACTED]

While in Italy for [REDACTED] in January 2013, [REDACTED] worked with Alenia for improvement of their reconciliation records for [REDACTED]. Prior to the planned departure to Italy for the verification of the SER [REDACTED] step 5 "Using measures of effectiveness, verify the root cause corrective action was effective in precluding recurrence of the nonconformity."), [REDACTED] and [REDACTED] were provided with Bickeboeller's analysis for [REDACTED] data, showing the following violations for many part numbers:

- obsolete engineering in the Alenia MBOM

- missing installation requirements models in the MBOM
- missing assemblies
- additional parts not effective for the airplane anymore
- questionable explanations for missing EBOM kits
- wrong effectivities for many installations
- missing kit parts from SAAB
- wrong Serialized parts in the MBOM and
- mistakes with kitted assemblies.

██████████ and ██████████ declined to receive a briefing on the data. It was similar to the data approved by ██████████ for airplane 75. Following the assessment in Italy, the corresponding SER ██████████ and all other SERs ██████████ were closed as passing verification.

- Some of those also had data indicating problems. For example, ██████████ (finding: "Alenia did not ensure that relevant documents are amended and that relevant personnel are made aware of the changed requirements.") was about Alenia not updating their internal procedures to implement Boeing process requirements in a timely manner. This SER was closed with passing verification, when in the same assessment, the verification team found "██████████ is in process of being modified. This document is four years old." ██████████ describes Alenia's Engineering Design Processes for 787. Over the last four years Boeing changed its engineering requirements and processes to support the 787-9 engineering process. As such, the team's finding is in direct objective evidence to the contrary, that the CAP for the documentation SER was effective.
- In addition, the closure statements for the SERs ██████████ don't provide objective evidence.
- In a report out to ██████████, ██████████ agreed that reconciliation has many different issues (red-lining of work orders, internal reconciliation of Alenia planning to Alenia built records, not using built records to reconcile, the incorrect reconciliation data for Alenia as-planned to the M-Spec, and others). The acknowledgements as well as the data for ██████████ and ██████████ as well as the many C&Cs are clear evidence, that Alenia's reconciliation process is still not working. As such, the corrective actions for the SER closed were not effective as required by ██████████ step 5, even if the CAP was followed.

(ed. Again, these are the processes which the FAA found to be in violation of the CFR in 2014)

- As such, the verification team violated ██████████, due to the detailed discussions and the data, knowingly.

Boeing issued a new ██████████, for which ██████████ approved the CAP already. It addresses a minor issue with reconciliation but doesn't address the corresponding engineering

violations and does not address any of the issues with the data, the C&Cs and the ones acknowledged by [REDACTED] in the report to [REDACTED]

**After providing the different analysis aspects showing problems and suggesting to management, that Boeing needs to establish a joint understanding and agreement on the data and it's consequences prior to the verification activities in Italy, Bickeboeller was removed from the verification team one week before the planned assessment.** This is in the context, that Alenia management, in the presence of all SQ management from FAA designee to director, on January 30, 2013 insisted, that only cooperative team members should be allowed to perform the verification. Bickeboeller had no conflicting other assignments. Bickeboeller was also provided with positive feedback by his manager about the professional behavior in the interactions related to the assignment.

*(ed. Another example of retaliation by removal from assignment in order to prevent further evidence of regulatory violation to be found)*

Please note, an ethics case filed concurrently specifies the failure of supplier quality management to provide oversight on the development and content of the CAPs for the SERs [REDACTED]

In summary, the high number of nonconformances for Alenia section 46 demonstrate that there are significant configuration issues in Alenia's production process. The data for reconciliation provided by Alenia has significant issues for which no explanation was provided or discussed with Bickeboeller. There has been no attempt to verify, that there is no impact to prior airplanes delivered due to these mistakes.

As such, Boeing cannot prove through documentation that the as-designed configuration equals the as-built configuration for each airplane. This is required for airworthiness, as such making the statement of conformity for the sections not based on a valid documentation trail. For LN Ethics Confidential Case Submittal Page 2 of 3

[REDACTED] the nonconformances show a significant number of actual physical mistakes found at BSC.

[REDACTED] on the 787 program participates in the airworthiness certification process. As such, he understands the implications of bad reconciliation to airworthiness.

[REDACTED] acknowledged that Boeing requirements were deviated from and [REDACTED] spend many weeks advising and overseeing the actual execution of the processes for [REDACTED] on site in Italy. As a conclusion, the validity of the airworthiness certificates of delivered airplanes is questionable, due to knowingly incorrect prerequisites.

When did this happen: March 2013

**Ethics Case [REDACTED] – No Supplier findings filed as required**

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. The audit team ignored data proving violations of configuration management requirements for Alenia's airplane sections. Fundamentals of supplier oversight, in particular for configurations of complex products like Alenia's)*

*Boeing's Closure statement in 2015 after the FAA audit: "In May 2013 you alleged [REDACTED], [REDACTED], and [REDACTED] failed to comply with required SER processes by not documenting required SERs during a supplier surveillance activity at Alenia in 2013. As you know, the matter was investigated by Corporate Audit Investigations. The outcome of the investigation is the allegation was not substantiated."*

Submittal Date: 5/22/2013.

Caller: 124436 Martin Bickeboeller

Subjects:

[REDACTED] *(ed. Boeing Supplier Quality at Alenia*

[REDACTED] *(ed. Boeing Senior Engineering Manager, also responsible for the Engineering processes for airworthiness of delivered airplanes)*

[REDACTED] *(ed. Manufacturing Engineer specializing in Reconciliation, based in Everett)*

Reported misconduct:

The misconduct is, that [REDACTED], [REDACTED] and [REDACTED] during a supplier surveillance activity did not file Supplier Evaluation Records as required for process non-compliances.

In March 2013 they conducted a verification assessment of Alenia's effectiveness in respect to Corrective Actions on SERs [REDACTED].

During the preparation of the audit, Bickeboeller was the technical leader of the assessment team, but removed from the assignment just prior to the audit.

Bickeboeller found indicators and proof of further violations in the data prior to the audit and had communicated those to the traveling team [REDACTED] and [REDACTED]r. The data analysis showed:

1. The Alenia planning system COPICS contained many installations with incorrect effectivities defined in the planning system. The Airplane Line Number (LN) 127 COPICS BOM included for example [REDACTED] specified in COPICS as [REDACTED], yet the Mfg Domain Effectivity in Enovia is [REDACTED], with the cut occurring on Dec 20, 2012. Other installations with similar problems include [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] The issue is also true for parts which are directly wrong for LN 127. The part numbers for these samples were provided to the verification team. This shows a clear inability of Alenia to control the effectivity of their installation responsibilities in their planning. As an example, at MHI, this same issue caused the Supplier Quality teams to issue SER [REDACTED].

*(ed. Incorrect effectivities (which specify for which airplanes a specific part should be used) are a fundamental flaw in a manufacturing planning system. These must be corrected and the root cause must be found in order to built safe airplanes.)*

2. The above issue indicates also that the **change implementation process at Alenia has issues, as well as the configuration status accounting process**. The change implementation process should have prevented all these mistakes the configuration status accounting process should have caught those mistakes. However, [REDACTED] reported back, that there is no issue in this process.

*(Ed. Root Cause analysis, the audit team further checking details did not occur. In other words, the audit team really didn't want to expose more issues)*

3. As documented in the Corrective Action Plan for SER [REDACTED], installations [REDACTED] and [REDACTED] were revised (rev. A) by Alenia in ENOVIA on March 21. The revisions included changing the **Bill of Material (BOM)** back to an obsolete configuration which failed in airline service in order to correct a part availability situation. Changes of the BOM after a part leaves the supplier Quality Management Systems are an important violation of fundamental configuration management requirements.

*(ed. Here are fundamental violation of configuration management which show blatant disregard for safety regarding configuration, in order to meet production schedule requirements.)*

Related, Bickeboeller found the issue of the incorrect part installation during data analysis prior to the March verification audit (see PowerPoint provided to [REDACTED] and [REDACTED]. Alenia was notified by the verification team on March 12, 2013 (as documented in the SER [REDACTED]). On March 14, 2013, Alenia started an internal investigation, but did not issue a Notice of Escapement for installing the wrong fan. Not

providing the notification is also a violation of process. Instead it was decided to change Engineering retroactively to match the production configuration: on March 13, 2013, Alenia asked Boeing to change the Engineering to allow for the old fan installation in [REDACTED]. **Here is a case of making further violations of configuration management to cover up a violation discovered by Boeing in an audit.** These items were discovered after the audit, but as part of the corrective action planning for SER [REDACTED].

When did this happen: March/April 2013

## E.2 - Ethics Investigations 2011-2012

After removal from the 787 program in August 2011, the complainant filed the violations with the responsible manager<sup>66</sup> [REDACTED] for configuration management in Boeing Commercial Airplanes [REDACTED] decided not to engage. Following, the complainant filed the ethics cases below. The ethics advisor [REDACTED] assigned the technical investigations to the Senior Manager [REDACTED], Supplier Quality Regulatory. He was directed by the director 787 Supplier Quality [REDACTED] to not investigate, since the issues have been solved (this is according to the Ethics Advisor)<sup>67</sup>. Only after explaining to [REDACTED] that her investigators were not independent, did she agree to engage 787 VP for processes and systems, [REDACTED]. He engaged the BCA VP for Quality to confirm the listed issues. However, in the end the VP for Quality did not ensure correction for the regulatory violations.

1. **Configuration Management at Alenia:** Management<sup>68</sup> directed to close a finding at Alenia that Alenia's reconciliation of their production system to the Boeing required configuration was broken at least with respect to Notice of Escapement. The SER was closed while having evidence of failure available prior to closure. Some aspects of the reconciliation issues were solved. The FAA investigated and verified this issue. A detailed discussion is in appendix D.1.
2. **Process and Systems Management at Alenia:** Management<sup>69</sup> directed the Supplier Evaluation Record (SER) [REDACTED] to be closed while having evidence of failure. The SER documented a finding at Alenia that Alenia did not update procedures for 787 as the implementation of Process and Systems Block Point required. The failures were in significant processes like Engineering release (IAF E 04) and change management (IAF J 01) as examples. These procedures were updated by Alenia incorrectly missing major process requirements changes such as a change in in-sequence/out of sequence criteria and signature requirements for EME releases. Resolution was supposed to happen through the [REDACTED] Plan.<sup>70</sup> The complainant is not aware of any specific resolution nor attempt to resolve the items in the Ethics Case. A detailed discussion is in appendix D.2
3. **Manufacturing Planning at Boeing Charleston:** Management<sup>71</sup> did not complete investigation of manufacturing planning errors for early airplanes delivered by at 88-20 Mid-Body in Boeing Charleston to Boeing Final Assembly. The Ethics organization never addressed the issue itself. Resolution was supposed to happen through the [REDACTED]. The complainant is

<sup>66</sup> Email M. Bickeboeller to [REDACTED] dated 8/23.2011, subject: 787 open technical issues

<sup>67</sup> Email M. Bickeboeller to [REDACTED], dated 3-3-2013, subject: 787 Supplier Configuration Management - Status - March 1, 2013

<sup>68</sup> Ethics Case [REDACTED], filed 12/12/2011

<sup>69</sup> Ethics Case [REDACTED], filed 12/12/2011

<sup>70</sup> Email Martin Bickeboeller to [REDACTED], subject [REDACTED] Meeting Results, August 13. 2012 and other emails.

<sup>71</sup> Ethics Case [REDACTED], filed 12/12/2011

not aware of any specific resolution nor attempt to resolve the items in the Ethics Case. The FAA did not investigate this issue in 2014.

4. **Configuration Management at Boeing Charleston:** Management<sup>72</sup> did not complete the work to correct airplane configuration records for rework Reconciliation at 88-20 Mid-Body. SER [REDACTED] was filed in April 2010 in Boeing Charleston for failure to reconcile the as-built configuration of the 787 Mid-Body properly to the required manufacturing configuration provided by the 787 program in Delmia. The airplanes in question were the “terrible teens”<sup>73</sup>, which would indicate, that the allegations in the ethics case were correct.

Resolution was supposed to happen through the [REDACTED]. The complainant is not aware of any specific resolution nor attempt to resolve the items in the Ethics Case. The FAA did not investigate this issue in 2014.

5. **Configuration Management at MHI:** ALIT management<sup>74</sup> for more than one year did not initiate corrective action on known Effectivity management issues at MHI and at the same time reported configuration management issues at MHI closed and validated. Initial reconciliation issues were identified in 2008 [REDACTED]. 2009 the corresponding SER was closed when significant issues were already known. This led to another SER in 2009 [REDACTED] which was followed by a Major SER [REDACTED] and probation for MHI. During the resolution of the probation, the underlying root cause issue of the “incorrect root cause analysis” processes at MHI was not allowed to be worked by Senior Management. Instead, the focus was on quick resolution and success on the reconciliation process itself. Resolution was supposed to happen through the [REDACTED]. The complainant is not aware of any specific resolution nor attempt to resolve the items in the Ethics Case. The FAA did not investigate this issue in 2014.

6. **Other issues:** This ethics case<sup>75</sup> described a pattern of achieving closure of Supplier Evaluation Records for Configuration Management issue without having appropriate objective evidence supporting closure or while having evidence to supporting failure of the corrective actions.

None of the listed issues were addressed.

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<sup>72</sup> Ethics Case [REDACTED], filed 12/12/2011

<sup>73</sup> <https://www.businessinsider.com/boeing-787-dreamliner-terrible-teens-2016-7>, several of the airplanes were sold to Ethiopian Airlines.

<sup>74</sup> Ethics Case [REDACTED], filed 12/12/2011

<sup>75</sup> Ethics Case [REDACTED], filed 12/13/2011

Ethics Case [REDACTED] – Alenia Process Documentation SER closed incorrectly

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. This ethics case is a prime example of directing closure of a SER in order to facilitate the issuance of the production certificate extension for the 787.*

*Boeing's Closure of the Ethics Case occurred without ever directly addressing the issues.)*

Submittal Date: 12/12/2011

Caller:124436 Martin Bickeboeller

Subjects:

[REDACTED] (ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)

[REDACTED] (ed. First line Manager overseeing Configuration Management Health Assessments)

Reported misconduct: Management directed the Supplier Evaluation Record (SER) [REDACTED] [REDACTED] to be closed while having evidence of failure.

The SER documented a finding at Alenia that Alenia did not update procedures for 787 as the implementation of Process and Systems Block Point required. The failures were in significant processes like Engineering release [REDACTED] and change management [REDACTED] as examples. These procedures were updated by Alenia incorrectly missing major process requirements changes such as a change in in-sequence/out-of sequence criteria and signature requirements for EME (*ed. Electromagnetic Effects*) releases.

After issuance of the SER, Alenia developed a corrective action plan. I was asked in November 2010 to review the evidence of correction, in order to provide the objective evidence for closure of the SER. Due to some delays, this review did not conclude until April 2011. At such time I informed my management [REDACTED] as well as Supplier Quality that the SER had failed and provided the actual evidence.

**I was not allowed to discuss these findings with Alenia**, instead Management gave direction for closure of the SER with a follow-up plan.

**Closure of the SERs was necessary to reduce the risk for the 787 achieving the production certificate (e-mail [REDACTED], 787 VP Quality).**

According to the closure plan in the SER, Alenia will not start until November 2011 to investigate which documents need to be updated. To my knowledge, the Alenia documentation has not yet been updated, which is more than 1.5 years after the finding. This behavior is not in compliance with [REDACTED] which requires: "Perform follow-up activities to ensure corrective action implementation through evaluation of objective evidence per the supplier's corrective action response and/or accepted corrective action plan. ...If ineffective, proceed to process step C.6.... Initiate a SER for a nonconformity against the supplier's corrective action process for

ineffective corrective action implementation, when the supplier fails to perform per the accepted corrective action response and/or corrective action plan." This BPI was known to management as evidenced by e-mail.

The misconduct is directing SQ to close the SER while having evidence of ineffective corrective action. The closure of this SER is not unique, it is part of several "process related" SERs without effective evidence for successful corrective action.

When did this happen: SER was issued 05/17/2010 (see computing system PQAA) I was assigned to work Alenia issues November 2010. (e-mail's from [REDACTED]), but told to let another employee work the issue. March 2011 and April 2011 I reviewed the subject SER and found issues (see notification e-mails to management) April/May 2011 Management acknowledge significance of the issue (e-mails [REDACTED]) July 1, 2011 Closure of SER by Boeing SQ

Where did this happen: 787 Program Everett and on-site Alenia, Pomigliano

Ethics Case █████ Closure of Alenia SER with evidence of reconciliation failure

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. This ethics case is a prime example of directing closure of a SER in order to facilitate the issuance of the production certificate extension for the 787.*

*Boeing's Closure of the Ethics Case was done with only a plan. Some reconciliation issues at Alenia Foggia were investigated for the Horizontal Stabilizer, however there was no work done for the airplane sections 44 and 46 coming from Grottaglie, Italy.)*

Submittal Date: 12/12/2011

Caller:124436 Martin Bickeboeller

Subjects:

Subjects:

██████████ *(ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)*

██████████ *(ed. First line Manager overseeing Configuration Management Health Assessments)*

Reported misconduct: Management directed the Supplier Evaluation Record (SER) ██████████ ██████████ to be closed while having evidence of failure. The SER documented a finding at Alenia that Alenia's reconciliation of their production system to the Boeing required configuration was broken at least with respect to Notice of Escapement.

**The SER was closed while having evidence of failure available prior to closure.**

Note also, that the corrective action plan had no root cause analysis nor root cause corrective action which is similar to another released SER in 2008 which had also no root cause corrective action ██████████.

In March/April 2011 I reviewed the physical evidence in detail with respect to the subject SER while being assigned to Alenia. At such time I informed my management ██████████ ██████████ as well as Supplier Quality about the failure and walked in detail through the technical aspects of the findings.

They were concurred by other experts such as ██████████.

**I was not allowed to discuss these findings with Alenia, instead Management gave direction for closure of the SER with a follow up plan.**

The SER was closed with a statement, that an initial verification had shown, that the SER should be closed. There is no evidence on the CMHA servers nor PQAA about actual proof that verification happened and the artifacts.

Management was fully aware of the issue since April 2011 and pointed out "Need Boeing SQ and Alenia to concur on the verification and issue a new SER per process. [REDACTED] in fact **requires this issuance of a new SER which was not done.**

Instead the SER was closed with no follow up addressing already delivered aircraft components. This is a repeat of the SER [REDACTED] in 2008 was closed with the following statement by Boeing: **"Due to the nature of the matter, the response had no real Corrective action to be implemented nor verified.**

Nevertheless the investigation has lead to the [REDACTED] (attached is the latest release). The get well plan for that is a major change in the DELMIA systems and subsequent reconciliation of delivered assemblies."

As such, there has been no real progress on getting to the ground of the reconciliation issue at Alenia. **It was never investigated, how the failures are at their subtiers with OPSPs (see below) affects reconciliation and reconciliation records were only reviewed for time of shipment and it was not checked, whether their planning records were actually in synch with their built records, which seems to be the failure point.**

The reconciliation failure can only be explained either by data manipulation to make the data look good (which I don't believe) or that Alenia's Copics system is not frozen after release of work orders, just like Boeing fails to freeze Delmia after release of work orders of Specifications to suppliers. In this case, since the Alenia reconciliation is based on Copics, the basis of reconciliation is questionable.

It is potentially a root cause of some of the many Non-Conformance discovered by Boeing in Alenia deliverables such as the acknowledged problems in Velocity EPD's [REDACTED], [REDACTED] which are all closed in the last 2 weeks **with a statement like Alenia acknowledges underbuild condition**, which might point to a reconciliation failure. As such, **the action by management to direct closure of such SERs have a significant potential impact on the real airplane.** In any case, the procedures required for closure supplier findings were not followed.

When did this happen: SER was issued 05/13/2010 (see computing system PQAA) I was assigned to work Alenia issues November 2010. (e-mail's from [REDACTED]), but not to work this SER at such time. March 2011 and April 2011 I reviewed the subject SER and found issues (see notification e-mails to management) April/May 2011 Management acknowledge significance of the issue (e-mails [REDACTED]) July 1, 2011 Closure of SER by Boeing SQ

Where did this happen: 787 Program Everett and on-site Alenia, Pomigliano

Ethics Case [REDACTED] Reconciliation failure and removal from assignment Boeing Charleston  
**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. This is an example of using removal from assignments in order to allow closure of violations without real resolution.)*

Submittal Date: 12/12/2011.

Caller: 124436 Martin Bickeboeller

[REDACTED] *(ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)*

[REDACTED] *(ed. First line Manager overseeing Configuration Management Health Assessments)*

Reported misconduct:

Management did not complete the work to correct airplane configuration records for rework Reconciliation at 88-20 Mid-Body.

SER [REDACTED] was filed in April 2010 in Charleston for failure to reconcile the as-built configuration of the 787 Mid-Body properly to the required manufacturing configuration provided by the 787 program in Delmia.

The closure statements for the SER references a directory with evidence, however the evidence are documents which have shown to be incomplete and inaccurate. The documents listed for closure describing the process used by 88-20 were written in October 2010. Analyzing these documents they showed many issues as described on site to the team in Charleston.

In December 2010, management was notified, that the processes had many issues and as such the processes used for closure were not valid.

In November 2010, certainly no recovery of configuration data for the airplanes shipped was done as would be required by [REDACTED]

**In early November 2010 I was removed from project following a technical disagreement** without allowing for participation in the resolution of the technical issue (difficult to understand in my role as the technical lead and as a Technical Fellow of the Boeing company). Since, I am not aware of Supplier PARs (except some starting for line 41 in may 2011 not related to this action) which were required to correct the configuration, nor configuration NOEs for 88-20. Since it is very unlikely, that no mistakes were made, the process for corrections didn't seem to have occurred.

I cannot find New MAMK reports in Enovia as would be required after corrections. **After December 2010 I have no further data, since I had been removed from the project.**

Please note, that other SERs [REDACTED] specify the use of unauthorized data feeds for component data, which is also known to wrong over a long time, to feed 88-20s production system, as such, mistakes are to be expected. These unauthorized data feeds were never discontinued despite violations of Boeing BPIs and the underlying problems in the production

system (mistakes with IBOM) are as of today still not fixed. Checking some Non-Conformance records related to 88-20 completed over the last week, I saw C&C [REDACTED]. The underlying problem was a reconciliation mistake by 88-20 for line 17 which was never corrected and caused investigative research at Final Assembly, Charleston and Alenia. This is an example of data not corrected which would have been found during a correct reconciliation process. Another example is C&C [REDACTED] which was caused by incorrect use of consumption IP, a condition noted explicitly in the SER which should have been fixed. Also see C&C [REDACTED].

When did this happen: November 2010

Where did this happen: 787 Program Everett and Charleston Mid-Body

Ethics Case [REDACTED] Manufacturing Planning errors and removal from assignment Boeing Charleston

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. Manufacturing planning errors get often directly translated into mechanics performing work not to type design.)*

Submittal Date: 12/12/2011.

Caller: 124436 Martin Bickeboeller

[REDACTED] *(ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)*

[REDACTED] *(ed. First line Manager overseeing Configuration Management Health Assessments)*

Reported misconduct:

Management did not complete investigation of manufacturing planning errors for early airplanes delivered by at 88-20 Mid-Body to Boeing Final Assembly.

SER [REDACTED] filed in April 2010 in Charleston for failure to correctly incorporate Engineering Intent into planning. Engineering intent are engineering type design components such as joint definitions, sealant definitions.

Verification of the objective evidence documenting the corrective actions of the SER failed on 12/03/2010 in a joint review of myself, [REDACTED] (787 ALIT ME), [REDACTED] (88-20 Supplier Quality) and 88-20 ME's ([REDACTED]). The failures are documented in a PowerPoint by [REDACTED].

The significance of the failures, beside, that due to the incorrect planning the airplane might be built incorrectly, the corrective action process at 88-20 failed, since during an investigation by 88-20 ME these errors were not discovered in a significant percentage of the sample.

Since to my knowledge no further updates were made systemically to the planning of airplanes prior to airplane 36 and no Notice of Escapements for such planning errors were issues to my knowledge, there is a breakdown in ensuring that FAR § 21.143 has been met "Quality control data requirements prime manufacturer.:(a) Each applicant must submit, for approval, data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation".

The closure statement of the SER provided that verification failed and further actions would be taken as part of the [REDACTED] resolution. The closure is invalid since BORIS 531 only deals with changes in Delmia BOM data, it has no relation to correct consumption of engineering into planning with respect to joints, sealants, etc. I myself reminded ALIT management several times of these failures.

When did this happen: November – December 2010

Where did this happen: Everett ALIT and Charleston Mid-Body

## Ethics Case [REDACTED] Effectivity Issues at MHI

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. This is an example of Boeing closing SER on reconciliation/effectivity issues despite having definitive data proven still existing problems.)*

Submittal Date: 12/12/2011.

Caller: 124436 Martin Bickeboeller

[REDACTED] *(ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)*

[REDACTED] *(ed. First line Manager overseeing Configuration Management Health Assessments)*

ALIT management for more than one year did not initiate corrective action on known Effectivity management issues at MHI and at the same time reported configuration management issues at MHI closed and validated.

Initial reconciliation issues were identified in 2008 [REDACTED] 2009 the corresponding SER was closed when significant issues were already known. This led to another SER in 2009 [REDACTED] which was followed by a Major SER [REDACTED] [REDACTED] and probation for MHI.

**During the resolution of the probation, the underlying root cause issue of the "incorrect root cause analysis" processes at MHI was not allowed to be worked by Senior Management.**

**Instead, the focus was on quick resolution and success on the reconciliation process itself.**

Please note, that in August 2011, Boeing issued a Major SER [REDACTED] for a incorrect corrective action process. During 2010, I was tasked several times to make a remote data analysis, each time showing continued failures and each time not allowed to work these with MHI. The currently open issues (with the initiation of an SER [REDACTED] in June 2011) were already known in June 2010, yet not allowed to be worked. In particular, management was advised several times in e-mail and meetings in July 2010, that effectivity issue continued. It took a year, before action was taken.

When did this happen: July 2010

Where did this happen: 787 ALIT Everett

Ethics Case [REDACTED] Pattern of achieving closure of Supplier Evaluation Records for Configuration Management issues

**Bold Highlights are by the Complainant**, italics are editorial comments by the complainant, formatting was done for clarity.

*(ed. This is an example of Boeing closing SER on reconciliation/effectivity issues despite having definitive data proven still existing problems.)*

Submittal Date: 12/12/2011.

Caller: 124436 Martin Bickeboeller

Subjects:

[REDACTED] *(ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)*

[REDACTED] *(ed. First line Manager overseeing Configuration Management Health Assessments)*

Reported misconduct:

This allegation is trying to demonstrate that there is a pattern of achieving closure of Supplier Evaluation Records for Configuration Management issue without having appropriate objective evidence supporting closure or while having evidence to supporting failure of the corrective actions.

These would be in violation of [REDACTED] Supplier Evaluation Report Corrective Action.

As demonstrated in ethics file numbers [REDACTED] significant supplier findings documented in corresponding SERs were closed supporting the above allegation.

**There is a number of other findings which have similar issues, however I was suggested to let Ethics perform the investigation with data:**

- SERs for 88- 19 Aft-Body Charleston had accepted Corrective Action Plans which to a large degree did not fulfill the requirements of [REDACTED] (as expressed in the Boeing SER Corrective Action Response Guidelines attached to every SER), in particular for immediate corrective action: [REDACTED]  
[REDACTED] There was agreement with technical experts [REDACTED] and management that the Corrective Actions plans were very much insufficient, yet the corresponding SERs were closed without proving immediate corrective action, in particular correctness of product already delivered to 88-19. [REDACTED] can testify on the closure of SERs related to change management, were the objective evidence is also not clear.
- At Alenia Foggia, SER [REDACTED] was closed Dec 2010 without any evidence attached in the SER as objective evidence for closure. The Root Cause corrective action asks for updating Alenia procedure IAF-J-01A with EQOC, which never happened.

- At Alenia Pomigliano, SER [REDACTED] (configuration management plan) was closed with a technical argument, however the real changes required to make the Alenia configuration management plan compliant to Boeing requirements did not happen to at least July 2011. I have no data afterwards, as such don't know the actual status now. However, the SER was already closed November 2010. Witness for the technical content of the issues is [REDACTED], for the work on the SER content [REDACTED] and [REDACTED]. I was removed improperly from the assignment, as documented in an HR investigation by [REDACTED].
- All the SERs for Configuration Management issues which were open at Alenia on July 1, 2011 were closed without having achieved for full corrective actions required. The closure was with follow-up actions plans which are now significantly behind schedule. The [REDACTED] has no such provisions. These SERs had slid in schedule many times and should have triggered formal failures and new SERs on failed corrective actions.
- At such time, Alenia was on probation for failed corrective actions (major SER [REDACTED]) and had clearly failed the corrective actions in that SER.
- On other SER for companies such as Spirit, I was removed from the assignment after finding issues with the resolutions.

Overall, please note, that the closure of these SERs was tied to achieving the Production Certificate for the 787 (see e-mail [REDACTED], VP 787 Quality), as such there was significant pressure for closure of these findings. I believe, that closure certainly should include the requirements from [REDACTED] which involve actual resolutions of the issues, not postponement to a later date. [REDACTED]

have a good overview of the whole SER approach and can describe the pressure for closure. When did this happen: Throughout the second half of 2010 and first half of 2011, managed from Everett, but with impact on the sites where the companies are located. Where did this happen: 787 ALIT and Supplier Quality at various sites as specified in the listed SERs.

### E.3 – Ethics Investigations 2010

The Ethics cases in 2010 dealt with misleading representations to the FAA regarding Configuration Management of the airplane and corrective actions at Boeing main suppliers.

After filing these Ethics Cases, I was forbidden to Boeing legal and EEO to file another ethics case, but only allowed to work with my management. [REDACTED]

[REDACTED] Boeing management in my recollection stated that management judgement was sufficient in determining what is provided to the FAA.

1. **FAA Briefing on Configuration Management:** January 22, 2010 Boeing provided status to the FAA on Configuration Management issues in the supply base. Despite knowing of open major findings, Boeing called "Configuration Management Planning and Execution" green at specific suppliers.<sup>76</sup>
2. **FAA Briefing on Configuration Management Health Assessments:** In the Configuration Management Health Assessment report provided to the FAA, Boeing reported status of corrective actions being validated for a major supplier, even so responsible management knew that the issues were not corrected at such supplier. The excuse for the incorrect reporting was, that the responsible project manager had not acknowledged the issues yet formally. An incorrect reporting process was used to justify knowingly misleading reports to the FAA.<sup>77</sup>
3. **Statements of Conformity:** Boeing filed FAA 8130-9 Statement of Conformity for test airplanes, even though the responsible management knew, that the factual basis of a correct configuration of major airplane sections did not exist due to open findings in the supply base for configuration Management.<sup>78</sup>

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<sup>76</sup> Ethics Case [REDACTED], filed 1/26/2010.

<sup>77</sup> Ethics Case [REDACTED], filed 9/21/2010

<sup>78</sup> Ethics Case [REDACTED], filed 2/26/2010.

Ethics Case [REDACTED] – Misleading the FAA on Configuration Management status at MHI  
Submittal Date: 1/26/2010.

Subjects:

[REDACTED] (ed. Configuration Management analyst)

Reported misconduct:

[REDACTED] provided a briefing to the Federal Aviation Administration on Configuration Management issues on the 787 and how these issues are being tracked and the status of the issues. In my view, [REDACTED] has provided misleading data which painted an incorrect, too positive state of configuration management to the FAA.

Since this presentation was in the context of obtaining the production certificate for the 787, it puts the certificate in jeopardy due to false information being provided. In particular, [REDACTED] stated MHI was green for Configuration Management Planning and Execution, when in fact he knew, that MHI had a major SER in this topic area. For KHI, the major issue identified by an assessment team [REDACTED] co-led at KHI were also mis-represented with respect to sub-tier management (as well documented in an SER).

In other sections of the presentation data was provided without an explanation of the incompleteness of the data. According to [REDACTED], this fact was pointed out to [REDACTED] before the presentation, where he had plenty of time to add a disclaimer. Without the disclaimer, the data looked a lot more positive than reality.

In a related matter, [REDACTED] accused me personally in front of the supplier in a review meeting at KHI in Japan Dec 16, 2009, that I was fishing for issues. Shortly thereafter I was yelled at with a high voice by the team manager [REDACTED] in front of the supplier for working too much detail on issues. Just before, the project manager on the team had requested other team members [REDACTED] to stop looking at details. All 3 actions as a consequence would be suppressing potential issues needing to be disclosed to the FAA.

I aborted my analysis of issues in response. A subsequent meeting with [REDACTED] cleared the air personally, however the damage in credibility at KHI was done, with key employees making comments to my colleagues [REDACTED]

When did this happen:

item 1, Friday Jan 22, 2010 in Everett, 787 program item 2, Wed Dec 16, 2009 in Gifu Japan, 787 program configuration management assessment at KHI.

Where did this happen:

Personal Observation: No. I was in a briefing with several managers [REDACTED] and others, where the presentation was briefed to [REDACTED] on Jan 26, 2010 at 9 AM in bldg 40-87.3

Witnessed By:

[REDACTED]

Ethics Case [REDACTED] – Misleading Airworthiness Application

Submittal Date: 2/26/2010.

File Number: 433176

Caller:

124436 Martin Bickeboeller

Subjects:

[REDACTED] (ed. Senior Manager, Engineering, responsible for overall airplane Reconciliation)

[REDACTED] (ed. VP 787 Quality)

Reported misconduct:

The Boeing Company has to file the FAA form 8130-9 Statement of Conformity for each of our test airplanes to allow first flight. On the form, Boeing certifies, that the airplane complies to the requirements for FAR Part 21 Sec. 21.33

“b) Each applicant must make all inspections and tests necessary to determine...

(2) That materials and products conform to the specifications in the type design...

(4) That the manufacturing processes, construction and assembly conform to those specified in the type design.

One of the technical data items on which Boeing 787's 8130-9 is based is the Airplane Applicability List-Manufacturing (AAL-M)(see document [REDACTED]). AAL-M is a listing of the “Installations” physically incorporated into the airplane, ensuring that the airplane meets the Type Design requirements, or in other words, that construction and assembly conforms to the Type Design.

The AAL-M is in turn based on the “consumption” of these installations into Delmia, including their applicability to the line number of the airplane in the 8130-9. (see [REDACTED] section 2.3) The consumption of parts in Delmia receive their authority from the linkage of the Delmia records to the partner built records, proving reconciliation of data and that the parts are actually installed (see [REDACTED] section on reconciliation)

As such, the AAL-M and the correct consumption data in Delmia and their reconciliation are a key requisite of Boeing's testimonial with respect to the 8130-9.

Boeing senior management knows, that the current consumption of several large end items in Delmia is incorrect. This includes:

1. Sections 44 and 46 as documented in Supplier Evaluation Record SER [REDACTED]. The record states, that corrections are on hold until Boeing completes a plan for Boeing issue 531. [REDACTED]
2. Section 11/45 as documented in FAA Form 8100-1, Conformity Inspection Record, [REDACTED] Aug/24/2006 and report out of Configuration Management health Assessment, November 13, 2009. Plans to make Delmia correct are just now being initiated. [REDACTED]
3. Section 41, as documented in SER [REDACTED] and [REDACTED] [REDACTED] as well as the new major SER for signing installation of fasteners

when they were not installed. The Corrective Action Plans for Section 41 are in work.

4. Wing, as documented in SER [REDACTED], [REDACTED] and [REDACTED].

The corrective Action Plans are in work, currently submitted Notice Of Escapements and other non-conformance data are showing inconsistencies and are not reliable. [REDACTED]

For 787 airplanes lines 1 and 2, the investigation for the wing concluded, that their were 100+ installations with incorrect reasoning in the AAL-M. Since lines 1 and 2 were worked by Boeing intensely with significant inspections, investigations could proof, that no actual issues happened on the airplane. As such, I trust the safety of airplanes 1 and 2.

However, for the next airplanes, 3 and 4, there was a lot more work performed by partners, as such, the issue cannot be dismissed by taking the risk, as was done on airplanes 1 and 2. The misconduct is filing an 8130-90 document with the FAA which is based on data known to be not substantiated by objective evidenced based on built data and having objective evidence in the SERs showing a data problem.

I had discussions with my senior manager [REDACTED] on this issue. His point is, that the program is managing the risk by performing a significant number of inspections on the aircraft. I shared with him and his supervisor [REDACTED] responsible for the analysis, that this is not really appropriate, since the records submitted to the FAA are based on data (the usage of partner Delmia data) which is known to be wrong, i.e. not properly and traceably linked to the partner's production records.

I don't believe that it is ethical to proceed on risk, without a full analysis, since it would violate the FAA requirements as well, I don't believe it is good enough to only have a plan for correction.

The overall issue of bad data in Delmia and the continuation of deliveries violating procedures was documented first in letters to executive management in June 2008 with detailed briefings in the 787 program (Letter to [REDACTED] June 7, 2008) as well as other Ethics complaint filed by myself early 2008.

At such time Ethics concluded, that we don't have a violation, since the misconduct occurred on a test airplane and we didn't have a production certificate, yet. The violation is continuing, as an example the shipment of line 18, section 41 from Spirit, where the Record of Collaboration includes incorrect statements on Configuration which were known to some of the signors.

The overall issue was formally entered into the 787 program BORIS issues management system as issue 531 in February, 2009 [REDACTED]

June 11, 2009 [REDACTED] were briefed, including the consequence to the 8130-9. (documentation available) My management was informed of these concerns the whole time, repeatedly. Additionally, but minor, the software used to authorize the AAL-M does not follow Boeings [REDACTED] for non-Airborne Software Accreditation (specifications of software, production servers used, change management)

When did this happen: Submittal of FAA documents for getting permission for first flight, 787 airplane 4.

Where did this happen: 787

Personal Observation: No. Without the FAA documents being filed, first flight would not have happened. I know from direct conversations with [REDACTED], that the AAL-M is used as the data supporting the production aspects of such paper work. I have personal detailed knowledge of the data issues, the SER and the BORIS-issues.

Reported to Manager:

[REDACTED]

Witnessed By:

[REDACTED]

[REDACTED]

Ethics Case [REDACTED] – Misleading status to FAA on Configuration Management Health Assessments

Submittal Date: 9/21/2010.

Subjects:

[REDACTED] (ed Senior Manager, Engineering, responsible for overall airplane Reconciliation)

[REDACTED] (ed. First line Manager overseeing Configuration Management Health Assessments)

Reported misconduct:

[REDACTED]  
[REDACTED]  
[REDACTED]  
In the Configuration Management Health Assessment report provided to the FAA dated August 18, 2010, the status for MHI changed for the items partner MBOM integration with Boeing BOM and exception management from Corrective action Complete/prior units addressed (Green) to Correction action verified / compliance validated?

This status is since then continuously staying at this level. In June and early July I was tasked to review compliance for 787 airplane wing 21. During this assessment I found significant issues in the 2 categories above and others. These were documented in detailed review files and reviewed at a high level with Boeing management [REDACTED]  
[REDACTED]

On July 8, 2010 [REDACTED], who is the Senior Manager for the 787 Configuration Management Health Assessments [REDACTED] is the first line Manager) and responsible to provide accurate status, committed in an e-mail: I want to have the analysis performed and the dialogue with MHI completed so we collectively are in a position where ALIT, LCPT, and SQ understand and hopefully concur to change the color based on the data analysis and response from MHI.

To my knowledge, the issue in the PowerPoints for the most part were not addressed in detail. As such, the commitment above was not met. Yet, despite not having addressed evidence to the contrary, the status was changed and continued to be reported.

[REDACTED] and [REDACTED] were aware of the sensitivity of this status reporting, in the same e-mail [REDACTED] wrote: "we are not misrepresenting the status for two reasons

1) need facts and data that supports the color change from what the project leader reported

2) In the EQMS meetings where the FAA participated it has been stated that we are still reviewing / validating the data."

This status change is stating that the validation is complete therefore implying that everything is fine. [REDACTED] knew of facts to the contrary which have to my knowledge not been addressed completely. As such, it seems, that The Boeing Company is reporting incorrect status to the FAA.

When did this happen: I became aware of this change in status, after I was told by [REDACTED] and in a staff meeting, that I had assessed MHI as being good, which was not the case. The status meeting was on Thursday September 16, 2010. I decided to not spend time to investigate the technical content of the current situation since I have no longer a charter for this task.

Where did this happen:

Personal Observation: No. I have been told, that the CMHA overview charts are presented regularly to the FAA

Witnessed By: [REDACTED]

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] – Time Line of continued adverse actions

#### Appendix F – List of Retaliations

The following table shows the retaliation actions by Boeing. It was submitted to [REDACTED] as part of the retaliation complaint regarding the item in “Red” on the following page<sup>79</sup>. The other items are listed for context

Date	Adverse Action	Timing to Protected Action	Reduction in Scope of Responsibility	Reason Given	Assessment
2003	Complainant was responsible for all processes including Engineering, Production and Supply Base for the 787 Program as the Chief Process Architect. This included negotiation of contracts with supply base with respect to business processes and computing systems. Promotion to Technical Fellow. The position was equivalent to a senior manager with 100+ people functionally reporting to Complainant				
2007 - 2009	Leadership of process implementation and configuration management (CM) assessments at all structure's suppliers for the 787. Formal leadership of CM across the structures supply base accounting for the whole airframe and wing.				
February 2010, additional actions in 2010-11	Removal from CM assignment at Mitsubishi Japan	Found many CM issues which caused delivery delays of wings to Everett	No longer responsibility in Japan	Need for a focused team for MHI	The new team declared issues solved immediate (incorrectly) preventing delays
May – August 2010	Removal from CM assignment at other suppliers one after another	Found CM issues which at that time had caught the interest of the FAA in a formal finding.	Removed from lead responsibility to just a reviewer	Providing the local team the ability of oversight	The local supplier quality teams did not have the oversight skills for the complex CM processes and systems, therefore reducing the ability to find the issues.
April 2011	Removal from Assignment with Alenia Accusation of making up the issues	Configuration of Airplane section at Alenia were out of compliance, Boeing wanted to close findings while knowing of problems	Removed from the last responsibility on the 787 program.	No reason provided	Issues were validated by the FAA. Issues at Alenia were holding up the overall 787 program. Issues were not solved from 2011-2014.

<sup>79</sup> The Boeing Company / Bickeboeller / [REDACTED]

Appendix F – List of Retaliations

October 25, 2021

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] – Time Line of continued adverse actions

Date	Adverse Action	Timing to Protected Action	Reduction in Scope of Responsibility	Reason Given	Assessment
April - August 2011	All responsibilities were removed from 787 program.	787 Program needed the production certificate, warned that the issues were holding up the certificate	Provided no work at all	No reason provided	Clear retaliation with knowledge of the VP for Quality who signed the production certificate application.
August 2011	Removal from 787 program	Alenia findings were illegally closed to support issuance of 787 production certificate		Architectural Support for a project in new organization <sup>80</sup>	Reassignment happened during vacation not following the required process at Boeing. I believed reassignment happened between 2 senior managers who were neighbors and friends.
November 2011	No Lead Role, other people were identified as leads on organization chart.		No responsibilities for architecture work		Both manager and senior manager used to report to Complainant on the 787 program, showing the amount of the effective demotion.
February 2012	Accusation of making up issues at Alenia in order to be in Europe, repeat of an accusation apparently made already in April 2011.	Filing of an internal retaliation claim at Boeing with the Boeing Internal Equal Opportunity Employment office.		EEO investigator stated that something had come to his attention. <sup>81</sup>	Extreme violation of Boeing's retaliation policies. An investigator in a retaliation investigation allows and pursues further retaliation by making an unwarranted very hard accusation. The Alenia issues were confirmed by an FAA investigation in a formal finding.

<sup>80</sup> Email [REDACTED] to Martin Bickeboeller, Subject: Need for your services, dated July 26, 2011

<sup>81</sup> Email [REDACTED] to Martin Bickeboeller, dated Feb 20, 2012, subject Follow-up Questions, see also November 23, 2020 submittal, Page 6.

Appendix F – List of Retaliations

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] – Time Line of continued adverse actions

October 25, 2021

<b>Date</b>	<b>Adverse Action</b>	<b>Timing to Protected Action</b>	<b>Reduction in Scope of Responsibility</b>	<b>Reason Given</b>	<b>Assessment</b>
2012	Little work for the new home organization	Filing of retaliation claims and ethics issues for CM on the 787	No formal responsibilities	Supervisor allowed focus on ethics investigation	There was no real need for Complainant's services in the new organization.
January 2013	Again, removal from assignment to validate issues on site	Complainant was assigned by VP to work Alenia again, after finding significant issues.	Despite VP assignment, work was restricted to analysis from afar. Therefore, issues persisted and were found by the FAA again in 2014	No reason provided	Boeing 787 management wanted the Alenia issues not exposed.
2011-2014	New home organization had significant projects related to new PLM/CAD systems in which Complainant was never a participant.	Ethics cases for configuration management and other violations were open until 2015, some 2.5 years long.	Complainant was lead architect on both the 1990's and 2000's systems in this space with lots of experience. No request for consultation or involvement whatsoever.	No reason provided	These projects were the most prestigious and would have been on the path to a promotion to Senior Technical Fellow.

Appendix F – List of Retaliations

October 25, 2021

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] Time Line of continued adverse actions

Date	Adverse Action	Timing to Protected Action	Reduction in Scope of Responsibility	Reason Given	Assessment
2015-2016	Received significant assignment on a CM project	Assignments changed to the positive after filing of 2014 retaliation claim with OSHA. The diminishing responsibility stopped. This seems to be happening also at this point in time in February 2021.	The scope of work however was now a very limited part of CM processes, not the whole process.	New manager was now director level	Received "Exceeds Expectations" evaluation <sup>82</sup> on the project since Complainant was allowed to actually use his skills with modern methods and tools learned during Computer Science studies
2017- early 2019	Meaningful assignments	No correlations	Scope is still very limited. Projects are small with no assigned resources.		Large scale computing projects in Complainant's prior experience areas were on going without direct involvement.
September 2019	Complainant was assigned and then removed as the technical lead of the 767 Project (see section in this answer to Boeing)	In August 1019 a news magazine published that Complainant had informed congress and EASA about the prior violations of Boeing. <sup>83</sup> Told manager about the contact to the transportation department inspector general.	Still no direct responsibility on the large Boeing project <sup>84</sup>	No reason provided.	[REDACTED] directed the removal after the responsible first and second line managers had requested Complainant's assignment.

<sup>82</sup> 2016 Performance Management plan for High level of competence in other scientific discipline.

<sup>83</sup> <https://www.spiegel.de/international/business/737-max-boeing-s-crashes-expose-systemic-failings-a-1282869.html>

<sup>84</sup> Boeing Innovation Quarterly, February 2019, Welcome to Boeing's factory of the future, <https://www.boeing.com/features/innovation-quarterly/feb2019/bi-global.page>. "The 2nd Century architecture is a native Internet of Things platform engineered to seamlessly share and communicate data across the production life-cycle management, manufacturing operations management and enterprise resource planning processes. Through this new system, Boeing will transform systems and processes across the enterprise to enable better decision-making, improve productivity, reduce cost and generate revenue. Using 2nd Century Enterprise Systems also sets up an incubator model to displace legacy systems and rapidly move toward this future."

Appendix F – List of Retaliations

October 25, 2021

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] – Time Line of continued adverse actions

Date	Adverse Action	Timing to Protected Action	Reduction in Scope of Responsibility	Reason Given	Assessment
2019-2020	Promotions of several colleagues to Senior Technical Fellow		The promoted fellows were taken active part with specific responsibilities in the large Boeing project		2 out of the 4 Technical Fellows in [REDACTED]'s organization were promoted to Senior technical Fellows. During the same time 2 new Technical Fellows received the status. These 4 then became of the Technical Architects listed in Boeing's response.
Early 2020	Removal of Boeing Designated Expert classification	Protected Actions identified in current complaint.	See section in this submittal	No reason provided	Continuous removal or non-assignment to projects removes any visibility of Complainant to his knowledge and expertise. Despite several emails to his managing director, no further action.
May 2020	Not allowing participation in IEEE task force on Process Mining after invitation from Industry guru	Protected Actions identified in current complaint.	Technical Fellows are judged on industry participation for promotions	Management was not sure I would have the time for the participation.	IEEE (Institute for Electrical and Electronic Engineers) is a very prestigious engineering professional association to which 208 Boeing Technical Fellows are associated. Being invited to a task force is highly desirable.
May 2020	<b>Not allowing Master Thesis, subject of this complaint</b>	Protected Actions identified in current complaint.			See other parts of filings.

Appendix F – List of Retaliations

October 25, 2021

From: Bickeboeller Submittal, February 8, 2021, The Boeing Company / Bickeboeller / [REDACTED] – Time Line of continued adverse actions

Date	Adverse Action	Timing to Protected Action	Reduction in Scope of Responsibility	Reason Given	Assessment
June/July 2020	Removal from Assignment in Design Practices for Configuration Management	Protected Actions identified in current complaint.	In June Complainant was assigned to write and lead Design practices for “Configuration Management Audits and Verification” as well as for “Effectivity”. <sup>85</sup>	[REDACTED] told Senior Technical Fellow [REDACTED], I should not work on Configuration Management, but only on Data Analytics [REDACTED] stated as such in July 1, 2020 meeting.	Continued reduction of assignments in area of Complainant’s specific expertise. Technical Fellows are tasked to author Design Practices. So far nobody at the Technical Fellow level is assigned for CM and no such Design practices are released. The assigned personnel claim to be over worked.
December 2020	Low Performance ratings for priorities in Complainant’s performance management plan where Complainant had no influence on outcome.	Protected Actions identified in current complaint.	Priorities “Process Mining Master Thesis” and “Configuration Status Accounting Architecture” were the main tasks, both made impossible by management action, forbidding Master Thesis and not assigning resources. <sup>86</sup>	On other parts of filing	“Met Some Expectation” is defined as “Performance falls short in some areas, but meets some of the agreed upon expectations within Priorities. Inconsistently demonstrates Behaviors which impact the ability to meet performance expectations”. <sup>87</sup> In other words: Boeing makes Complainant responsible for the actions of Boeing with respect to the Master Thesis and the assignment of resources. See writeup in other parts of this filing.

<sup>85</sup> Email [REDACTED] to [REDACTED], subject Enterprise PLM Design Practices, dated June 22, 2020

<sup>86</sup> 2020 Bickeboeller Performance Management Plan, Final, signed by Manager

<sup>87</sup> From “Performance Rating Scale” PowerPoint, dated January 2020, released by One Boeing HR, Page 3 “Performance Rating Scale, Priorities, Behaviors”

## Appendix G - Retaliation Investigations

The complainant is addressing here only the most dangerous retaliation.

### G.1 – 2012 Retaliation Investigation

Management was accusing the complainant, a Technical Fellow<sup>88</sup> in the field of Configuration Management, assigned to be the lead investigator, to affect a technical evaluation in order to be near his family in Germany. This is in the context of multiple removal from assignments when the complainant found violations were not corrected at suppliers.

A Boeing retaliation<sup>89</sup> investigator<sup>90</sup> questioned the complainant in writing<sup>91</sup>:

“Witnesses<sup>92</sup> have indicated to me that working in Italy allowed you to make more regular visits to your family in Germany, and this may have been one of the reasons why you were interested in working on-site at Alenia. So I need to ask you:

- a. Do you have family in Germany?
- b. Did working at Alenia allow you to visit your family more often than you otherwise would have been able to?
- c. Did having family nearby make Alenia a more desirable location for you than Everett?
- d. If so, did your desire to be near your family affect your evaluation of the technical situation at Alenia?”

Through the Ethics investigation [REDACTED], [REDACTED] and related actions Boeing knew since May 2012, that the complainant’s allegations with respect to Alenia in Italy were based on facts. This was again confirmed by the FAA in 2014 in formal findings with corrective actions.

Yet despite the clearly established technical facts that the complainant’s evaluation was correct, Boeing refused to re-look at the retaliation:

1. March 2012 the complainant appealed the EEO finding<sup>93</sup>: “There is a clear linkage between the technical issues and the behavior by management. The pattern as a whole constitutes a significant problem for The Boeing Company, both for the long term safety of the 787 and the ability for Boeing getting to a production rate...Due to the prior Ethics filing, my

<sup>88</sup> Boeing Innovation Quarterly, <https://www.boeing.com/news/frontiers/archive/2009/november/cover.pdf>

<sup>89</sup> Boeing internal case [REDACTED], Boeing investigated the complainant’s retaliation complaint of being removed from the 787 program due to the Alenia regulatory violations. Boeing found no support for the allegations.

<sup>90</sup> [REDACTED], Doctor of Law, Boeing Investigator, EEO Compliance, ..., Employee Rights.

<sup>91</sup> Email [REDACTED] to Martin Bickeboeller, dated Feb 20, 2012, subject Follow-up Questions.

<sup>92</sup> The witnesses the Boeing investigator cites were probably the complainant’s senior manager [REDACTED] and the manager responsible resolve the configuration issues in the 787 supply base [REDACTED]. Both are currently employed at Boeing in responsible positions.

<sup>93</sup> Email M. Bickeboeller to [REDACTED], March 19, 2012, subject appeal

management knew, that I would not let go of improper behavior and have insisted always on technical resolution of configuration management issues. There is a pattern of removal from assignments upon discovery by management that I would prevent closure of issues in a manner desired by management.”. **The appeal was denied.** This incident was probably in direct time correlation with Boeing’s attempts to close Alenia’s SERs.

2. June 2013, the complainant became aware, that already in summer 2011 at the time the complainant was removed from assignment at Alenia, he was told<sup>94</sup>: [REDACTED] [REDACTED] was asked in the summer of 2011 ..., whether he was willing to testify, that I was fabricating issues at Alenia in Italy. ... Also, he was directed by his management not to talk to me. As well, in meetings he attended, it was stated, that the only reason why I find issues, is that I want to go to Germany to my mother”. **Boeing declined to investigate.**
3. As part of a settlement<sup>96</sup>, Boeing and the complainant agreed that Boeing would investigate the matters again. The complainant was never contacted again. Boeing missed another chance to find the issues in their Ethics and compliance system. From the court transcript:

[REDACTED] (Boeing Counsel): “This is [REDACTED]. Your Honor, in working on the case and working with Mr. Bickeboeller, we came to an agreement where he wanted to dismiss this case and work with Boeing on focusing on the underlying issues that he was raising and that he was concerned about within Boeing.”

...

JUDGE [REDACTED]: Okay. What I am asking about is as I understand it, you I’ve entered into, I take it that this is an oral agreement with The Boeing Company about them looking into certain matters concerning their operations; is that fair to say?

...

MR. BICKEBOELLER: I get a promise from The Boeing Company, orally, not enforceable, but a senior executive is going to look into the underlying regulatory matters and the compliance system of The Boeing Company, making sure that these regulatory matters are enforced. And it is my belief that this Inquiry is easier for The Boeing Company as there is no litigation with respect with these retaliation allegations. And I'd rather give in on these allegations than hampering the efforts to get a better compliance system at The Boeing Company.”

<sup>94</sup> Email [REDACTED] to [REDACTED], date June 3, 2013, subject Follow-Up question.

<sup>95</sup> [REDACTED], Boeing Supplier Quality to Alenia, resident in Italy in 2011, now assigned Supplier Quality, China.

<sup>96</sup> [REDACTED]

## G.2 - 2020/21 Boeing Investigation of their Ethics and Retaliation processes.

1. January 2020, prior to being interviewed by Senate counsel for the US Senate transportation committee, the complainant had a briefing with a Boeing legal team and the VP of Ethics.<sup>97</sup> Both, the failed Ethics investigations and the retaliation investigation was brought up. **The VP of Ethics was very defensive and insisted that all processes were followed.**
2. After the appointment of the new [REDACTED], the complainant contacted the [REDACTED] and asked him to follow through on his promise of “transparency”:
  - a. “Rebuild trust: Many of our stakeholders are rightly disappointed in us, and it’s our job to repair these vital relationships. We’ll do so through a recommitment to transparency and by meeting and exceeding their expectations. We will listen, seek feedback, and respond — appropriately, urgently and respectfully.”<sup>98</sup>
  - b. In the email to the [REDACTED], the complainant was “requesting to pro-actively, with an open mind, investigate prior violations of regulations impacting safety, ethics and retaliation related to the 787 and disclose them to congress and regulators.” This included asking him why the “ethics investigations failed multiple times of 5 years? Why did the internal company investigators, during the retaliation investigation, turn on me with questions challenging the technical integrity of a Technical Fellow?”
  - c. [REDACTED] asked the legal department to investigate, “in coordination with appropriate subject-matter experts”.<sup>100</sup>
3. The legal department (Chief Counsel, Investigations) asked the complainant to send the technical documentation. The complainant proposed subject matter experts (1st and 2nd line managers) to “establish the facts together with Subject Matter Experts (SME).”<sup>101</sup> The complainant wanted to “avoid the situations in the prior ethics investigations, where I was never allowed to meet with SMEs and the designated investigators had no understanding of the subject matter.” The legal department refused to work together with the complainant

<sup>97</sup> Meeting, January 6, 2020, 8 AM PST, topic Senate Interview, participants [REDACTED] (senior counsel, Boeing), [REDACTED] (counsel complainant), [REDACTED] (SPEEA Union), [REDACTED] (VP Ethics), [REDACTED] (Boeing Office of the General Counsel)

<sup>98</sup> [REDACTED]  
[REDACTED]  
[REDACTED]

<sup>99</sup> Email M. Bickeboeller to [REDACTED], subject Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated January 26, 2020

<sup>100</sup> Email [REDACTED] to M. Bickeboeller, subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated January 29, 2020.

<sup>101</sup> Email M. Bickeboeller to [REDACTED], subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated January 29, 2020.

on this basis and asked for “trust”.<sup>102</sup> An appeal to [REDACTED] focusing on “knowledge and understanding is the pre-requisite of transparency” had no effect.<sup>103</sup>

4. 14 months later, the complainant was notified by the Chief Counsel – Investigations, that “these investigations followed our investigations processes and were staffed by experienced, senior investigators. In addition, the Company on multiple occasions briefed the FAA on Boeing’s assessment of your concerns including appropriately acknowledging those concerns that were found to be meritorious and the steps that were taken to achieve a continual improvement of Boeing and FAA processes. We therefore conclude that no further actions is needed in connection with these prior concerns raised by you.”<sup>104</sup>
  - a. Boeing stipulated in the reply to the complainant, that it acknowledged some concerns as meritorious with the FAA. However, Boeing explicitly stated in prior Ethics investigations that the complainant’s allegations were not sustained. All 5 ethics cases were closed in 2015 after the FAA investigation concluded, that the complainant’s allegations regarding Alenia were true. Boeing denied any failure in regard to the executive management of Quality, the Ethics investigation and the actions of the technical audit team. Details see appendix E.
  - b. Boeing alleged that it followed the prescribed investigative processes. However, Boeing is not acknowledging, that those processes failed to correct the technical issues. An Ethics or Corporate Compliance Process which does not acknowledge the violations of federal regulations is conspiring in the violation itself. Boeing is not mentioning anything about retaliation.
  - c. The retaliation investigator [REDACTED], Doctor of Law, Boeing Investigator, EEO Compliance, according to his LinkedIn profile was a new hire at Boeing out of law school at the time of the retaliation investigation, certainly not an experienced investigator.<sup>105</sup>

<sup>102</sup> Email [REDACTED] to M. Bickeboeller, subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated February 4, 2020.

<sup>103</sup> Email M. Bickeboeller to [REDACTED], subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated February 19, 2020.

<sup>104</sup> Email [REDACTED] to M. Bickeboeller, subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated April 11, 2021.

<sup>105</sup> [https://www.linkedin.com/\[REDACTED\]](https://www.linkedin.com/[REDACTED])

### G.3 - Analysis of Boeing Legal departments investigation

As outlined above in appendix G.2, items 6 and 7, the Boeing legal department investigated the Ethics and Retaliation processes related to the complainant. The investigation was concluded in April 2021<sup>106</sup> which is 3 months after signing of the Boeing – US Department of Justice Deferred Prosecution Agreement, January 7, 2021.

The agreement makes several stipulations regarding the Corporate Compliance processes in attachment C of the agreement, Corporate Compliance Program:

**“Enhanced reporting requirements”**

**“1. In undertaking the reviews, the Company shall undertake the following activities, among others: (a) inspection of relevant documents, including the Company’s current policies, procedures, and training materials concerning compliance with U.S. fraud laws; (b) inspection and testing of selected systems and procedures of the Company at sample sites, including record-keeping and internal audit procedures; (c) meetings with, and interviews of, relevant current and, where appropriate, former directors, officers, employees, business partners, agents, and other persons at mutually convenient times and places; and (d) analyses, studies, and, most importantly, comprehensive testing of the Company’s compliance program.”**

*Commentary: During the term of the deferred prosecution agreement, the Boeing legal department concluded a review of the complainant’s ethics and retaliation experiences. Boeing did not interview the complainant.*

**“Commitment to Compliance**

**1. The Company will ensure that its directors and senior management provide strong, explicit, and visible support and commitment to its corporate policy against violations of U.S. fraud laws and its compliance codes and demonstrate rigorous adherence by example.”**

*Commentary: While the ██████████ engaged the corporate legal department initially, ██████████ did not intervene when the legal department decided to not interview the complainant for reviewing the Ethics and Retaliation experiences of the complainant.<sup>107</sup> ██████████ did not lead by example, accepting a flawed review process.*

**“10. The Company will maintain, or where necessary establish, an effective and reliable process with sufficient resources for responding to, investigating, and documenting allegations of violations of U.S. fraud laws or the Company’s compliance code, policies,**

<sup>106</sup> Email ██████████ to M. Bickeboeller, subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated April 11, 2021.

<sup>107</sup> Email M. Bickeboeller to ██████████ subject: Transparency – working with Congress on Ethics and Retaliation Issues related to 787, dated February 19, 2020.

and procedures regarding U.S. fraud laws. The Company will handle the investigations of such complaints in an effective manner, including routing the complaints to proper personnel, **conducting timely and thorough investigations**, and following up with appropriate discipline where necessary.”

*Commentary: We are now 10 months into investigating the repeat violation of 14 CFR 21.137 with respect to supplier control. No end inside, no commitment. Multiple Boeing organizations decided that the violation is not serious enough to warrant senior executive attention.*

- 2021, the [REDACTED] as part of the Speak-Up process<sup>108</sup> had the visibility to [REDACTED] closed and assigned to a lower level executive.
- The assigned executive, [REDACTED], has no responsibility in Supply Chain, as such has no direct responsibility for emplacement of the process and system requirements, only for administratively managing the commonality matrix itself. The risk management eluded in the Speak-Up action never was performed. In weekly status meetings there is no urgency visible from senior management, executive management is not participating.
- The violation was reviewed in a Special Attention meeting for the VP [REDACTED] on 5-27-2021. A supply chain analyst got assigned, who after 4 months decided, there is no need to understand the current situation with respect to the violation and had stalled any actions in the mean time. Supply Chain executives required no action tracking.
- The Chief Engineer of Boeing Commercial Airplanes, [REDACTED], and the VP for Supply Chain, [REDACTED], were notified by [REDACTED] in 2020 prior to [REDACTED] retirement of the problems regarding the Commonality Matrix. No actions are known.

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<sup>108</sup> See appendix D.2 item 14 for details

## Appendix H – Reply Boeing to FAA regarding 2014-2 FAA Chief Counsel Docket

The Boeing Company  
P.O. Box 3707  
Seattle, WA 98124-2207

August 20, 2014

Via U.S. Mail and Electronically

Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591  
Attention: Autumn Killingham, AGC-300



Dear Ms. Killingham,

This is in response to your letter dated July 9, 2014, to Michael P. Delaney enclosing a copy of a complaint filed by Martin Bickeboeller, and requesting an answer to the allegations contained in that complaint. Dr. Bickeboeller's allegations in his May 24, 2014, complaint letter about configuration management issues at Alenia and Boeing's response to those issues are not new to Boeing. Boeing Ethics, 787 Engineering, Supplier Quality leadership, Corporate Audit and the Law Department have all investigated and responded to Dr. Bickeboeller's numerous complaints and apparent dissatisfaction with the steps Boeing has taken (and is continuing to take) to assure that all 787 airplanes submitted for airworthiness certification are fully compliant with the approved type design. As explained below, while Boeing continues to work supplier control issues with Alenia, Dr. Bickeboeller's complaints have either been appropriately addressed, or found to be unsubstantiated.

As a fundamental matter, Boeing denies the allegations in his complaint with respect to noncompliance related to FAR 21.183, 21.137 and 21.2. Further, Boeing strongly disagrees that the approach and actions taken in relation to these allegations constitute violations of any of the Federal Aviation Regulations or of Boeing's approved quality system. We are confident that the efforts taken to date, many in partnership with the FAA, have been successfully directed at achieving compliance with those regulations. Finally, there is absolutely no merit to the allegation that Boeing violated FAR 21.2 by communicating false or incomplete information to the FAA.

While there have been configuration and management control challenges with Alenia's work statement, Boeing at all times has exercised sufficient and appropriate configuration control and oversight. Numerous times since the program's inception, Alenia's progress has been assessed by Boeing as in need of correction/improvement. (See attachment A for an overview of that activity). The implementation of the Configuration Management Health Assessment program has been very effective in identifying and resolving issues, including at Alenia. While Alenia continues to encounter concerns, as reflected in the CMHA summary data, those concerns have evolved from major process issues (which have since been resolved) to minor performance and quality issues that are monitored and corrected as they occur.



Throughout the duration of this interaction with Alenia, Boeing has followed the applicable FAA approved processes to identify and address performance issues at its suppliers. Additionally, the production system in its entirety has functioned appropriately to properly document and manage the delivery configuration of the airplanes. Conformity to type design of the airplanes has been continuously maintained.

Dr. Bickeboeller has raised numerous complaints within Boeing, largely related to Alenia, over a period of years. These complaints have been extensively investigated by 787 engineering and supplier quality leadership, as well as in multiple cases by Boeing Ethics, Corporate Audit and the Law Department. These allegations have covered the detailed process issues involving Alenia, as well as Boeing management's response to those issues. One series of allegations, which tend to be cumulative, is still under investigation by Corporate Audit, which is an organization wholly independent of the 787 program. However, several previous complaints by Dr. Bickeboeller have been closed as unsubstantiated, particularly in regard to management's responsiveness to, and responsibility for, alleged process violations. In each case, after an extensive and detailed review of all available information, the investigative reports concluded that management had demonstrated due diligence in pursuing and addressing Dr. Bickeboeller's concerns. This is also true with regard to the allegations of improper closure of Supplier Evaluation Requests. During the course of these investigations, it was determined that some of Dr. Bickeboeller's detailed concerns about certain process issues, for example those involving Bill of Material problems, were valid and needed to be addressed through appropriate channels. Dr. Bickeboeller was asked to participate in ongoing discussions, and did so, but it is clear that he remains unhappy with Boeing's approach to resolving those concerns. It is worth noting that in dealing with complex processes involving airplane configuration management and supplier oversight, there is not necessarily a single correct answer that is the exclusive path toward achieving a compliant, conforming product. While Boeing's approach may not have addressed the concerns in the precise manner desired by Dr. Bickeboeller, that does not make Boeing's approach wrong or noncompliant to process, and certainly does not constitute a violation of the FARs.

A substantial amount of material related to the content of attachment A, including all SERs written at Alenia, has been furnished to the CMO. This extensive documentation is not resubmitted here, but in Boeing's view it amply supports the position that Boeing faithfully and diligently followed its quality processes in responding to configuration management issues at Alenia. The detailed record shows a sustained and vigorous effort to address supplier issues in a manner consistent with Boeing's internal processes, contract requirements, and the FARs. To allege, as Dr. Bickeboeller does that Boeing "knowingly does not ensure to 'eliminate the causes of an actual or potential nonconformity to the approved design or noncompliance with the approved quality system'" is a gross mischaracterization, and an unfair and inaccurate description of Boeing management actions.

Due to the need to submit a response within a relatively short time period, Boeing is still in the process of collecting and reviewing the voluminous document history

associated with Dr. Bickeboeller's current concerns. Boeing is continuing to work cooperatively and in partnership with the Certificate Management Office to address Alenia issues, including a thorough review of the specific technical allegations contained in his complaint to the FAA. We would be happy to furnish to your office any information provided to the CMO as well.

We welcome further dialogue on this complaint. We are confident that once you have reviewed this submission and any supplemental additional information, you will be able to conclude that Boeing is properly managing the relevant issues through its approved processes, and that no enforcement action for alleged noncompliance with FAR 21.2, 21.137 or 21.183 is substantiated or warranted.

The Boeing logo, featuring a stylized script 'B' above the word 'BOEING' in a bold, sans-serif font.

Very truly yours,

A large black rectangular redaction box covering the signature of the Senior Counsel.

Senior Counsel  
Office of the General Counsel  
The Boeing Company

Enclosed Attachment A – "Summary of Boeing Oversight on Alenia Aermacchi"

## Appendix I – Analysis of Boeing’s reply to Complaint Chief Counsel Docket 2014-2

The statements at the beginning of each line item are from Boeing’s reply in appendix H. Following are comments by the complainant in italics.

1. “Boeing strongly disagrees that the approach and actions taken in relation to these allegations constitute violations of any of the Federal Aviation Regulations or of Boeing’s approved quality system.”
  - a. Boeing admitted to Bill of Material problems in their reply. Bill of Material correctness is a major pre-requisite to airworthiness and production system accountability.*
  - b. Closing Supplier Evaluation Records when having definitive data that the violation was not corrected as required by Boeing corrective action procedures, repeatedly, systemically constitutes willingness to disregard federal regulations due to schedule pressure.*
  - c. Not filing Supplier Evaluation Records on “failed corrective action” when repeat violations are found is a violations of Boeing’s approved quality system (BPI-1077).*
2. “There is absolutely no merit to the allegation that Boeing violated FAR 21.2 by communicating false and incomplete information to the FAA”.
  - a. The 787 VP for Quality, [REDACTED], was personally aware of the FAA’s prerequisite that the Configuration Management issues at the 787 supply chain had to be resolved. [REDACTED] directing closure of Alenia Supplier Evaluation Reports, however indirectly, is a violation of her duties [REDACTED] received documentation from Alenia about their incorrect closure. [REDACTED] had to know that the Alenia configuration issues were not resolved.<sup>109</sup>*
  - b. Creating a culture in [REDACTED] organization of accepting flawed and wrong resolutions in order to move forward and then using the incorrect results as justification for apply for the production certificate constitutes a violation of 14 CFR 21.2.*
  - c. Appendix J contains a partial list of the main participants in the multitude of violations related to the configuration management and supplier oversight issues the FAA had found.*
  - d. Details are in appendix D.*
3. “The production system in its entirety has functioned appropriately to properly document and manage the delivery configuration of the airplanes. Conformity to type design of the airplanes has been continuously maintained.”
  - a. The 787 production system is dependent on strict configuration management adherence to applicable requirements.*

<sup>109</sup> See appendix D for a detailed analysis, as well as E.2 Ethics Cases [REDACTED] and [REDACTED].



*If a supplier does not perform correct “Build Reconciliation” or “Plan Reconciliation” following the requirements in the referenced documents, the whole Reconciliation to support Airworthiness Certification is not compliant. The main reason is, that Boeing is not receiving Build Records from the Supplier, but only a Certificate of Conformity, that the Product requirements have been met. A more detailed explanation is in the Ethics Case [REDACTED] appendix E.3.*

- b. *Boeing was not able to deliver for many years the “terrible teens” airplanes, lines 11-20. Boeing was forced to invest considerable resources in order to recover the configuration of those airplanes. Ethics Cases [REDACTED] and [REDACTED] were exactly about these airplanes and the failure of Boeing Charleston to maintain configuration control and provide proper manufacturing planning.*
- c. *Delivery performance for the final airplanes is not the only criteria for a functioning production system. A functional production system “functions” at every stage of production, and does not just catch issues at the end and the goal.*
4. *“One series of allegations, which tend to be cumulative, is still under investigation by Corporate Audit”.*
  - a. *At the time of Boeing’s reply, Corporate Audit was already investigating the issues for 15 months. Why does it take so long to investigate issues affecting the safety of the airplanes? Why did Boeing wait another 15 months to close the cases until the FAA completed their audits?*
  - b. *The Ethics cases are not cumulative, but rather in many cases repeat violations or violations of the different more serious nature with respect to the failure of corporate compliance actions.*
    - i. *Ethics Case [REDACTED] deals with the refusal of the Boeing VP for Quality to ensure the effectiveness of Corrective Actions and Supplier Oversight, abdicating his responsibilities.*
    - ii. *Ethics Case [REDACTED] deals with Ethics/Corporate Compliance not ensuring the corrective actions are accomplished.*

- iii. *Ethics Case ██████ deals with Quality Senior management providing misleading and incorrect information in a formal ethics Investigation.*
  - iv. *Ethics Case ██████ deals with an audit team refusing the file formal Supplier Evaluation Records for significant findings, including the ones found by the FAA.*
  - v. *Ethics cases ██████ (MHI), ██████, ██████ (Boeing Charleston), ██████ (Alenia) were dealing with Configuration Management / Bill of Material issues at different suppliers. This is like breaking into 3 different stores and calling the break-ins cumulative? Ethics Case ██████ shows the repeat violation at Alenia, comparing it to a break-in into the same store one year later.*
  - vi. *Ethics case ██████ dealt with Process and Systems Requirements flow down, related to the current violation of the Commonality Matrix (appendix D)*
  - vii. *The Ethics cases in 2010 were about 3 different incidents of misleading the FAA.*
5. *“Several previous complaints by Dr. Bickeboeller have been closed as unsubstantiated, particular with respect to management’s responsiveness to, and responsibility for, alleged violations. In each case, after an extensive and detailed review of all available information, the investigative reports concluded that management demonstrated due diligence in pursuing and addressing Dr. Bickeboeller’s concerns.”*
- a. *Boeing at the time of the reply could only talking about the Ethics Cases until 2012, see appendices E.2 and E.3.*
  - b. *The ethics cases in 2010 involved misleading the FAA by in the airworthiness application and the status reports on Configuration Management at the supply base. The complainant’s manager’s statements/excuses were that either Management was allowed to make judgement calls on status for the configuration management issues or that “somebody in the reporting chain” had provided another status. Even so the complainant was as a Technical Fellow recognized as the technical authority on these configuration technical issues, managers or other employees without these qualifications could make contrarian/incorrect statements. This allowed the management team to pick and choose what they wanted to use for the status to the FAA.*  
*With respect to the airworthiness application, the technical facts are definitive. What is quite possible, that the legal investigative team did not have the qualified personnel available to actually judge the correctness of the technical claims. In that case the legal investigators must have relied on the “general wisdom” of the management team. As you see in appendix J, a majority of the management leadership was complicit in the violations and many other managers chose to stay on the sidelines.*
  - c. *The ethics cases in 2012 were about technical issues at 3 different suppliers were Suppliers. A technical expert would have easily been able to judge the correctness of*

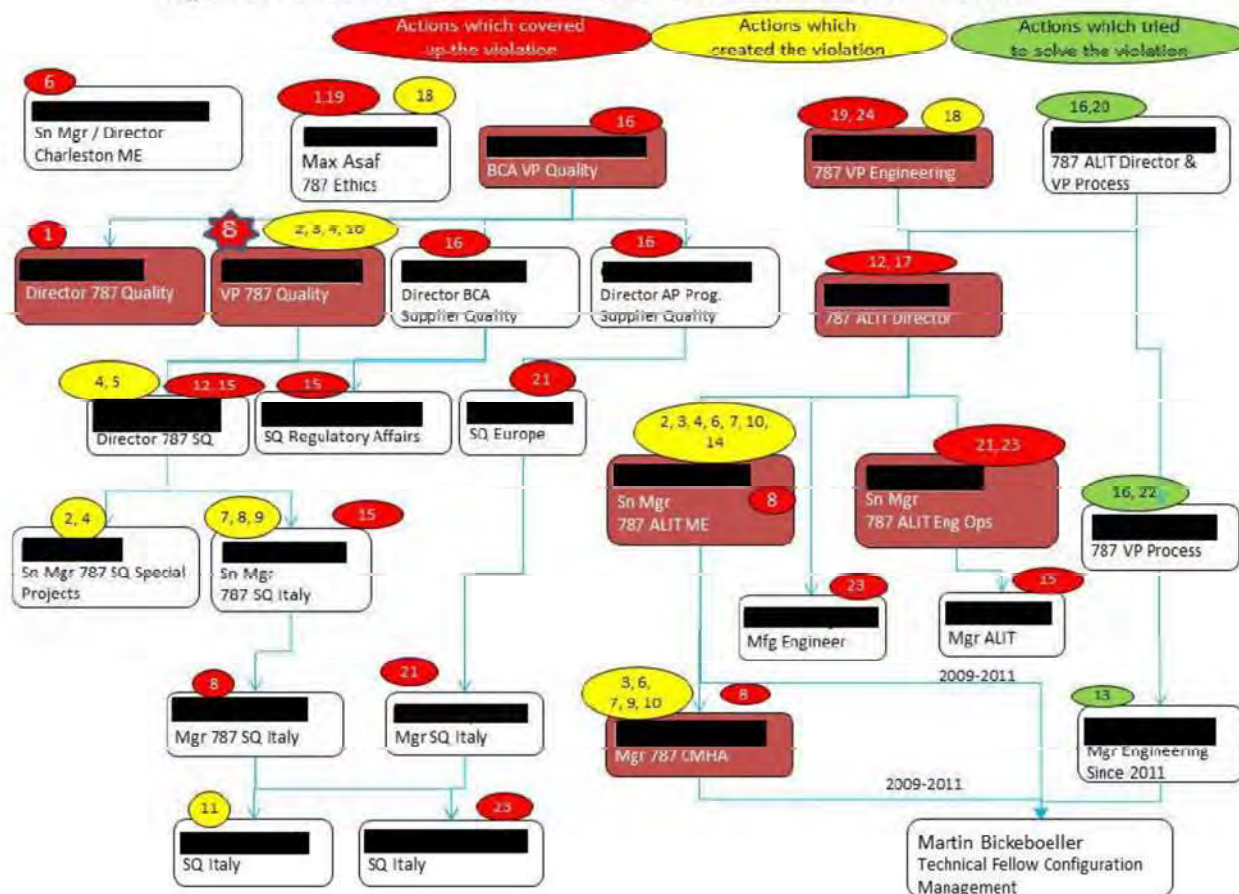
- the allegations. The FAA was able to judge and confirm that the technical issues at Alenia with respect to the Bill of Material persisted.*
6. “This is also true with regard to the allegations of improper closure of Supplier Evaluation Requests.”
- a. Appendix D.1 provides a detailed analysis of a SER regarding reconciliation at Alenia which was closed prior to the production certificate application.*
  - b. As second example is for Boeing Charleston. SER [REDACTED] was filed for failure to correctly incorporate Engineering Intent into manufacturing planning. The closure statement was:*
    - i. CMHA (ALIT) group will be tracking all reconciliation activities through BORIS Issue 531 for this SER. This SER had prior unit analysis, all investigations will be tracked in an Entry into a service project. For all actions that require prior unit reconciliation, see attach the Communication memo [REDACTED] attached to this SER. Email date Feb 14, 2010 from ALIT Manager Verification failed on 12/03/2010 and bldg. 88-20 is going to go and work issues found during this verification. A new verification has been set to 12/17/2010.*
  - c. Verification had failed in 80% of the samples, it was systemic. The statements in the verification moved the responsibility from the Boeing Charleston to the Boeing 787 program in Everett, yet not correcting the underlying issues in Charleston. The corresponding airplane line 18 was sold to Ethiopian Airlines and got into service six years later in May 2017. One of the reasons was Boeing had lost configuration for this airplane. Yet the SER was closed.*
7. “During the course of these investigations, it was determined that some of Dr. Bickeboeller’s detailed concerns about certain process issues, for example those involving Bills of Material problems, were valid and needed to be addressed through appropriate channels.”
- a. Yet, Boeing states, that SER closures for Bill of Material issues were valid?*
  - b. Yet, Boeing states, that for the ethics cases around Bill of Material issues no violations happened, yet the technical issue is valid?*
  - c. The only reason why Boeing admitted to the Bill of Material issue, because the FAA had already confirmed the issue on July 22, 2010 1 month earlier than Boeing’s reply.*
8. “Dr. Bickeboeller was asked to participate in ongoing discussions, and did so, but it is clear that he remains unhappy with Boeing’s approach to resolving those concerns.”
- a. As proven by the many repeat SERs for similar findings, the resolutions worked by Supply Quality and the management team did not work.*
  - b. The behavior by the VP of Quality and the Audit teams is unacceptable with respect to allowing bad corrective actions to proceed. This was endangering airplane production at those facilities.*
  - c. The failure of the Ethics process to correct these issues is a fundamental failure of Corporate Compliance.*

9. “It is worth noting that in dealing with complex processes involving airplane configuration management and supplier oversight, there is not necessarily a single correct answer that is the exclusive path toward achieving a compliant, confirming product.”
  - a. *787 had a culture of “making it happen”. The tone of the program was captured best in the Ethics result regarding the MHI wings: “Boeing and Suppliers don’t have to follow procedures until the production certificate is issued.*
10. “While Boeing approach may not have addressed the concerns in the precise manner desired by Dr. Bickeboeller, that does not make Boeing’s approach wrong or noncompliant to process.”
  - a. *The FAA approved procedural system of Boeing must be followed. The complaints captured in the SERs and Ethics cases are all about not following Boeing process requirements originating from the FAA approved Quality Manual.*
  - b. *“Making it happen” does not provide a license to violate.*
  - c. *Inspections, Notice of Escapements are not alternative methods to be just as a matter of normal business because other procedures are violated.*

## Appendix J – Participants in the violations and their various responsibilities.

The following is an Organigram describing the various Boeing managers involved in perpetuating violations of federal regulations. In dark red are the main actors, however many of the management infrastructure participated actively with incorrect actions. Other managers knew about the violations but didn't intervene, from first line management to director level. Some managers have now exposed responsibilities in Boeing, such as [REDACTED] as former VP General Manager 737 and now VP General Manager 777-X.

Organizational Context of Production and Airworthiness Certificate Violations



1. Shipment of Wing for airplane 2 from MHI Japan: The complainant was responsible in Nagoya for ensuring the correct configuration. Since the complainant found several times discrepancies in the 100's of parts, Boeing decided twice not to load the wing onto the Dreamlifter and return the Dreamlifter empty to Seattle from Japan. Then the complainant became sick and the Wing got shipped without the configuration established. Following the complainant talked to Ethics [REDACTED] about this issue, who identified as a formal Ethics case (case number not known). He organized a session with [REDACTED], who was at that time the director for Quality for the program. He informed the complainant, that Boeing did not have to follow their own internal procedures and did not have to require compliance from suppliers until we have a Production Certificate. The complainant knows

now that this is not correct, but it established a laissez-faire attitude on following procedures with respect to configuration.

2. When the resolution process at MHI did not succeed in a timely fashion, another manager got assigned, the complainant was removed from the project and the issue was supposedly solved within weeks. By July 2010 it was clear to the complainant, that the resolutions were incorrect and the complainant reported to that effect to [REDACTED] and her management team. Despite, Boeing reported to the FAA, that MHI was corrected. The removal from the project officially was due to the complainant challenging [REDACTED] in front of MHI employees on technical conclusions she made.
3. By middle of 2010 the complainant was being removed from assignments, first from the review of Spirit actions, then Charleston Aft Body supplier IAI, then Charleston Mid Body.
4. Corrective actions at MHI were declared successful with celebratory language (“golden egg”) and touted as successful to the FAA in status reports. The complainant was asked to review the data and found many problems. His feedback was provided back to MHI and MHI had a long presentation rebutting it, during which the complainant was not allowed to ask questions. Following, it was declared a success again, even so the data showed the contrary. A meeting with [REDACTED], with the senior management involved [REDACTED], resulted in a decision, that MHI was declared “corrective action verified”. This was in contradiction to data the complainant had, a later CMHA audit showed that the complainant’s assessment even a year later was still correct. An ethics investigation on his complaint probably was never really accomplished. The complainant’s management ignored his feedback and continued to report incorrect status to the FAA, with the reason, that it was reported by the corresponding project leader. Facts and data from the complainant was ignored, even so he was fully qualified to understand them and agreed in writing that there were issues. Supplier Quality in Japan was worried about the adequacies of the improvements. Ethics Cases [REDACTED] and [REDACTED]. The complainant was then forbidden to contact Ethics, only allowed to provide his concerns to his management chain
5. The complainant communicated his concerns also with [REDACTED], as well as senior management in Japan [REDACTED] and other Boeing SQ employees [REDACTED]
6. Following the complainant was sent to Charleston to work Mid-Body reconciliation. the complainant performed deep-dives into the data together with [REDACTED] as well as the tools used by Charleston. It showed many additional problems and deeper configuration issues than the complainant had thought. It fully explained a statement by [REDACTED] (ALIT ME manager): “There is no way Charleston can establish a configuration based on Charleston documentation for line 9”. The complainant had frequent interaction with [REDACTED], the senior manager/director for ME at Charleston, who fully understood the analysis the complainant was performing. After creating a recovery plan for Charleston with his assigned manager [REDACTED] it became clear, that it would be an extensive recovery. Ethics Cases [REDACTED] and [REDACTED], Shortly thereafter the complainant was removed from the assignment and told to concentrate only on Alenia.

7. Significant reconciliation issue were discovered during the validation of 2010 SERs. [REDACTED] and [REDACTED] did not allow the complainant to discuss these in the context of the SER with Alenia.
8. [REDACTED] 787 VP quality requested closure of SERs, [REDACTED] and [REDACTED] directed closure. The SER got closed, issues continued to be found in the 2012 CMHA. That SER was closed despite evidence to the contrary in March 2013. Issues are on-going.
9. Subtier issues at IAI were never closed due to contract disputes on who put pay for correction and analysis. Significant subtier issues at LaGatta were found with respect to usage of engineering, inspection, manufacturing planning, records keeping and first article inspections. [REDACTED] did not allow the filing of SERs. Later in 2011/2012, Alenia submitted Notice of Escapements for their work statement and Boeing issues a SER for the first article inspections.
10. Removal from Assignment at Alenia occurred in May.
11. The Alenia SERs were closed in June 2011 without proper corrections. (Ethics cases [REDACTED] and [REDACTED]) Many of the issues were validated in a March 2012 audit again.
12. After removal from assignments at Alenia, the complainant had detailed discussions about the technical issues and removals with [REDACTED] (director 787 Supplier Quality) and [REDACTED] (director 787 ALIT).
13. In August 2011, the complainant formally notified his direct manager [REDACTED] and his functional manager [REDACTED], about the violations. The complainant had been directed by Boeing Legal, that the complainant was allowed to work only with his management on Ethics issues and not contact ethics. Since the complainant's management [REDACTED] [REDACTED] the main violators, and executive management [REDACTED] were not interested in corrections, the complainant had no avenue until his transfer to [REDACTED]. Once they understood the details, they directed the complainant in December to file Ethics issues and EEO complaints on retaliation.
14. EEO investigation (case [REDACTED]) reported "no issues". During the investigation, the complainant was also investigated on improper reporting of issues due to a conflict of interest. [REDACTED] had made that accusation already several times in 2010.
15. [REDACTED], Senior Manager Supplier Quality Regulatory affairs, was briefed in detail on the Alenia reconciliation issue. He and [REDACTED], reported back to Ethics, that the issues at Alenia did not exist anymore. This was in contrast to a CMHA audit one month later which confirmed the issues, team leader was [REDACTED]. According to [REDACTED], Campbell was under direction by [REDACTED], that all the issues were already investigated and therefore no reason to spend time and efforts on them. (Ethics case [REDACTED])
16. [REDACTED] (Director, BCA supplier Quality), [REDACTED] (director, Airplane programs supplier quality), [REDACTED] (at the time VP for processes and systems, BCA), [REDACTED], were briefed on the Alenia issues and the overall context of the Ethics issues with the different companies. In a follow-on meeting BCA quality committed to improvements but with generic proposals only. To my knowledge the proposals were not implemented. [REDACTED] handed the complainant an e-mail

were he specifically acknowledged the configuration management violations at Alenia. Ethics case [REDACTED].

17. [REDACTED] reported incorrectly after an internal ALIT investigation, that the issues at Alenia were fixed, twice. Each time, the complainant needed [REDACTED] support to get the attention, that nothing was fixed. In August, parts of the issue for the horizontal Stabilizer were finally fixed.
18. [REDACTED] (VP 787-8) agreed to a follow-up plan. In a meeting explaining the plan, [REDACTED] had only 20 minutes time and was not supportive of the issues. Ethics case [REDACTED].
19. [REDACTED] closed the ethics issues with only a small component of the Alenia issues fixed and none of the other companies. The [REDACTED] plan never materialized.
20. After realizing, that nothing would happen on the 2011 ethics cases, the complainant contacted [REDACTED] in late 2012, who agreed to a detailed walk through of the issues. Afterwards he assigned the complainant to a detailed audit of Alenia for the 787-8 processes, the 787-9 processes and the implementation of Alenia's new production system TeamCenter. As part of the assignment, the complainant was provided updated Alenia data. That data confirmed continued significant issues. The complainant got told, that Boeing employees in team meetings stated "we need to make sure, that Martin does not get to Alenia"
21. A meeting called by Alenia management at the director level, attended by the full Boeing Supplier Quality management chain [REDACTED], first line manager) expressed the wish, that the audit team should be cooperative just like the 2012 audit team. Context, the 2012 audit decided to not file many issues as SERs. The complainant was the only new team member. [REDACTED] was assigned the leader of the team, the complainant was assigned the technical leader. Following a detailed briefing to [REDACTED] was severely concerned. Later it was decided by Management [REDACTED], that the audit would be restricted only to 787-8, then only to validating that the corrective actions were done. This would not include, that the corrective actions were effective in fixing the issues, which the complainant protested and requested management meetings on. One week before the audit, the complainant was removed from the audit.
22. [REDACTED] requested, that the complainant write-up all issues the complainant knew at Alenia and brief [REDACTED]. That briefing occurred before the audit. Detailed data showing issues were provided to the audit team.
23. March 2013, the audit team closed all the SERs, despite evidence to the contrary. In a report by the audit team [REDACTED] acknowledged the issues, but the audit team took no action on them with one exception on a minor aspect. Ethics cases [REDACTED] and [REDACTED].
24. On providing a report to [REDACTED], the complainant was directed by [REDACTED], to work only with his management and ethics on the issues. This prompted the complainant to file another set of Ethics issues.

## Appendix K: Analysis of Organizational Diffusion regarding regulatory violations.

This appendix is a time line listing of the organizational events/emails which drove the incorrect closure of Supplier Evaluation Records at Alenia. Please note, that no real technical work occurred at Alenia during this time on the 2 SERs in question described in appendix D. Further examples of incorrect closures of Supplier Evaluation Records are in appendix E.2, ethics case 491895.

1. The VP 787 Quality (May 4, 2011)<sup>110</sup>:
  - a. **"Alenia's lack of corrective action** implementation on the Configuration Management Health Assessment (CMHA) findings."
  - b. "Perhaps if the CA (ed. Corrective action) progress had to be reported by Alenia top execs they will recognize the urgency and **bring the plan home.**"
  - c. "This creates 2 risks: that the **FAA would hold up PC700 addition for 787.**"
  - d. "I need your support in getting Alenia to close this risk as soon as possible."
  - e. (ed. █████ as Quality leader knew, that Alenia was already on Probation for failed corrective actions and that further failed corrective actions should have required more severe measures. Instead she focused on getting the SERs closed irrespective of the actions required by █████)
2. █████, local Boeing executive at Alenia on-site (May 4)<sup>111</sup>
  - a. "Message received"
  - b. "I asked █████ (ed. Alenia Senior executive) for help getting the issues fixed and the SER's closed out."
  - c. (ed. However no work was performed by Alenia and Alenia was not informed what the exact technical issues were)
3. █████, first line manager responsible for CMHA (May 18)<sup>112</sup>
  - a. "Martin and █████, I'm proposing a plan to come back to Alenia to help validate the final actions."
  - b. (ed. █████ realized that there was no corresponding technical expertise available at Alenia)
4. █████, senior manager responsible for CMHA (May 31)<sup>113</sup>
  - a. "Martin, need you to support the resolution and closure of the Alenia open SERs ... by mid-month."

<sup>110</sup> Email █████ to █████ (later VP for Manufacturing, Safety, Quality); █████ (director supply chain); █████ (later VP/GM 737 2018 - 2019), dated May 4, 2011, subject "Alenia CMHA SER Update"

<sup>111</sup> Email █████ to █████, at al, dated May 4, 2011, subject "Alenia CMHA SER Update"

<sup>112</sup> Email █████ to M. Bickeboeller, █████, dated May 18, 2011, subject "Alenia Verification"

<sup>113</sup> Email █████ to M. Bickeboeller at.al., dated May 31, 2011, subject "Priorities and RAA Clarity"

5. Complainant (June 1)<sup>114</sup>

- a. "Closure of the SERs at Alenia following Boeing procedure is not possible by mid-month. Your direction of getting the SERs closed while having evidence of failed corrective actions are outside BPI 1077"
- b. *(ed. There had been no further work occurring at Alenia on the 2 subject SERs which had failed verification. At the same time the complainant was not allowed to layout the issues to Alenia in detail.)*

6. [REDACTED]<sup>115</sup> (June 1)

- a. "Closure of SERs at Alenia is possible by mid month. ... Our focus needs to be on helping to stand Alenia up, not on continually hammering them."
- b. *(ed. Insisting on following Boeing procedures for corrective actions was considered hammering the supplier.)*

7. [REDACTED] (June 12)<sup>116</sup>

- a. "We do need to have some perspective on what are the remaining issues that still could result in product escapements versus less impacting data quality errors"
- b. "Given that we are getting close to delivery, it is very important that any remaining SER actions that could results in the discovery of a potential product escapement are being address quickly and communicated to the program."
- c. "I look forward to seeing the plan from you and [REDACTED] and how it will support the resolution of the remaining SERs."
- d. *(ed. Here is focus is again on product escapements, making other regulatory violations secondary. Product escapements are discussed in Ethics Case [REDACTED] as Capture and Control violations, significantly higher count than other comparable suppliers, see appendix E.1.)*

8. [REDACTED], Boeing HR manager, (June 15)<sup>117</sup>

- a. "I realized there was some things that came up in the interviews to look into further. I am going to interview some else and get some additional information from some of the people I interviewed."
- b. *(ed. The complainant had requested a Human Resource intervention in which the complainant had asked to "re-establish a productive working environment where respect for people and technical content is provided". The "resolution of the note below was to remove me from the assignment and forbid me to work with Alenia on this problem." <sup>118</sup> A year later the complainant became aware that "[REDACTED]" <sup>119</sup> was asked in the summer of 2011 ..., whether he was willing to testify, that I was fabricating issues at Alenia in Italy). Summary: In the middle of objections to planned*

<sup>114</sup> Email M. Bickeboeller to [REDACTED], [REDACTED], et.al., dated June 1, 2011, subject "SER Closure)

<sup>115</sup> Email [REDACTED] to M. Bickeboeller, [REDACTED] et. al., dated June 1, 2011, subject "SER Closure"

<sup>116</sup> Email [REDACTED] to [REDACTED], dated June 12, 2011, subject "Skill Development"

<sup>117</sup> Email [REDACTED] to M. Bickeboeller, dated June 15, 2011, subject "status on complaint"

<sup>118</sup> Email M. Bickeboeller to [REDACTED], dated May 6, 2011, subject "Objection"

<sup>119</sup> [REDACTED], Boeing Supplier Quality to Alenia, resident in Italy in 2011.

*violations of FAA approved Boeing procedures, the complainant was removed from assignments and it was checked whether evidence for dismissal from the company could be found.)*

9. [REDACTED], Senior VP Alenia, June 28<sup>120</sup>

- a. "The purpose of this letter is to confirm, that the subject activities included in the Ref. document (Annex 1) will be accomplished in order to ensure process stabilization and prevent future non-conformance repetition."
- b. *(ed. Here the Alenia VP promises to fix the violations later in the year. A detailed discussion is in appendix D)*

10. [REDACTED], Boeing Supplier Quality at Alenia, July 1, 2011

- a. "Alenia and Boeing Configuration Management agreement to close SER based in initial verification."
- b. "THE ATTACHED DOCUMENT SIGNED BY ALENIA 787 PRODUCT UNIT SVP DEFINES THE FOLLOW-UP ACTIVITIES TO BE ACCOMPLISHED AFTER CMHA SER CLOSURE IN ORDER TO ASSURE PROCESS STABILIZATION AND PREVENT NON-CONFORMATION REPETITION"
- c. *(ed. As discussed in appendix D, the closure is the actual violation of FAA approved procedure [REDACTED] and 14 CFR 21.137. Following the closures are reported up the chain and to the FAA. The later failed audits are described elsewhere in this complaint. However, the whole management chain (see appendix J) was aware of the actions, condoned it as essential to receive the production certificate as demonstrated by the many interactions of the complainant with respect to the technical data.*

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<sup>120</sup> [REDACTED] to [REDACTED], cc [REDACTED] et al, date June 28, 2011, subject SER Follow-Up activities for Configuration Management Health Assessment Non-Conformances.