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Federal Aviation Agency
Los Angeles, California
September 23,

Chief: Flight Standards Field Division, FS-4600
1960

Aviation Operations Specialist, FS-4420C

Special Investigation of United Air Lines' Complaint Against Inspector
Frank C. Harrell: Conduct of UAL Proficiency and Rating Checks and
UAL's Attitude Toward FAA

This investigation was conducted in accordance with your request and required three working days from September 19 to 21, 1960, inclusive.

OUTLINE OF IMPORTANT COMMENTS

A scheduled meeting was held with Mr. D.E. Petty, Senior Vice President of UAL, and his staff members. K.N. Sommermeyer, C.F. Skannal, L.L. Terres, and J. Levett in Mr. Petty's offices at Denver, Colorado, on the afternoon of September 19, 1960. The purpose of this meeting was to clearly identify the problem associated with UAL's complaint against Inspector Harrell and to seek out specific facts and circumstances attendant to these complaints. It was explained that their complaints and reflections would be noted and referred to your offices for review and consideration along with pertinent facts and circumstances obtained from the Denver ACSDO.

On September 20 and 21, 1960, a brief review of pertinent correspondence and discussion with district office personnel and Supervising Inspector D. Haley was accomplished.

Specifically, UAL indicated that their complaints against Inspector Harrell were as follows:

1. They felt that Harrell was harassing the company with details of training requirements on the DC-8 aircraft, some of which are listed below:
 - a. 3-engine pull-out simulating maximum gross landing weight.
 - b. Engine shut down and relight.
 - c. Recognition of failure of flight instruments and pulling out cb's during flight check.

- d. 2-engine enroute climb at MGLW.
- e. Engine out at V1.
- f. 2-engine maneuvering (also circling approach)
- g. More emergencies included in flight checks.
- h. Emergency descent.
- i. Approach to stalls (recognition of stick shaker).

2. Similarly, they felt expressions from Harrell regarding rating check requirements on the DC-6 aircraft were harassing in the following particulars:

- a. That rated pilot should be in the right seat while conducting a rating or proficiency check during simulated emergency or instrument conditions. (CAR 43.67). NOTE: UAL also indicated their objection to a no-flap approach and landing in conventional aircraft as required by the Denver ACSDO (Denver ACSDO recommends that no-flap landings be made in conventional aircraft per Appendix A of CAM 21).
3. They felt Harrell had on occasion rendered local interpretations of training requirements which were unacceptable and contrary to UAL's approved procedures with regard to flight maneuvers (see maneuvers listed under Item 1).
4. They felt that Harrell had harassed the company with regard to his advice that it was FAA policy for the Denver ACSDO to start conducting all ratings rides on all types of aircraft operated by UAL when a qualified inspector was available and that UAL examiners would be limited in the future to conducting checks on conventional aircraft only when an FAA inspector was not available. All rating checks on jet aircraft were to be conducted by FAA inspectors.

UAL's training program and their attitude toward FAA were discussed at length during discussion with the Denver ACSDO personnel. However, a satisfactory effort was made to reduce the discussion and review to the specific complaints rendered by UAL in order to isolate the pertinent facts, circumstances and information needed. The following is submitted as a summary of this discussion and review. Note that the numbered paragraphs have been keyed to the specific complaint items submitted and discussed by UAL.

1. The maneuver items listed by UAL are required by appropriate FARs and are presently recognized and administered as accepted procedures and standards by other air carriers. Items a, d, f and g were brought to the attention of UAL on several occasions by inspectors other than Harrell at the request of Principal

Inspector Johnson. Inspector Butler was assured by UAL's Mr. Skannal that the aforementioned items would be taken care of. When after a reasonable time, flight checks showed that corrective action had not been taken, Inspector Harrell was directed by Johnson to inform UAL again that the CAMs must be followed and that the flight checks be conducted according to national standards.

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On August 26, 1960, at approximately 3:00 P.M., Harrell discussed maneuver items noted with UAL's Mr. Tamplough, who was acting for Mr. Skannal at the time, and in addition sought compliance with the maneuver items listed as b, c, e, h and I. Captain Tamplough indicated that he would pass the information on up the line.

Harrell, upon being questioned by the undersigned, indicated a very thoroughly knowledge of maneuver items as required by regulations and as recommended by the DC-8 Flight Operations Type Board. He has, on numerous occasions, reviewed and discussed DC-8 flight maneuvers with either DC-8 Aviation Operations Inspectors and Specialists such as Byers, Berge, Taber, Butler, Johnson and Gagner. Harrell has observed two DC-8 rating checks given by Johnson and one each given by Inspectors Ayers, Gagner and Tabner. He has also been observed while giving a rating check by Inspectors Butler, Byers, Taber and Gagner. It is estimated that Frank Harrell has had as much experience in observing and conducting DC-8 pilot and proficiency checks as any inspector in the U.S.

2. Inspector Fulton of Denver ACSDO is basically assigned to monitor, conduct and observe UAL flight checks on DC-6 type aircraft, Approximately August 20, 1960, UAL scheduled a pilot rating flight check to be conducted by one of their examiners. Harrell, who was acting for Johnson at the time, advised UAL that since Fulton was available he should conduct the check, in lieu of the examiner. He also advised UAL that whatever conditions Fulton wanted on the flight check should be coordinated ahead of time. As Fulton proceeded with the check, he would not accept the UAL procedure of conducting two type rating checks at once with two unrated applicants occupying the two cockpit seats during simulated emergency and instrument conditions.

Harrell supported Fulton and told UAL that the above mentioned procedures as practiced by UAL was contrary to FAR 43.67 and requested that a rated pilot be in the right seat of such checks during simulated emergency and instrument conditions.

The flight checks were conducted separately and with a rated UAL Flight Standards Manager occupying the right seat.

With reference to the Note under Item 2, Harrell indicated no knowledge of a no-flap approach and landing problem with UAL. Discussion with Denver ACSDO personnel associated with UAL conventional aircraft flight checks indicated they had been requiring this maneuver in accordance with FAR 21.

3. Harrell's interpretation of items listed by UAL proved in discussion to be accurate and complete in accordance with national standards, FAA accepted flight procedures and appropriate FARs, namely, 40.282, 40.302 and FAR 21. The manner or method of performing the maneuvers as recommended by Harrell appeared safe and reasonable. Therefore, the legal interpretations referred to by UAL as have been arbitrary are in fact those of the FAA. It necessarily follows that it was not Harrell's interpretations of the training requirement that UAL found unacceptable and contrary to their approved procedures but rather the FARs, national standards and FAA policy.

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This may be further explained by the fact that UAL insist that no maneuver be performed in flight that has not been specifically approved by their Mr. Petty and published in guide form for their flight standards people to use. It is UAL's desire and firm statement that all pilot rating and proficiency flight checks are to be controlled by the company. They are in basic disagreement with any FAA inspector who requires any additional maneuver or deviates or varies from maneuvers outlined by their Flight Standards Offices and that approved by UAL.

Since it is evident that the policies employed by UAL are opposed to those of FAA regarding the methods and procedures of conducting pilot rating or proficiency checks and since the maneuver items APPROVED by UAL do not coincide with the maneuver items APPROVED by the CARS and national standards, a basic disagreement exists which can easily be interpreted by UAL as harassment by an inspector who seeks compliance with FAA policy and regulatory requirements.

4. As for this item, Harrell made the policy known to UAL that FAA would conduct all pilot type ratings on all aircraft operated by UAL when a qualified inspector was available. This was done after coordination with and at the suggestion of Supervising Inspector Haley.

General comments from the Denver ACSDO personnel indicate concern with regard to their being forced by UAL to negotiate flight check maneuver items which are either required by regulations or accepted as national standards. Discussion with the majority of the Denver ACSDO personnel indicated their disappointment in UAL for trying to get by with only meeting the minimum of training requirements where in every other area observed, they far exceed minimum requirements and are considered recognized leaders.

SUMMARY CONCLUSION AND RECOMMENDATION

In summary, it has been determined that Inspector Harrell was technically correct in his action with UAL. Although explored, there was no evidence that Harrell's personal traits or personality caused this conflict. Harrell's actions on the flight of September 12, 1960, are judged as proper and in accordance with current FAA policy.

There is evidence of other flight check incidents and disagreements concerning FAA training requirements, flight procedures and maneuver items which have occurred between UAL and the observing inspector. For example, there was disagreement between Inspector Jones and UAL with regard to flight check procedures and maneuver items required on the Boeing 720; there was disagreement between Inspector Taber and UAL with respect to conducting oral examinations and a balk landing at maximum gross landing weight (Capt. Tamplough of UAL refused to fly a flight check with Inspector Tabor due to these disagreements); there was disagreement between Inspector Fulton and UAL with respect to the requirement of no-flap landings and a rated pilot occupying one of the cockpit seats during simulated emergency and instrument flight conditions there was disagreement between Inspector Butler and UAL with respect to the check airman "leading" the applicant through a rating or proficiency check; and there was disagreement with Inspector Johnson when UAL first received the DC-8 aircraft.

UAL is explicit in their insistence that no training maneuver be performed in flight that has not been specifically approved by their Mr. Petty and published in guide form for their flight standards people to use. They are insistent that all pilot rating and proficiency checks be controlled by the company. They do not want an FAA Inspector to require any additional maneuver, deviate or otherwise vary maneuvers outlined d by their Flight Standards Office and that approved by UAL.

It is evident that Principal Inspector Johnson and the Denver ACSDO are in a very orderly manner attempting to correct noted deficiencies in UAL's training

program. This is particularly noticeable within the last few months and may account for the general increase in resentment and resistance offered by UAL in the form of correspondence, meetings, discussion and attitude toward the FAA and individual inspectors.

The action taken by the Denver ACSDO with regard to canceling Capt. Pratt's designation as examiner is considered proper for reasons stated in the decertification letter.

All of the actions on the part of Denver ACSDO and individual Inspectors appear to be in keeping with FAA policy to implement training and certification requirements. The reactions of UAL appear to be in the form of resistance and resentment to these policies. Accordingly, it may be concluded that United Air Lines' complaints against Inspector Harrell are a manifestation of their basis disagreement and attitude with existing pilot training and certification requirements as required by the FAA.

It is recommended that this office support the actions of Inspector Harrell and the Denver ACSDO with as united effort to continue the policy of insisting upon full compliance with appropriate regulatory training requirements.

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