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## CHAPTER 181 CONDUCT A COMPLAINT INVESTIGATION

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### Section 1 Task Background

#### 1. PTRS ACTIVITY CODES.

- Resolved as a Complaint: 1737
- Other: 1771

**3. OBJECTIVE.** The objective of this task is to determine, through investigation, the appropriate resolution of a received complaint. Successful completion of this task may result in several different outcomes based on the nature of the complaint and its resolution.

#### 5. GENERAL.

**A. Authority.** The Federal Aviation Act of 1958 (FA Act) authorizes the Administrator to prescribe rules, regulations, orders and minimum standards in the public interest. FA Act Sections 313, 609 and 1002 authorize the Administrator to conduct investigations.

**B. Inspector Responsibilities.** The inspector must determine whether to resolve the complaint quickly and reassuringly over the telephone or whether it requires further action.

(1) When a complaint is resolved quickly by explanation, the complaint is closed with a record to the PTRS describing the occurrence.

(2) Sometimes there is a limited amount of evidence but not enough to support further action. In that case, the inspector may leave the complaint open until enough information is available to pursue an investigation, or the inspector may close the complaint with a record that insufficient evidence is available to pursue an investigation.

(3) In many cases, the complaint must be referred to the agency responsible for handling that type of complaint.

(4) An inspector must thoroughly document any complaint that may have long-term FAA involvement.

(5) In addition to obtaining a complete statement from the complainant, the inspector may be advised to make an on-site visit or compile a file of photographs, charts, maps, etc. Since the informa-

tion in the file may be used with an associated enforcement action, completeness of the evidence is crucial.

(6) Once an inspector determines that enforcement, surveillance, inspection, or administrative action is a likely option, formal evidence must be gathered, which is beyond the scope of this task. At that point, the inspector should follow the instructions contained in the appropriate Handbook chapter for that task.

**C. Determination of FAA Responsibility.** Areas of responsibility are determined by using the following criteria:

(1) There was an alleged violation of the Federal Aviation Regulations

(2) The performance of FAA facilities or functions was a factor, i.e., Air Traffic, NAVAID's

(3) The airworthiness of FAA certificated aircraft of U.S. registry was a factor

(4) The competency of FAA certificated airmen, air agencies, air taxis, air carrier operators, air carriers, or airports was involved

(5) The adequacy of the Federal Aviation Regulations was in question

(6) The airport certifications safety standards or operations were involved

(7) The air carrier/airport security standards or operations were involved

(8) The medical competency of an airman was involved

(9) The adequacy of the FAR

**7. ACTIVE LISTENING.** Effective or active listening is not a pop psychologist's trick or a gimmick. It is a skill that comes from practice and from a genuine desire to know what the other person means. An inspector must listen to complaints from many sources, and the inspector's response will vary, depending on the source and the nature of the complaint. Inspectors receive most complaints

over the telephone, usually from a member of the public who may be irate. The complainant has probably obtained the telephone number from the U. S. Government section of the local telephone directory and has probably selected the office that the complainant feels is most likely to help. It may or may not be the correct office. The inspector must remember that, no matter how irate or obnoxious the complainant may be, the matter must not be taken personally. The insert between pages 180-6 and 180-7 contains some "listening tips" that are good to remember when handling complainants who telephone or come to the district office in person.

**A. Inspector's Role in Active Listening.** The inspector who initially receives a complaint by telephone or by personal contact, represents the Agency in a "frontline position." Whatever the circumstances of the contact, or nature of the complaint, the inspector should assume ***an attitude of quiet, active listening and helpfulness***. The inspector's demeanor should be calm, restrained, and respectful.

**B. Handling Referrals.** If it seems immediately clear that the nature of the problem is not within the scope of the district office or even of the FAA, the inspector should allow the contact to finish talking and then reflect to the witness the event as the source "saw" it. This brief reiteration of the complaint sends a signal to the complainant that the complaint was heard, understood, and considered. Then the inspector may proceed to explain patiently, but not condescendingly, that the complaint may be referred to another office or agency. If the complainant resists the referral, positive use of assertiveness training techniques generally convince the complainant.

**C. Follow-Up.** The inspector should follow up any complaint by either giving the complainant the name of the appropriate office and, if possible, the telephone number. In some instances, the inspector may wish to make the initial contact for the complainant. If the inspector is not certain whom the source should contact or whether the complaint should be handled in the district office, it is acceptable to acknowledge that fact to the caller. The inspector should obtain the complainant's name and daytime telephone number and promise to return the call as soon as possible. Then, the inspector should consult the unit supervisor, or, if necessary, the region, or conduct independent research before calling the complainant back with the appropriate information.

## 9. KINDS OF COMPLAINTS

**A. Complaints Within the FSDO Area of Responsibility.** Certain complaints can and should be investigated at the local district office level. This would include complaints against certificated aircraft, airmen, repair stations, air agencies, and air operators within the geographic limits of the district office. During a complaint investigation, if it becomes evident that either enforcement, surveillance, or inspection is required, the inspector should close the complaint and initiate the appropriate action.

**B. Complaints About FAA Personnel.** All complaints that involve actions or behavior of FAA operations personnel, regardless of area of responsibility, shall be forwarded to the appropriate unit supervisor.

**C. Complaints Outside FAA Responsibility.** FAA inspectors deal only with issues specified in the FA Act. If an inspector receives a complaint that does not involve FAA responsibilities (paragraph 5C above), that complaint must be referred to the appropriate agency, local, state, or federal.

(1) **Environmental Concerns.** This involves complaints about noise and environmental problems such as aircraft noise, pollution, proximity of airport to persons, etc. Other environmental concerns, such as agricultural chemicals sprayed by FAR Part 137 operators, may be the concern solely of the Environmental Protection Agency when no aviation safety issues are involved. Safety complaints about FAR Part 137 operators fall under paragraph 9A above.

(2) **FAA Certificated Operators.** Consumer complaints (lost luggage, late departures or arrivals, etc.) about FAA certificated operators such as commercial airlines should be referred to the operator of the air carrier directly by the complainant. If unsatisfied, the complainant may contact the Office of Inter-governmental and Consumer Affairs (I-20) within the Department of Transportation (202 366-1524).

(3) **Equipment Failure.** This category of complaints involves flight procedures, faulty navigational aids, or air traffic procedures. This type of complaint generally comes from pilots rather than the general public, and the inspector should refer them to the local air traffic or airways facilities office having jurisdiction.

(4) **Hazardous Airport Conditions.** This type of complaint may come from the public or from pilots

and may involve the physical condition or layout of an airport or hazards posed by construction. Inspectors should refer these complaints to the airports division in the region.

(5) *Security.* Security complaints may involve such diverse areas as people who feel security is not adequate enough or people who feel they have been treated unfairly by security screening personnel. Inspectors should refer these complaints to the local CASFO, if applicable, or the the security division in the region.

(6) *Military Complaints.* Complaints involving military airports or military personnel usually involve low flying and often come from people who live close to military bases, military operations areas, or restricted areas.

(7) *Alleged Criminal Activity.* Complaints of this nature can also be very diverse. The inspector does not become involved unless aviation safety is also an issue. These are referred to the appropriate law enforcement agency, local or federal.

**11. COMPLAINTS WITHIN FAA RESPONSIBILITIES.** When the problem appears to require district office action, the inspector obtains a complete statement of the alleged occurrence.

**A. How to Take Statements.** Chapter 180, Introduction to Enforcement Related Tasks, contains information on interviewing, which may be helpful in obtaining statements from complainants or witnesses.

(1) The demeanor of the inspector is very important. It is critical to remain objective and emotionally detached from the issues concerning the complaint. Even if the occurrence or the potential consequences are serious, the inspector must never personalize the case. This is true even when the facts seem clear and emergent. A case that may eventually require substantiation for formal proceedings must be built on a carefully, objectively, and thoroughly constructed assemblage of the facts. Sometimes a long period of time elapses between the occurrence and the formal proceeding

and many facts may be forgotten or unobtainable by then. Objectivity and clear thinking allow the inspector to gather seemingly unrelated pieces of information that may be relevant later. It is best to deliver comprehensive evidence with a technical viewpoint.

(2) It is essential to take complete and accurate information from the person initiating the complaint. Minimally, a complete report includes:

(a) The name, address, daytime and home telephone number of the person initiating the complaint. (Sometimes the inspector must investigate an anonymous complaint. However, it is preferable to be able to maintain contact with the source.)

(b) Information concerning the witness' occupation, particularly any aviation experience.

(c) A complete statement of the specific incident - what happened; who was involved; information about the aircraft especially the aircraft registration number; date, time, and location of the occurrence; and the airport involved.

(d) The signature of the witness or complainant when practicable

(3) The inspector takes physical evidence such as photographs, charts, maps, diagrams. The witness may present the information or may know of another source of the information which the inspector may contact. In any case, the inspector either receives or gathers any supporting evidence. How much evidence to gather, in what form, and who may be informally contacted is an area of inspector judgement. However, if and when the information indicates enforcement investigation or action, then the complaint becomes an enforcement task.

**B. Enlisting Assistance.** Sometimes the inspector needs the support and assistance of personal contacts in order to gather information about the complaint. Inspectors may use the assistance of local law enforcement persons, the airport manager, air operator, or other contacts.



## Section 2 Procedures

### 1. PREREQUISITES AND COORDINATION REQUIREMENTS

A. **Prerequisites.** This task requires knowledge of the FAR, FAA policy and orders, and the investigative process and qualification as an Aviation Safety Inspector (Operations).

B. **Coordination.** This task may require coordination with a variety of contacts: the airworthiness unit, other district offices, the regional office operations branch, law enforcement agencies, air traffic control, the armed forces, the airport manager, other federal government agencies, or local or state governments.

### 3. REFERENCES, FORMS, AND JOB AIDS

#### A. **References.**

- Any related FAR
- FAA Order 2150.3, Compliance and Enforcement Program
- FAA Order 8020.11, Aircraft Accident and Incident Notification, Investigation, and Reporting
- FAA Order 8700.1, General Aviation Operations Inspector's Handbook

#### B. **Forms.**

- FAA Form 1360-33, Record of Visit, Conference, or Telephone Call
- FAA Form 8000-36, PTRS Transmittal Form

#### C. **Job Aids.**

- Sample letters and figures

### 5. PROCEDURES

A. **Initial Notification.** Upon receipt of a telephone call, office visit, or written complaint, determine the nature of the complaint.

(1) Assess whether it can be immediately resolved, warrants further action in the district office, or should be referred.

(2) If the complaint is received by telephone, use FAA Form 1360-33 as a record.

B. **PTRS.** Open PTRS file.

C. **Determine Appropriate Action.**

(1) No action. If complaint can be resolved upon contact by explanation, fill out the PTRS transmittal sheet with the name, home telephone number, and daytime number of the caller, visitor, or correspondent, and a description of the complaint in the remarks section. Close the PTRS with a "No Action."

(2) Make Appropriate Referrals. Examine the evidence and make referrals to the appropriate office as necessary. Consult the most recent issue of the FAA Telephone Directory for detailed instructions on handling consumer inquiries. Make referrals to appropriate agencies.

(a) Refer complaints about noise to the local airport noise abatement office, airport manager, or city noise office and to the FAA regional noise abatement specialist.

(b) Refer complaints about agricultural chemicals sprayed by FAR Part 137 operators to the local extension office or EPA office WHEN NO AVIATION SAFETY ISSUES ARE INVOLVED.

(c) For consumer complaints concerning air operators, inform the complainant that the complainant must contact the operator of the air carrier directly. If possible, provide the address or telephone number. Inform the complainant that he or she may also contact the Office of Intergovernmental and Consumer Affairs within the Department of Transportation, and provide that address and telephone number.

(d) Refer complaints involving flight procedures to the regional flight procedures office.

(e) Refer complaints about faulty navigational aids to airways facilities or flight service station.

(f) Refer complaints about air traffic procedures to the appropriate air traffic facility manager.

(g) Refer complaints about hazardous airport conditions to the Airports Division of the appropriate

FAA Regional Office or the nearest airports district office.

(h) Refer complaints about airport security to the nearest Civil Aviation Security Field Office (CASFO) or the local airport security office.

(i) For complaints involving military airports or military personnel, contact the appropriate military base or the FAA regional military representative.

(j) Refer complaints concerning alleged criminal activity to the appropriate law enforcement agency, such as local law enforcement, the Federal Bureau of Investigation, Drug Enforcement Agency, etc., as appropriate.

#### **D. Complaints Requiring District Office Action.**

Advise the complainer that you or another inspector in the district office will investigate the complaint.

(1) Fill out a complete witness statement (Figure 181-1).

(2) Forward job aid to unit supervisor for assignment and coordination with the airworthiness unit.

**E. Investigation of Complaints.** When the inspector is assigned a case to handle:

(1) Gather any evidence essential to the investigation. Be certain that the evidence includes any aircraft registration or N-numbers, pilot certificate grade and number, and previous enforcement and accident/incident history.

(2) If appropriate, make an informal phone call to subject of the complaint in order to gather information.

(3) If necessary, visit the scene or area involved in the complaint in order to gather complete information.

(4) After gathering all information and evidence, determine if the evidence warrants opening an enforcement investigation or requires no action.

(a) If an enforcement investigation is begun, see Related Task #182, Conduct an Investigation to Determine Compliance.

(b) If no action is required, close out the PTRS file appropriately.

#### **F. Follow Up to Complainant.**

(1) Advise the complainant in writing of the results of the inspector's preliminary investigation. (Figure 181-2 or 181-3, as appropriate).

(a) If there is not enough information to proceed with an investigation, inform the complainant and indicate what additional information is required. Provide the complainant with a suspense date for the additional information. If that information is not received by the suspense date, close out the complaint in PTRS.

(b) If the inspector is proceeding with a formal investigation, inform the complainant that the matter is being investigated. Indicate that the complainant shall be informed of the disposition of the investigation.

**G. Prepare Office File.** Prepare a file which would include any evidence, correspondence, witness statements, and the disposition of the complaint.

**H. PTRS.** Close PTRS file with explanatory remarks as to whether the case was referred or warrants further investigation.

**7. TASK OUTCOMES.** Completion of this task results in one or more of the following:

A. A letter to the complainant indicating the disposition of the complaint.

B. Initiation of an enforcement investigation.

C. Referral of the complaint to another agency or another area of the FAA.

#### **9. FUTURE ACTIVITIES.**

A. Possible initiation of enforcement, surveillance, or inspection related tasks.

B. Coordination with other offices.

C. Response to related complaints from different complainants.

FIGURE 181-1 SAMPLE WITNESS STATEMENT AND REFERRAL JOB AID

WITNESS STATEMENT:

Date and time of complaint: \_\_\_\_\_

Name of Caller: \_\_\_\_\_

Home phone number: \_\_\_\_\_ Daytime phone number: \_\_\_\_\_

Occupation: \_\_\_\_\_ Aviation Experience: \_\_\_\_\_

Name of Person Involved: \_\_\_\_\_

Aircraft Registration No.: \_\_\_\_\_  
(or description)

Description of Complaint:

REFERRALS CHECKLIST:

1. Airline Service: Call appropriate airline or, Office of Intergovernmental and Consumer Affairs (OICA) (202)366-2220

2. Aircraft Noise: Call local noise abatement office at \_\_\_\_\_ or FAA Regional Noise Abatement Specialist at \_\_\_\_\_ or Office of Environment, FAA Headquarters (202)267-3576

3. Airport Security: Call local CASFO at \_\_\_\_\_.

4. For Airport Hazards: Call FAA Regional Airports Division at \_\_\_\_\_ or nearest Airports District Office at \_\_\_\_\_.

5. Military Aircraft: Call appropriate, local military base:

Army \_\_\_\_\_ Marine \_\_\_\_\_

Air Force \_\_\_\_\_ Navy \_\_\_\_\_

FAA Regional Military Representatives at \_\_\_\_\_

6. Air Traffic: Appropriate Air Traffic facilities at \_\_\_\_\_ or FAA Regional Air Traffic Division at \_\_\_\_\_.

7. Near Mid-air Collision: FAA Regional Air Traffic Division Evaluation Branch at \_\_\_\_\_.

**FIGURE 181-1 SAMPLE WITNESS STATEMENT AND REFERRAL JOB AID - CON'D**

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8. Criminal Activity: Local police \_\_\_\_\_ DEA \_\_\_\_\_ FBI \_\_\_\_\_

9. Hazardous Materials: FAA Regional Civil Aviation Security Division at \_\_\_\_\_

10. Navigational Facilities: FAA Regional Airways Facilities Division at \_\_\_\_\_

11. Aviation Medical: FAA Regional Aviation Medical Division at \_\_\_\_\_

12. Public Affairs: Regional Office of Public Affairs at \_\_\_\_\_

[Inspector should sign and date to attest to the information's accuracy.]

**FIGURE 181-2 SAMPLE LETTER OF CLOSING OUT A COMPLAINT THAT REQUIRES FURTHER ACTION**

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FAA LETTERHEAD

Date

Name  
Address

Dear

This letter is in response to your inquiry on [insert date complaint was received] regarding [insert brief description of the nature of the complaint]. Our findings indicate that further action may be warranted and we will investigate. If you have any additional information, please contact the district office as soon as possible.

Thank you for your concern and cooperation in this matter.

Sincerely,

(POI)

**FIGURE 181-3 SAMPLE LETTER OF CLOSING A COMPLAINT WITHOUT FURTHER ACTION**

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FAA LETTERHEAD

Date

Name  
Address

Dear

This letter is in response to your inquiry on [insert date complaint was received] regarding [insert brief description of the nature of the complaint]. We have found insufficient evidence to proceed with enforcement action, and we consider this matter closed. However, if you have any further information that would assist the FAA in pursuance of an action, please contact this flight standards district office.

Thank you for your concern and cooperation in this matter.

Sincerely,

(POI)