



'ALPA HAD MY BACK!'

Air Line Pilot magazine devotes lots of space to new initiatives that will benefit ALPA members, committee work that supports them, pilot group leaders who represent them, pending legislation that will affect them. But stories abound of how this and other ALPA work has protected individual line pilots' jobs and quality of life.

This month we've collected some of those stories, and the result is a litany of tales in which ALPA was there to guard our pilots' backs.

The first story (right) shows how free access to ALPA's Aeromedical Office in Denver can save a job. A United captain's innocent attempt to comply with FAA requirements left him the unwitting victim of a hospital's carelessness and the loss of his medical certificate. Read how an ALPA Aeromedical Office doctor helped him get back on the line.

Next (page 21) is the tale of ALPA's Legal and Engineering and Air Safety Departments defending a Delta pilot when the FAA threatened to suspend his ATP certificate after a mechanical failure resulted in two charges against him. ALPA staff's rigorous attention to the radar data and the legal evidence resulted in the pilot's complete exoneration.

Pinnacle's MEC chairman tells the next story (page 24), which doesn't yet

have an ending—how ALPA's toolbox has been on the spot for Pinnacle pilot's Negotiating Committee during 4 long years of contract negotiations, still with no agreement. ALPA tools they've relied on run the gamut: Representation, Economic and Financial Analysis, Retirement and Insurance, the Strategic Preparedness and Strike Committee, Communications, Pilot-to-Pilot and Family Awareness, a Major Contingency Fund grant, Membership, as well as Real Estate, Finance, Purchasing, Legal, and IT Operations and Services helping to set up a strike center.

The next story (page 26) is from a Ryan pilot's wife. Their home underwent major flooding while her husband was flying a military charter in the Middle East, and she was financially stranded by the insurance company and the government. The pilot contacted ALPA from overseas, and the wheels of the ALPA Emergency Relief Fund were swiftly set in motion.

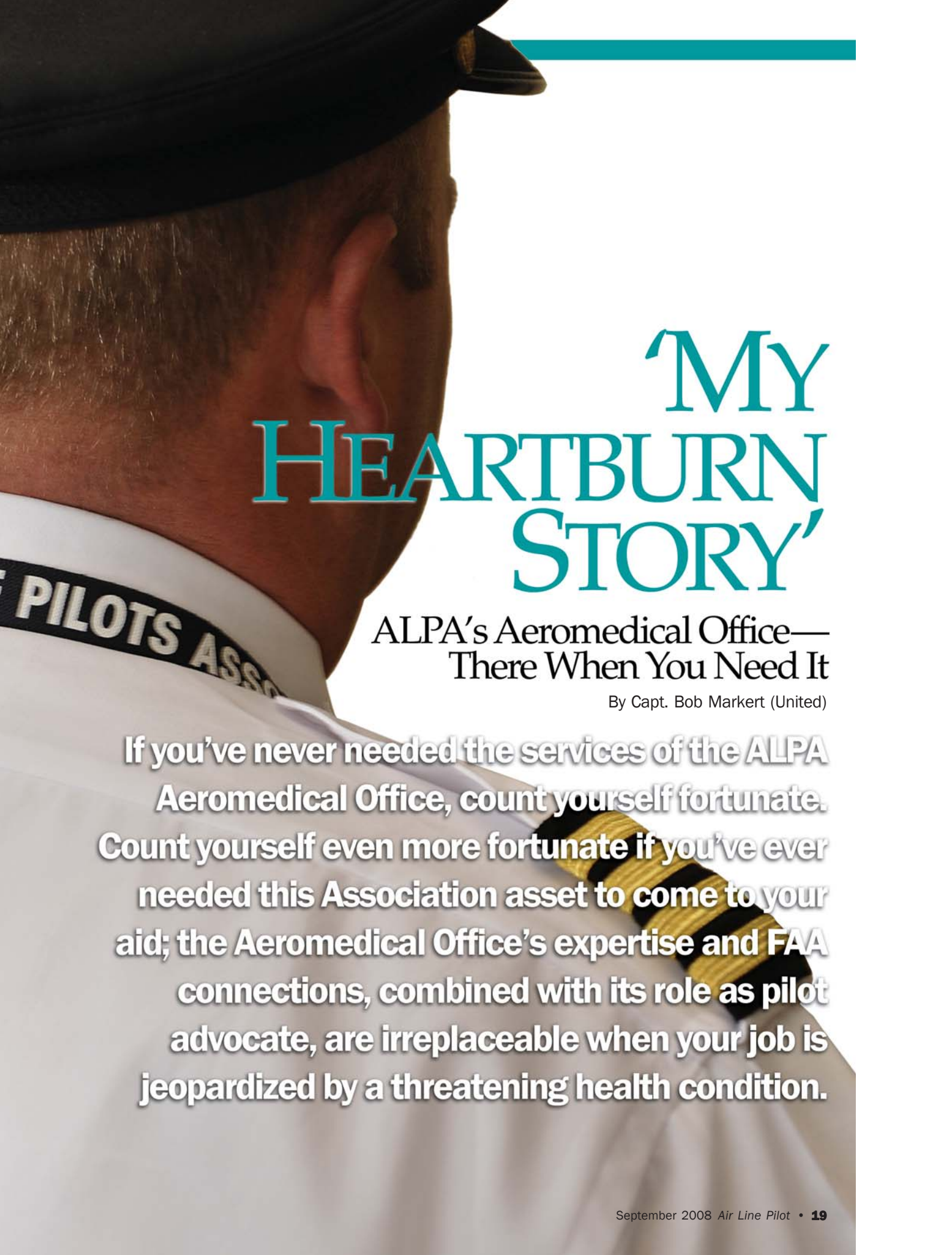
Then we tell about the pilot whose serious depression and antidepressant prescription disqualified him for an FAA medical certificate (page 27). After his short-term disability insurance expired, his insurance company turned thumbs down on long-term disability, even though the pilot's doctor predicted he'd need antidepressants for life. An ALPA Retirement and Insurance field representative stepped in when the pilot's

MEC referred him to R&I. You can guess the outcome.

The story of a FedEx MD-10's abortive and fiery landing (page 28), which the crew escaped safely but that badly damaged the aircraft, shows the value of ALPA's orange card for contacting the Accident Hotline. The crew also received ongoing support from Critical Incident Response Program teams, both union and company, to mitigate emotional fallout.

Finally, the History Lesson (page 30), first published in *Air Line Pilot* in 1993, recounts how ALPA's president and fellow pilots came to the rescue of a Jetstream pilot who was unjustly deprived of his certificate when his dull sense of smell got him in trouble with the FAA. It's a story with a happy ending.

A union is only as good as the protection it gives. These stories are just a taste of how ALPA's volunteers and staff guard its members' backs every single day. 🗨️



MY HEARTBURN STORY'

ALPA's Aeromedical Office—
There When You Need It

By Capt. Bob Markert (United)

If you've never needed the services of the ALPA Aeromedical Office, count yourself fortunate. Count yourself even more fortunate if you've ever needed this Association asset to come to your aid; the Aeromedical Office's expertise and FAA connections, combined with its role as pilot advocate, are irreplaceable when your job is jeopardized by a threatening health condition.

“They demonstrated to me that, although you may never need it, access to the Aeromedical Office is one of the best reasons to be an ALPA member.”

—Capt. Bob Markert (United)

For nearly 40 years, ALPA's Aeromedical doctors have been helping ALPA members maintain (or restore) their FAA medical certification by finding the right approaches to recover from illness and injury and to overcome dependency.

ALPA Aeromedical is not a member service that pilots routinely think about, and I would guess that a majority of ALPA pilots have never contacted the Denver-based facility. However, like an insurance policy, the Aeromedical Office is there when you need it. In fact, you might be surprised by the wide range of circumstances that could lead you to give this office a call. I was

The details

I'm currently a United B-747-400 standards captain based at the airline's Denver training center. In my down time, I'm also a chief warrant officer 5 and a detachment commander in the Colorado Army National Guard. In 2003, I was diagnosed with sleep apnea, a condition that affects one's ability to breathe freely when sleeping. This disorder can disrupt a person's ability to maintain deep sleep, is often chronic (or ongoing), and can result in excessive daytime tiredness. Fortunately, sleep apnea can be treated.

To maintain my FAA medical certificate, I was required to take a maintenance-of-wakefulness test (MWT) to see if I could be successfully treated with a contraption called a continuous positive airway pressure (CPAP) machine, a respiratory ventilation system that I wore when I slept. Although the CPAP addressed my problem, it is bulky and cumbersome and, after months of wrestling with this device night after night, I asked about an alternative therapy.

I learned that sleep apnea can also be treated with an oral appliance—a simple device that looks like a sports mouth guard, which is worn while

sleeping. After years of toting my box-and-oxygen-mask combo from city to city, I was happy to give this more manageable option a try. However, the FAA required me to take another MWT to ensure that this device properly addressed my condition.

The MWT was performed in February 2006 at a hospital in Denver. I was also required, as part of the hospital's MWT protocol, to take a urine-based drug test. At the same time, my Guard unit was preparing to be deployed to a small anti-terrorist base in Djibouti for “Operation Enduring Freedom,” where I would remain for the next 7 months.

The blunder

Unknown to me—and in a cruel twist that would come back to haunt me—my drug screen tested positive for amphetamines. The hospital was aware of the test results and made an entry in my medical records while I was still at the facility, but the staff said nothing to me.

Obviously, a mistake was made. Had I known about the results, I could have driven to a nearby commercial drug-testing facility, paid the \$50, and had a DOT-approved drug test that would have refuted the hospital's findings.

However, the hospital didn't bother to contact me, and a week passed before I heard the news about my test results. I learned about the outcome from the ALPA Aeromedical Office. In addition, I learned that I was unable to take another drug test within a time limit that would satisfy the FAA that I had been drug-free at the time of my second MWT. You can't begin to fathom the nightmare this situation created. I was furious. My military deployment was rapidly approaching, and my airline career was on the line. I felt like I had just descended into Dante's fifth level of bureaucratic hell.

The FAA revoked my medical certificate, making it impossible for me to fly as an airline pilot. I contacted the ALPA

Aeromedical Office and spoke with Dr. Tom Yasuhara to find out if there was anything I could do.

False positive

I learned that the particular drug screening the hospital used is made by Abbott Diagnostics and that it can cross-react with Ranitidine, a generic form of Zantac (the over-the-counter heartburn medicine), indicating a false positive for the presence of amphetamines. On my pre-admission paperwork, I indicated that I was taking Ranitidine to control heartburn, as prescribed by my doctor. However, the hospital overlooked the potential interaction. In addition, the facility failed to do any follow-up testing to confirm the initial results and threw out the remainder of my urine sample before it could be used for any supplemental analysis.

Dr. Yasuhara thoroughly advised me about what I could expect. He explained how the FAA would view my circumstances, and he acted as my advocate throughout the entire process. Together, we developed a plan.

During one of the Aeromedical Office's weekly conference calls with the FAA, Dr. Yasuhara proposed a process that could help exonerate me. I would see an FAA-recognized psychiatrist, who would assess the likelihood of my drug usage or dependency. I also would take another urine test as well as a hair sample test, the latter of which could effectively demonstrate that I had not consumed amphetamines for the previous 90 days.

The FAA indicated that, pending the report from the doctor and the lab results, it would consider my circumstances and reevaluate the appropriateness of restoring my medical certification.

The two tests registered negative, and the doctor supported the conclusion that I had been unlikely to have taken drugs. In his report, he said, “In

ALPA's Aeromedical Office

ALPA's Aeromedical Office was established in 1969 in response to a 1968 Board of Directors action. The Association retained Dr. Richard L. Masters to advise ALPA's president and to provide professional medical advice to ALPA members upon request.

Under Dr. Masters' direction, the Aeromedical Office provided medical assistance to more than 15,000 ALPA pilots and developed a medical specialist referral system to help evaluate and treat disorders that threaten pilots' FAA aeromedical certification.

Over the years, the Aeromedical



Dr. Donald Hudson

my experience as an addiction psychiatrist and forensic psychiatrist, I have never heard of an instance where so many consequences could befall a person from a drug testing situation. This is essentially unprofessional.”

Long story short

At last, I was vindicated. I was out \$1,200 for the labs and the doctor visit, lost several precious days with my family before my deployment,

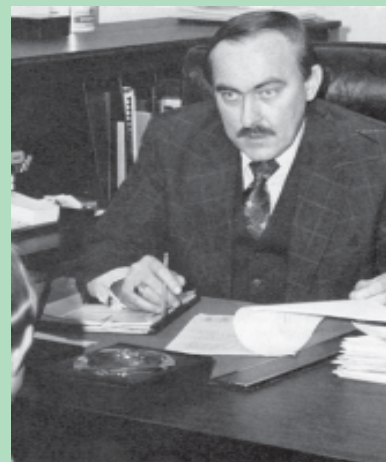
Office has also been instrumental in getting the FAA to change many policies and in helping pilots to regain or maintain their medical certification, often with conditions that the FAA previously considered permanently disqualifying, such as coronary bypass surgery, angioplasty, isolated seizure, total loss of vision in one eye, and more.

In 1974, one of the most important developments occurred: a government grant established the Human Intervention and Motivation Study (HIMS-1) to combat a major unaddressed medical cause of premature career loss—alcoholism. With the cooperation of the FAA and most airlines, more than 3,500 pilots have been successfully treated for alcoholism and returned to work. In 1981, President Reagan's budget cuts slashed the funding for HIMS-1; but in 1992, a new U.S. government grant funded a limited rejuvenation of the program (HIMS-2).

In January 1993, Dr. Masters retired as ALPA's aeromedical advisor, and Dr. Donald Hudson was appointed his successor. The consulting service, the Aviation Medicine Advisory Service, is located at 14707 East 2nd Avenue, Aurora, CO 80011. The Office is open Monday–Friday 8:30 a.m. to 4 p.m.

and undoubtedly aged during the process, but my FAA medical certificate was restored. I've since learned that, unlike the hospital's policy, the FAA's MWT protocol does not require a drug screen.


If there's a moral to this story, it's to make sure that your FAA physician is well aware of everything you are taking—prescriptions, vitamin supplements, etc. This information can be crucial in helping you maintain your medical




Dr. Richard L. Masters

mountain time, and the phone number is 303-341-4435.

At present, the Aeromedical Office employs six full-time physicians, a clinical case manager, five administrative assistants, and an administrator.

The Office is acquiring new cases at a rate of more than 8,000 per year. Approximately 20 percent of the cases are chronic in nature, requiring periodic monitoring and reexamination. At any given time, the Office is actively involved in several hundred open cases. 

certification. Be honest and report everything.

I feel fortunate that I didn't have to coordinate this effort from overseas or, more importantly, by myself. Dr. Yasuhara and the Aeromedical Office gave me the advice and guidance I needed to quickly remedy this situation. They demonstrated to me that, although you may never need it, access to the Aeromedical Office is one of the best reasons to be an ALPA member. 

A TURN TOO

ALPA's Legal and Engineering and Air Safety Departments team up to defend a pilot in an FAA enforcement case

By Jan W. Steenblik, Technical Editor



On the evening of Oct. 19, 2004, Capt. Robert "Rusty" Tillman was the pilot flying, and F/O Barry Smyth was the pilot monitoring, on Delta Air Lines

Flight 1619, B-737-300 service from Salt Lake City to Denver. The weather at SLC was night VMC, with clouds at 10,000 to 11,000 feet MSL, and icing reported in the clouds.

After takeoff from Runway 16R, the pilots complied with their takeoff clearance—a right turn to a heading of 280 degrees, climb and maintain 10,000 feet. While they were on the assigned heading and before reaching 10,000 feet, the SLC TRACON controller instructed the pilots to turn right to 310 degrees and climb to Flight Level 230.

Unfortunately, during the turn to 310 degrees, while the airplane was in cloud and icing conditions and the pilots were confirming that all the anti-icing was turned on, the captain's flight director unexpectedly suffered a mechanical malfunction that caused it to continually command a right turn. Tillman, hand-flying with the flight director, overshot the assigned heading.

Smyth said, "Watch your heading," and Tillman began to turn back to 310. "We figured we went about 20–25 degrees beyond the assigned heading," Tillman recalls, "before I started correcting back to 310.

"The controller said, 'Where are you guys going? Turn right to 090.' A moment later, the controller said, 'No, never mind, go back to 310.' So we made kind of an S-turn."

Climbing through 11,000 feet, the B-737 had broken the 3-mile separation "bubble," passing within approximately

2.5 miles of an arriving airplane.

"We never got a TA or an RA on the TCAS, or a visual," Tillman remembers. "But the controller said, 'Call me when you get on the ground.' I did, and he said, 'Sorry, but you had a loss of [required] separation, and the alarm went off, so I have to write you up.'

"The flight director had frozen up again when we were on final into Denver, but we were on a visual, so I just turned it off. We wrote up the flight director, but the technician who checked it said he couldn't duplicate the problem.

"The next morning, we flew the same airplane back to Salt Lake City, and the flight director froze up again, so we turned it off. In Salt Lake City, the unit was removed and bench-checked; the technician there conducted more thorough tests and duplicated the problem."

FAA enforcement action

The FAA eventually agreed that "during the turn to heading 310, the captain's flight director...unexpectedly suffered a mechanical malfunction which caused the pitch and roll command bars to freeze," and that "[a] subsequent bench teardown of the instrument confirmed the presence of defective components in the flight director."

"But the FAA said it didn't matter," Tillman continues. "They said the flight director is not a primary instrument, and that we should have caught the heading on the HSI and the wet compass."

On Feb. 25, 2005, the FAA sent Tillman a Notice of Proposed Certificate Action saying that the agency proposed to suspend his ATP certificate.

"After I received the FAA's initial letter

of their intent to take certificate action, I called Kevin Fitzpatrick," an ALPA contract administrator who works closely with the Delta Master Executive Council. "Attorney Karen O'Riordan [who has since left ALPA] took the case.

"We asked the FAA for the radar data. They said they didn't have it.

"Karen and I asked for a hearing. On June 23, 2005, we had an informal conference in Seattle with the FAA attorney who was prosecuting the case. He said, 'We're willing to drop the suspension to two weeks, but we're still going to pursue certificate action.'"

On July 6, 2005, the FAA's Northwest Mountain Region sent Tillman a certified letter saying he had "acted contrary to ATC instruction" and "created a loss of [required] separation with another aircraft" when "no emergency existed" and thus violated Federal Aviation Regulation 91.123(b). The FAA suspended all of Tillman's airman certificates, including his ATP, for 30 days.

However, the FAA letter acknowledged that Tillman was "entitled to a waiver of penalty under the Aviation Safety Reporting Program" because he had filed an ASRS report of the incident within 10 days. That meant the FAA would not actually suspend his airman certificates, but the suspension would become part of his record. Another effect of the FAA enforcement action would have been to wipe out Tillman's ability to obtain a waiver of penalty through the ASRS program for any possible future infraction of the FARs for 5 years.

Radar data

"Karen said, 'We'll stay with you as long as you want,'" Tillman continues. "I said, 'Let's take it to the judge.'

"Our trial was scheduled for June 25, 2006. Karen called and said that the FAA had given us the radar data. She said, 'We're going to ask for a continuance.' The FAA opposed our request for the continuance; they said that we

FAR



GADEL © BILDERBOX AND AIRCRAFT © FENG YU-FOTOLIA.COM

shouldn't need more than a week to examine the data. But the judge disagreed and granted the continuance.

"In the next 60 days, the ATC experts in ALPA's Engineering and Air Safety Department took apart that radar data and determined that, even if we'd stopped the turn at 310, we'd still have had loss of separation. In their opinion,

there had been a controller error."

ALPA staff engineer John Gray, who had recently retired as an air traffic controller at Atlanta Center and had been an airline pilot himself, also realized when examining the radar data that the SLC TRACON controller had failed to follow an explicit FAA procedure: Before clearing Delta Flight 1619 for the climb

to FL230, the controller should have momentarily deactivated the altitude filter on his radar scope so as to see the arrival that was at a higher altitude and would present a conflict with Delta 1619 in the climbing turn.

A day in court

Jay Wells, an experienced senior attorney in ALPA's Legal Department, took over Tillman's defense from attorney O'Riordan. Wells went to trial on Aug. 23, 2006, with multiple expert witnesses ready to testify on Tillman's behalf.

Tillman said, "I actually had two charges against me—failure to comply with an ATC clearance, and causing a loss of separation. At the start of the trial, the FAA dropped the loss-of-separation charge, based on what ALPA found in the radar data."

After a short hearing, NTSB Administrative Law Judge Patrick G. Geraghty said, in part, "the issue...is whether or not [Capt. Tillman] was faced with a bona fide emergency not of his own making.... In my view, the evidence does in fact show that there was an emergency, that it was not of [Capt. Tillman's] own making, that when faced with it, it was reasonably addressed in a reasonable amount of time, 15 to 20 seconds, at the outside...."

Judge Geraghty therefore ruled in Tillman's favor and dismissed the order of suspension with waiver of penalty.

Tillman said recently, "Early on, I crucified myself—I thought, 'I should have caught [the heading overshoot]. Maybe I should just take whatever punishment [the FAA] gives me.' But when I talked to other people about it, they said, 'Rusty, you had a malfunction, and you dealt with it the best you could.' So I'm glad we fought it.

"The FAA writes the rules, interprets them, and enforces them—it's kind of scary. It's really nice to have ALPA in your corner if you find yourself facing FAA certificate action." 🗣️



We've all seen the television commercial: an elaborate network of employees wearing hard hats trails behind a cell phone subscriber. This

same image aptly conveys the resources and assistance available to every ALPA pilot group—especially during contract bargaining. As an elected officer of a pilot group currently in negotiations, I have the opportunity to see that network of support up close. Like any cell phone user, you might not see the network that backs you up, but I know that when I call, ALPA is there.

The Pinnacle pilots began contract negotiations 4 years ago; and although we have yet to reach an agreement, we have routinely accessed the “ALPA toolbox” during bargaining. We have

confronted numerous challenges along the way and have turned to the Association for help. In each instance, ALPA has been ready to respond.

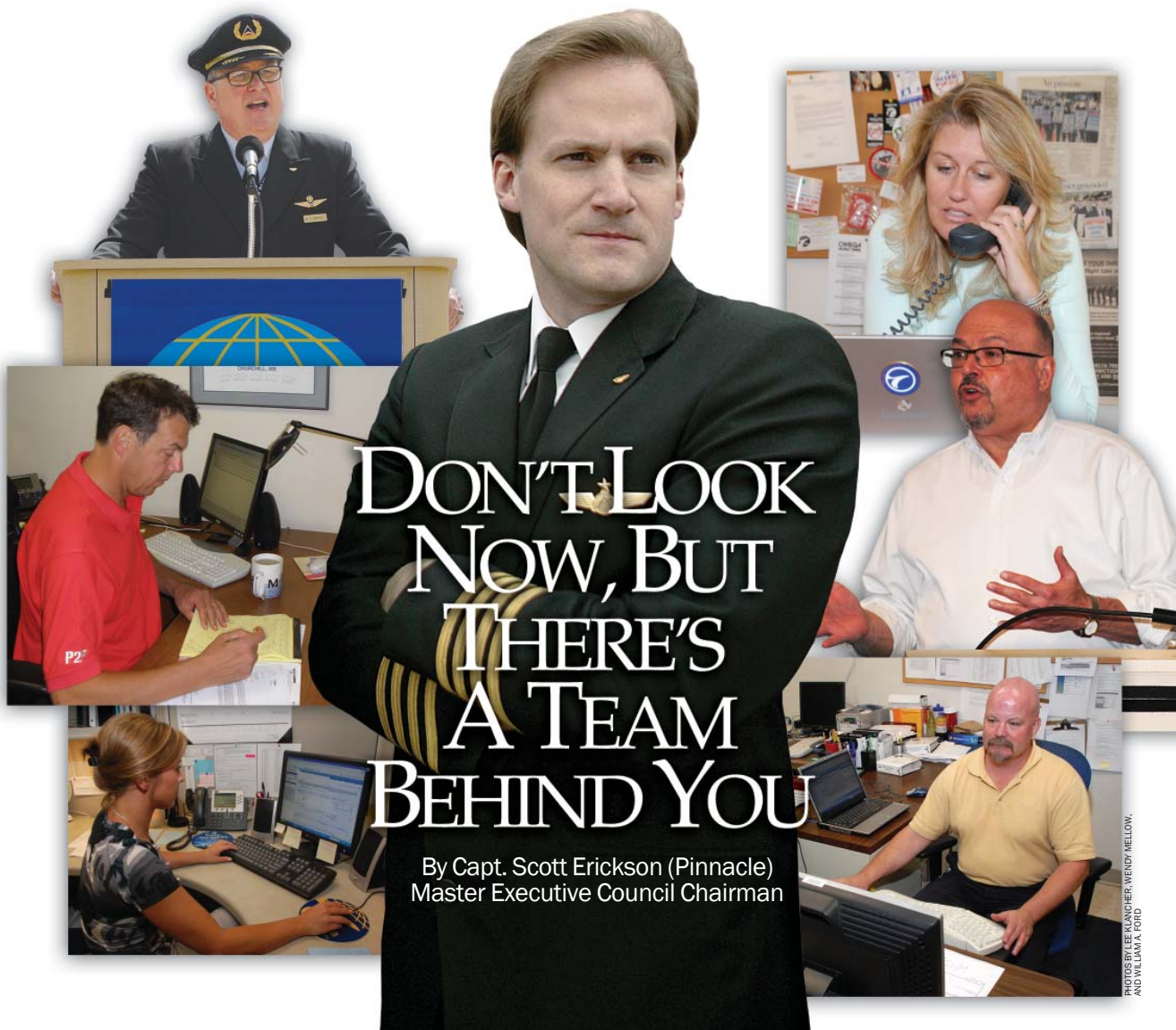
Negotiations 101

When we began our initial discussions, I was an alternate member of the Negotiating Committee and had no idea I would one day hold the reins as MEC chairman. We began preparing for our negotiations long before we ever assembled with management at the bargaining table. Attorneys from ALPA's Representation Department trained our negotiators in collective bargaining processes, procedures, and techniques. A contract administrator has worked with us from the beginning, attending all of our negotiating sessions and providing contract knowledge and advice.

Additionally, since fall 2006 one of ALPA's assistant directors of the Representation Department has participated in our bargaining with management. Together, they provide our bargaining committee valuable expertise as attorneys and professional negotiators.

During the preparation phase, ALPA's Economic and Financial Analysis staff provided us data about airline and industry performance and benchmarks for current pilot contract standards. The union's Retirement and Insurance experts offered information about

Photo below: Center, Capt. Erickson. Clockwise, from top left, are some of the ALPA people who have helped Pinnacle pilots: Capt. Mike Donatelli (Delta), Kimberly Seitz, Jim Wilson, Richard Bartsch, Leah Kalski, and Dan Froehlich.



**DON'T LOOK
NOW, BUT
THERE'S
A TEAM
BEHIND YOU**

By Capt. Scott Erickson (Pinnacle)
Master Executive Council Chairman

PHOTOS BY JEFF MANSCHER, WENDY MELLOW, AND WILIANA A. FORD

various benefit options and their potential value to our members. We worked with representatives from these and other ALPA departments to organize our contract opener, and we remain in constant contact to review changes and other developments.

Our negotiators also work with the Association's national Collective Bargaining Committee, a cadre of ALPA pilots who provide advice based on best practices and previous negotiating efforts. With all of these resources, a pilot negotiator really does feel like he has hundreds of supporters standing behind him.

More than just talk

Collective bargaining entails much more than just preparing a negotiating team. Any good trade unionist knows that the key to a successful campaign is member unity and support. To build that backing, the Pinnacle MEC has worked with the ALPA Communications Department to develop strategic communications plans, with the goal of educating members and their families about bargaining under the Railway Labor Act and about what to expect during the negotiating process.

We've organized a Strategic Preparedness and Strike Committee (SPSC), with help from ALPA's national SPSC, and have established schedules, time lines, and planned messages for the pilot group's newsletters, e-mail blasts, web postings, press releases, and hotline messages. We've set up Pilot-to-Pilot and Family Awareness programs to communicate on a more personal level, and we've requested and received from the Association a \$2 million Major Contingency Fund grant to help finance these activities.

The Pinnacle MEC also works with ALPA's national SPSC to consult with other ALPA pilots who have experience with strike preparation. This national Committee maintains the "Strike in a Box," an elaborate package of negotiations-endgame guidelines, examples, and templates.

Although we would prefer to reach a successful agreement with management, we must prepare for the possibility that the collective bargaining process could fail, compelling us to consider waging a strike or other type of lawful

job action. Again, we've been negotiating for 4 years, which is a long time, even by industry standards.

Looking ahead

Last year, the Pinnacle pilots voted overwhelmingly to authorize the MEC to declare a strike, when and if it would be legally and strategically appropriate to do so. We promptly opened a strike center in the Minneapolis area. Pinnacle SPSC members worked with ALPA staff from Real Estate, Finance, Purchasing, Legal, and IT Operations and Services to rent a facility, properly equip it, and make it operational. Strike in a Box also had many helpful suggestions.

We've conducted informational picketing to raise public awareness



“Like any cell phone user, you might not see the network that backs you up, but I know that when I call, ALPA is there.”

about our protracted talks and management's failure to reach a fair agreement with us. We made a strong showing in May outside our corporate offices and later at the Pinnacle annual shareholders' meeting in Memphis. This kind of event requires picketing permits, transportation, coordination, media support, training, and other organizational efforts.

Rallies and other family events also require a lot of support, including picking a location, reviewing and signing contracts, budgeting and planning, developing themes and messages, advertising the event, rounding up volunteers, ordering banners and other materials, coordinating speakers, and more. Pinnacle pilots work closely with ALPA staff to ensure that all of these details are taken care of. Many ALPA pilots from other airlines "walked the line" and rallied with us. Our pilots greatly appreciated their participation and enthusiasm.

As pilots in contract negotiations, we have received direct assistance from virtually every ALPA department and from other pilot groups that the Association represents.

Personal service

The Pinnacle pilots have built a relationship with many ALPA staffers and volunteers from other pilot groups. Much of what we have accomplished would not have been possible without people like contract administrator Dan Froehlich and assistant director of ALPA's Representation Department Jim Wilson, who sit with our Negotiating Committee during every collective bargaining session; Richard Bartsch in IT Operations and Services, who helped us install and connect the computer network in our strike center; senior communications specialist Kimberly Seitz, who has worked with our SPSC and Communications Committee to make sure we effec-

tively get our message across; Capt. Mike Donatelli (Delta), chairman of ALPA's national SPSC, who provides important resources and puts us in contact with other ALPA pilot groups; Leah Kalski in Membership, who routinely answers calls about general membership issues; and all of my fellow MEC chairmen from the other fee-for-departure airlines whom I communicate with routinely to share experiences and compare notes.

These and other individuals who help support our negotiations efforts are not faceless workers in hard hats, but members of a larger ALPA family—people we have come to know and respect. They are ex-officio members of our pilot group, and we rely on them just like members of a cockpit crew rely on one another.

Having this kind of help is part of the justification for belonging to a professional association like ALPA. And while certain cell phone subscribers may have a hundred people "trailing" them, we have 55,000 members from 40 airlines and hundreds of professional staffers standing behind us. Now that's what I call a network of support. 🌐



Natural disasters represent defining moments in our lives. They test our character and reveal what we are capable of, but they also provide us with an opportunity to find out who we can really depend on.

My family and I are so very grateful for the recent assistance from the ALPA Emergency Relief Fund (AERF). At a time when we were scrambling to recover from damage to our house and receiving little or no aid from either the government or our insurance company, the AERF grant was truly an answer to our prayers.

The first week of June, much of the midwestern United States experienced record-breaking torrential rains. In central Indiana, rivers overflowed their banks and 39 counties were declared major disaster areas. Two nearby Lake Princess dams broke, devastating our town of Taylorsville. Our yard became a giant lake, and our finished basement remained under water for more than a week.

When the rains subsided, a hired clean-up crew looted our home, taking valuable household items. FEMA could do nothing about the looting because its resources were stretched, assisting uninsured area residents and confronting larger problems in the community. Area police were in no position to help us; they were overwhelmed as well. We were simply out of luck.

The baseboards in our kitchen began popping up, paint peeled from the excessive humidity, and the mold in our basement was so bad that we required a second clean-up crew. To make matters worse, my husband, Brian, was flying a military charter in the Middle East when this situation began. With a four-year-old son, Nicholas, to take care of and no one to turn to but our church, I was ready to scream.

In time, I reached Brian and explained the situation. He mentioned that he had recently learned about AERF from a Continental pilot and would explore this option. Brian accessed the ALPA website from a computer overseas and completed an online grant request. Amazingly, we received an AERF check in no time. I used the money to buy an air purifier to



AERF Kept Us Afloat

By Maria Truex, wife of Capt. Brian Truex (Ryan)

help combat the mold. I also purchased a window air conditioner to replace our broken unit, as well as some basic necessities to help us get by.

Today, we are still waiting for a check from our insurance company. Although we are insured for flooding, our policy will not cover many of the related expenses we have accrued. We have hired an architect, and local zoning officials tell us we will need to add a second story to our house. We will never be able to refinish our basement again or add to the main floor, due to the flood risk, and our utilities will have to be relocated. We sleep in the room farthest from the basement because of the smell of mold and the cleaning emollients, and Brian continues to fly as much as possible because we need the extra money.

I recently sent a thank-you note to the pilots who oversee AERF, but I also want to thank the ALPA members and staff who have generously donated to this worthwhile fund. You cannot begin to fathom what it's like to face this situation until it happens to you. When it does, it's comforting to know that help is available.

Please keep Brian, Nicholas, and me in your thoughts and prayers as we put our lives back together, and thank you again for giving us a helping hand when we needed it most. And for the sake of the families who must endure future disasters, please consider giving to this program. Believe me, it really makes a difference. 🌐

Pilots Helping Pilots



AERF is a special benefit available to ALPA members and their families who are victims of natural disasters or other large-scale catastrophes. This member resource is maintained as an entity separate from the Association and is funded primarily by contributions from ALPA members and staff. Donations are tax-deductible.

The AERF Board is currently exploring options to increase available grant totals while adhering to the laws governing tax-exempt charities.

Tragedy can strike at a moment's

notice, and regular insurance claims require time to process. AERF helps ALPA members and their dependents cover some of their immediate costs so that they can expedite the recovery process and return their lives to some semblance of normalcy.

To apply for assistance, sign on to www.alpa.org and click on Emergency Relief Fund at the top of the menu bar.

To contribute to AERF, please make your check payable to the ALPA Emergency Relief Fund, and send it to ALPA Emergency Relief Fund, Dept. 6035, Washington, D.C. 20042-6035. 🌐



On Oct. 4, 2005, the psychiatrist wrote this summary about his new patient, an airline pilot: “The patient reports a long history of excessive worry, feeling tense, on edge, irritability. Since August his mood has deteriorated with poor concentration, poor appetite, lack of interest or pleasure, fatigue, difficulty with sleeping, feeling sad. Ranks his mood as 2/10 with 0 being worst and 10 being best. He reports that he had chest pain for which he was taken to the emergency room and there were no findings. The patient has been overwhelmed with his work, being a pilot, which has undergone some changes. He also has his own business, which has been very demanding...”

The psychiatrist diagnosed the 38-year-old married white male as having moderate to severe recurrent major depression and anxiety disorder NOS (not otherwise specified) as a result of work and family stressors. He prescribed Lexapro, a widely used antidepressant, and continued individual psychotherapy.

“I started flying at the age of 15,” recalls the pilot, whose identity *Air Line Pilot* has agreed to keep anonymous. “It was my lifelong aspiration to be an airline pilot.”

After his chest pains in September 2005 led the pilot to the emergency room and thence to the psychiatrist and his Lexapro prescription, his flying career ended abruptly: Under current FAA airman medical certification standards, a diagnosis of depression is disqualifying, as is use of psychoactive medications to treat it. No exceptions.

“My doctor thinks that I’ll probably have to take medication [for depression and anxiety] for the rest of my life,” the pilot continues. “After a one-week waiting period, I started receiving payments under my airline’s short-term disability plan.

“When my eligibility for short-term disability expired, I applied for long-term disability. The insurance company denied my application.

“The first thing I did was to contact the chairman of our Master Executive Council Retirement and Insurance Committee. He referred me to Richard Pavel,

a senior field representative in ALPA’s Retirement and Insurance Department.” Pavel is one of 18 professionals in ALPA’s R&I Department, which not only supports pilot group master executive councils during (often prolonged and complicated) contract negotiations



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ALPA Staff Bests Insurance Scrooge

“The breadth and depth of ALPA’s R&I Department is unmatched.”

By Jan W. Steenblik
Technical Editor

on R&I matters and monitors pension investments, but also includes an actuary, three benefits attorneys, three senior field representatives, and eight benefits specialists. The breadth and depth of ALPA’s R&I Department is unmatched.

Seven of ALPA’s eight benefits specialists work at the MEC offices serving the largest U.S. ALPA pilot groups—

Alaska, Continental, Delta, FedEx, Northwest, and United. In cases like that of our anonymous pilot, the MEC refers the pilot to the ALPA R&I Department in the Association’s Herndon, Va., building.

ALPA’s R&I professionals know the voluminous details of pilots’ contracts, their insurance policies, and local, state, and federal laws that pertain to their area of expertise. Armed with an arsenal of knowledge and experience, plus a dedication to their mission, they help pilots get the benefits they are entitled to receive.

And that’s just what Pavel did. In February 2007, Pavel began what would become a long and frustrating series of telephone calls and exchanges of letters and supporting documentation with the insurance company—which happens to be one of the major insurance companies in North America.

In March 2007, a representative of the insurance company told Pavel that, because of a change in the definition of disability under the policy, the pilot’s claim would likely be covered. The next month, the insurance company reversed its previous opinion and denied the claim.

Pavel filed an appeal on behalf of the pilot.

Near the end of this dispute with the insurance company, the insurer said it was denying the pilot’s claim because the FAA had not said he was ineligible to hold an airman certificate. Pavel had to educate the insurance company on the difference between an airman certificate and the airman medical certificate, which permits a pilot to exercise the privileges of the former.

Finally, on Nov. 5, 2007, the insurance company wrote that it had granted the pilot’s claim. In addition, shortly before Christmas, as the pilot’s financial situation was beginning to become desperate, he received a welcome and much-needed check—15 months of *retroactive* payments, totaling more than \$120,000.

“Because I had Richard to fight for me, I didn’t have to spend a lot of money on a private attorney,” the pilot points out. “I’m very blessed and happy to have had that ALPA service available to me.” 🙏

History Lessons: How ALPA Saved a Pilot's Career

REVERSING A PILOT'S NIGHTMARE

By C.V. Glines, Contributing Editor

How good is your sense of smell? Are you unusually sensitive to odors and able to detect the subtle fragrances of today's aftershave lotions or men's cologne?... Or do you have trouble noticing odors that others call to your attention and you don't detect?

Capt. Robert K. Johnson (Jetstream) is one of the latter. And because of it, he experienced a pilot's worst nightmare—a loss of his certificate...not for what he did, but for what he didn't smell!...

Two things became abundantly clear from the captain's experiences: Pilot-in-command responsibilities are not delegable, and ALPA membership is unequaled in a cost-to-value ratio....

The nightmare

The captain was the pilot-in-command...of a...BAe 3101 trip sequence on March 7, 1991, that took him from Dayton to Detroit and return. His copilot, on reserve, had car trouble and couldn't get to the airport in time to fly two legs. Another pilot substituted until the assigned copilot...arrived, which had occurred by the time the aircraft returned from Detroit. The flight was to continue to Cincinnati, where it was to remain overnight. Capt. Johnson had flown the Detroit-Dayton leg; so the copilot...would fly the final leg to Cincinnati.

Capt. Johnson and the co-

pilot talked briefly at the Jetstream operations counter. Capt. Johnson then went to the aircraft.... While he was in the cockpit..., the copilot came to the aircraft and sat in the front row of seats completing some paperwork. When the passengers began to file toward the plane, the copilot went outside to monitor the baggage loading and verify the manifest with the customer service agent.

The...agent later said that, as he stood beside the copilot during the loading process, he smelled alcohol on the copilot's breath.... He reported what he observed to his supervisor, who in turn reported the agent's suspicion to flight operations.

Meanwhile, the copilot got into his seat, and he and Capt. Johnson ran through the checklist. Capt. Johnson says he noted nothing unusual about the copilot and did not smell anything on his breath. The captain taxied out using the tiller and lined up on the runway. The copilot made the takeoff and manipulated the controls for the entire flight until the taxi-in at Cincinnati.

When the pair walked into the Cincinnati operations office, they were told to call Dayton Flight Control. The copilot made the call and was told that a customer service agent had detected alcohol on his breath. The two pilots talked with the company's Director of Operations, and both pilots were instructed to remain in operations to take breathalyzer and sobriety tests....

Capt. Johnson had a 0.00 reading on the breathalyzer and passed the five sobriety tests easily. The copilot passed only one

of the sobriety tests, and his alcohol level was checked at 0.141 on the breathalyzer, nearly four times the FAA-established objective measurable standard of impairment of 0.04.

Flight Control ordered an immediate suspension of the copilot. He was fired the next day,

this man's certificate because that is the same punishment that he would have to get if he were the pilot who had consumed alcohol here.... I think that under the circumstances I have heard today that a fair suspension would be one of four months...."

FAA did not agree with Judge

My case shows why pilots should support ALPA. And for pilots who are not members, I would encourage them to join. All too often, the union is a pilot's only hope to escape unjust treatment.

when he returned to Dayton.

At a later meeting with company officials, Capt. Johnson, accompanied by a union representative, stated that he never smelled alcohol on the copilot's breath and was "very shocked" when he did not pass the tests....

On March 11, 1991, ... Capt. Johnson received a notice from FAA that he was under investigation. On May 21, he received an Emergency Order of Revocation, which alleged that he had violated FAR Part 91.17 (b): [PIC] allows a person to operate while under the influence, and FAR 91.13 (a): PIC allows operation of an aircraft that will endanger life and/or property of another. He was ordered to turn in his ATP certificate to FAA immediately. He was terminated by the company on May 30, 1991.

Capt. Johnson appealed the certificate revocation to NTSB and along with his ALPA representatives appeared before Administrative Law Judge Joyce Capps on July 1, 1991....

In her closing remarks, she stated, "I'm not going to revoke

Capps's decision and appealed to NTSB....

NTSB found the evidence overwhelming "that the first officer displayed an appearance of being intoxicated, and the Law Judge's decision is contrary to that evidence."...

The only conclusion the Board said it could reach was that "the captain failed to exercise the degree of care, judgment, and responsibility, which is required of an airline transport pilot." The Board felt that "the appropriate remedy for that lack of judgment is revocation" and "the modification of sanction from revocation to a four-month suspension ordered by the law judge is reversed."

Capt. Johnson, with ALPA sponsorship, took his case to the U.S. Circuit Court of Appeals for the Seventh Circuit. Three judges heard the case, which a Chicago law firm handled for ALPA. It was argued on May 29, 1992.

On Nov. 13, 1992, the decision was announced....[T]he court upheld NTSB's decision to revoke Capt. Johnson's ATP certificate....

The reversal

When the Appeals Court ruled that Capt. Johnson's certificate was irretrievably lost and ALPA recognized that it could not pursue the case any higher on legal grounds, his career as an airline pilot appeared to be over....

What else could ALPA do to right the wrong that had been dealt a pilot who had an outstanding flying career?

Jetstream's Master Executive Council (MEC) chairman, Capt. Christian G. Salistean, saw a way to salvage a lost career. He recognized that there is no regulation that prevents a pilot from starting at the bottom...and working his way up to another air transport certificate....

Capt. Salistean had several meetings with Jetstream's President...[who] finally agreed that Capt. Johnson could be legally rehired after one year if he could requalify for all the pilot certificates and ratings he had possessed previously. Further, Capt. Salistean obtained assurances that Capt. Johnson would be reinstated with full seniority with the company....

But the cost to requalify a pilot from Day One as if he had just made the decision to learn to fly is expensive.... Capt. Johnson, 47, with family responsibilities, couldn't afford it.

Six decades ago ALPA was formed on the premise that when pilots were apparently wronged by "the system," the brotherhood closes ranks and assists. Would ALPA pay the cost of Capt. Johnson's retraining?

Capt. Salistean conferred with ALPA's president, Capt. Randolph Babbitt.... [T]he ALPA President knew of many instances where the Association... had come to the rescue of a single pilot who had a righteous grievance. This type of solidarity is what had made [ALPA] so valuable to the airline pilot profession throughout its history, often against seemingly impossible

odds. Capt. Salistean said the pilots of the Jetstream MEC were willing to assess themselves to pay some of the costs of Capt. Johnson's retraining if ALPA could finance the rest. But Capt. Babbitt believed it should be ALPA's role to assume the total cost.

...Capt. Babbitt said, "My office has some discretionary funding allowances; and I believed that through judicious use of it, coupled with the 'pro bono' service to be provided and the work of the network of volunteers who were involved in this case, we could manage to do it inexpensively"...

A lot of that pro bono service was provided by AVIA Training, owned by TWA's Capt. Bob Pastore.... Understanding that the magnitude of Capt. Johnson's task at hand was immense, Capt. Pastore agreed to put him through all the required courses.

...[A]t the AVIA center, Capt. Johnson was taken in tow by Matthew A. Tierney, the center's chief operating officer. For a month, Tierney provided pro bono all the transportation, housing, and lodging that Capt. Johnson needed....

Capt. Johnson completed the requirements for all the certificates and ratings and was rehired by Jetstream as promised.... [H]e resumed his place on the line in August 1993. It was not only a personal victory for him but another for ALPA, the world's first brotherhood of airmen.

THANKS, ALPA!

By Robert K. Johnson
(Jetstream)

On August 10, I returned to the line. I'm back in the same equipment I flew prior to my termination, a Jetstream 3101. I left as a captain, and I've been returned to the left seat again. The company placed no restrictions on me or special conditions. I showed up with my ATP in

hand, and from there all the training was standard.

Everything has turned out well, but it's something for which I wasn't hopeful. While on the street in Wisconsin, I did everything from manufacturing work to construction labor, all at minimum wage. I even picked apples for one season. In retrospect, that job proved good therapy. It gave me a chance to get things back in order, to get my head cleared out. It was a winding-down period from what had gone on. Things looked bleak, and I was considering vocational training or going back to school. Because the financing for the needed flight training was out of my reach, I was sure that my flying days had ended.

It is difficult for me to describe how I felt when I learned that ALPA was going to sponsor my

I have achieved a deep understanding that in FAA's eyes...a pilot-in-command is responsible for everything, for the seen and unseen, the known and unknown, and the heard and the unheard. And that responsibility cannot be delegated or self-abrogated.

training to get my certificates back. But then, I suppose other pilots don't really need the feeling described for them. Capt. Chris Salistean [pilot group MEC chairman] played a large role in my return. His concentrated efforts on working out the details with the company and ALPA spearheaded the entire effort.

In all, my training took about two months. I started from the ground up—student, private, commercial, instrument, multi-engine, then ATP. Finally I finished up at the British Aerospace Training Center for proficiency training. Everything went well, even my check ride. The company training included all the procedures, company ops, all the standard things; no shortcuts were taken.

Once on the line, I initially flew with other captains to get the advantage of their experiences, since I had been out of the cockpit for some two-and-a-half years. My pilot group was ecstatic to see me coming back, to see what ALPA can accomplish.

In this regard, I'd like ALPA pilots to know how great their expressions of support, some of which were carried in this magazine, made me feel. That those expressions were backed up by action says a lot about our union, about my brother pilots. My case shows why pilots should support ALPA. And for pilots who are not members, I would encourage them to join. All too often, the union is a pilot's only hope to escape unjust treatment.

I give my thanks to all the pilot groups who, in reality, are

ALPA. Special thanks to elected officials and staff persons who acted directly in my case and to Capt. Chris Salistean, along with Capt. Robert Pastore (TWA), whose training help was beyond measure.

I'd like to comment on a lesson this experience has taught me, as it might be helpful to other pilots.

I have achieved a deep understanding that in FAA's eyes, backed by court authority, a pilot-in-command is responsible for everything, for the seen and unseen, the known and unknown, and the heard and the unheard. And that responsibility cannot be delegated or self-abrogated.

From Air Line Pilot, October/November 1993