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February 2, 2009

Secretary of State Hillary Clinton
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Secretary of Transportation Ray LaHood
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Dear Secretary Clinton and Secretary LaHood,

I am contacting both of you with my concerns about the safety of commercial air travel in or originating from Thailand; and specifically about allegations calling into question whether Thailand's Civil Aviation Authority (CAA) is in compliance with international standards of airline safety oversight.

These allegations were brought to my attention by a constituent of mine, Ms. Bonnie Rind of Newton, MA, whose brother was one of five Americans among ninety killed in a commercial crash in Phuket, Thailand on September 16, 2007. Ms. Rind was privately investigating the circumstances of her brother's crash when she found out that the Federal Aviation Administration's International Aviation Assessment Program (IASA) had begun an audit of Thailand based on its own concerns about the Thai CAA. The IASA program is charged with auditing every foreign Civil Aviation Authority (CAA) of a country with access rights to the United States to determine if they are in compliance with the safety standards of the International Civil Aviation Organization (ICAO). Ms. Rind contacted the FAA's IASA office and they agreed to receive and investigate as part of their audit of Thailand a large amount of evidence that she had been collecting which included serious allegations from pilots, airline management, and Thai CAA officials of corruption, cronyism, falsification of safety data, lack of training and experience, and other indications that Thai CAA condoned or ignored dangerous flying practices by Thai-based airlines.

I understand that this audit of the Thai CAA has now concluded and the decision has been made to continue to classify Thailand as a "Category 1" nation, meaning its commercial flight oversight has been judged to meet or exceed basic international safety standards. I also understand that the FAA's policy is not to discuss details or even publicly acknowledge an investigation of another country unless a decision is made to change that country's safety rating either for the better or the worse. As a result, the FAA has refused to give any information to Ms. Rind or my staff about their findings on Thailand, beyond an acknowledgment that even before her brother's plane crash they had serious concerns about Thai safety oversight, and that as a result of their investigation and unspecified actions by Thailand, the United States has decided to continue to certify

that Thailand is in compliance with international safety standards. Furthermore, the FAA has indicated that it would seek to block any FOIA request by Ms. Rind for more information about this decision

I am writing to ask that the relevant departments within the Department of Transportation or the Department of State be more forthcoming at least with me about the Thai CAA investigation, including what concerns triggered it and what steps were taken by Thailand to address these concerns. I would also like assurance that the IASA investigators thoroughly investigated the material that Ms. Rind compiled from pilots and others involved in Thai aviation alleging that the Thai CAA tolerated corruption, falsification of data and other illegal or unsafe practices by Thai-based airlines. The following are some examples:

- 2006: A commercial pilot working for a Thai-based carrier wrote a detailed letter to the Thai CAA detailing alleged bribery, incompetence and illegal or dangerous operational procedures at his airline. Thai CAA did not respond to these allegations. (Attachment 1)
- In October 2007, a senior airline manager ordered the falsification of critical evidence to hide illegal actions by the airline after the crash of OG269 killed 90 people, including 45 tourists. This airline's management team operates two Thai-based airlines that fly routes in Europe, Japan, Thailand, and for the UN (Attachment 2)
- November 2007: A senior Thai CAA official admits – on video – receiving fraudulent evidence from the airline. The Thai CAA never informed the NTSB, the primary crash investigators, or gave them the corrected information. Furthermore, no action was ever taken against the airline or the management for this fraud. (http://investigateudom.smugmug.com/gallery/5737966_hXppV#354372047_KLMxn)
- August 2008: Commercial pilots working for Thai-based carriers made statements to the FAA detailing the extreme dangers of commercial aviation in Thailand. (Attachments 3 and 4)
- August 2008: A Thai airport used by three international Thai-based carriers operated for five days without metal detectors, just days prior to the FAA decision that Thailand would remain in "category 1." (Attachment 5)

I have no independent knowledge of these events. Clearly, however, allegations of bribery, falsification of safety data, whistle-blowers being ignored by the Thai CAA, and so forth, are very troubling when raised in connection with aviation safety oversight, and it would seem to be vitally important to establish whether they are indicative of a larger pattern.

I look forward to receiving more information in this regard about the IASA's oversight of Thai CAA. I believe this is a very important matter, particularly given that 700,000 Americans visit Thailand each year and the State Department web sites notifies visitors that the FAA has determined Thailand is in compliance with international safety oversight standards.

I would also like to be able to convey to Ms. Rind or others who are concerned about this issue any information that I receive about the investigation. As you know, President Obama announced that federal agencies should be committed to principles of openness, transparency and engagement with citizens. I was very pleased to hear the President's statement, and I am hopeful that the start of the Obama Administration does in fact inaugurate an era of much less secrecy. However, in this particular case, if any of the relevant departments have concerns or objections about my passing such information along, either in whole or in part, please do not hesitate to let me know.



BARNEY FRANK

BF/mr
ATTACHMENTS (17 pages)

CC: Bonnie Rind
Transportation and Infrastructure Committee Chairman James Oberstar

To the Hong Kong Civil Aviation Department, the Korean Civil Aeronautical Board & Thailand Department of Civil Aviation

Addressed to the Examiners of Airmen

I write to you on the principle that someone, somewhere has to stop the irregularities and illegalities that the airline mentioned below works under and how dangerous they are to aviation.

Orient Thai Airlines is a company which has no control, no maintenance principles and the lowest standards I have ever seen.

The first shock came in the simulator where crews were putting flaps out at 290 kts (not one of the crew members picked it up) so it was pointed out to them and at that time the Captain pulled the speedbrake handle, everyone again forgot that, they made the approach with flaps out speed brake deployed, proceeded to go-around and crashed. No checklists such as "Engine Fire Checklist" was ever called for. The Captain just says "get the book out". This story goes on and on and when arriving back in the classroom, the Captain who was doing his renewal said "It is so nice to renew your rating" and the Check captain gave them all a pass. The Check captain was called into the office by Graham Smith and Xan Sutherland and told this was unacceptable.

Orient Thai simply buys an aircraft e.g. off Korean Air, takes all their books, put a stamp on each page saying Orient Thai and they were the manuals for the aircraft. So they have many different manuals from different airlines. The Thai DCA just accepts this. But changes happened under Graham Smith where he was bringing in standards, common books and SOPs. The Thai DCA were pleased with this and said the B747 operation was going in a good direction and it would be detrimental to go any other way. Then Xan Sutherland was axed. He brought a high standard in on the B757 operation but the owner only sees this as costing him money. Graham Smith then carried on and proceeded to bring in standards on the B747. The books were re-written by the Chief Pilot making all books on the B747 standard throughout the fleet. The reason Graham Smith insisted on doing this was with all the different books on the aircraft, Captains were using their own procedures from the airlines they worked for in the past. There is a little more to this part of the story as they are happy with this because it is what they know, they have no intention of learning anything and want to do it their way.

So common SOPs were introduced and they went to a role reversal for Captain and F/O. The F/Os and F/Es generally enjoyed this and liked the idea. This also meant Captains had to do a loadsheet when away from Bangkok, load the INS and very few of them liked the idea. They do not have the knowledge to do that and this was unacceptable to them. The Captains mainly Filipinos and Indonesians objected strongly simply because they have no interest in learning or studying. Please be advised that I do not have a racist attitude at all. I am only commenting on standards. Captain Musafak wrote to the owner when they brought in the idea of taking B747 Classics off with Flight Directors switched off. The reason they decided to change this procedure was simply that some guys will follow a yellow bar into a hill on a clear day if that is where it takes them and have seen this happen many times and I have had to take over control many times. Captain Musafak's letter (Appendix J) to the owner stated that this new procedure "is a recipe for a potential catastrophe". An argument was had over that letter and he kept telling the Chief Pilot that "You do not know your stuff". So he was asked several questions and he cannot even define "Icing Conditions". When the answer to that was given to him, his reply was that icing has nothing to do with temperature, only the level you fly at. Graham Smith then asked him to explain the three incidents he had in Hong Kong two of which were altitude busts. His reply was that "it wasn't his fault, the F/Os did that and none of the F/Os know how to fly aeroplanes down here". A pathetic answer from a Captain. In the end he was told to takeoff with F/Ds off. He eventually agreed to "Off" but he never ever did that as he cannot get a plane into the air without the yellow crosshairs. That is why many Captains try to construct their rosters to put them with their colleagues so that they will never be put in to management. Captain Musafak left and went to "The Great Wall", failed the course through standards but he will be back knocking on Orient Thai's door soon and will be back on the line in a few days.

EXHIBIT 1
LETTER SENT 2006

A bulletin was published saying that the PMS cannot be engaged in RVSM airspace due to a Boeing Directive which was published by the Thai DCA. Again, they were all using it still, reason being that they have no idea how to work out a descent point without the automation and they use the PMS plugged into the autopilot going in to HKG and ICN. They always ask for Radar Departures out of ICN because they have no idea how to fly the SID on an INS. I once took off in UTK (full FMS) out of Bangkok. We were given direct PAPRA so as the PNF I went PAPRA-PAPRA-Execute on the FMS and the F/O said "How can I go to PAPRA without the Flight Director". I simply replied "Where is the Magenta Line taking you". He had no idea what I was talking about. A threatening letter was put out to them by another company Bulletin but they ignored that and when Captain Aristono who was engaging the PMS, was challenged on this, his reply was that our Bulletins are not legal documents. According to our Flight Operations Manual, they are.

I have enclosed several pieces of evidence showing their incompetence. There are two examples of a Captain signing a loadsheet (Appendix A & B) with the T/O and ZFW well outside the envelope. He simply accepted this and got airborne. The F/O Carlos Terol was asked why he didn't challenge this and his reply was "He was the Captain, what can I do". On that flight they were playing around with FFRATS on the new aircraft and Mach Buffet and Mach Tuck was felt by crew members down the back. Attachment C is an example of letters the various Captains wrote. They then pinned them on the notice board but will never sign (no backbone) suggesting we should never hand fly aircraft again. Reason for that is he simply cannot hand fly an aircraft manually and never wishes a F/O to do it either. Graham Smith and the Chief Pilot Neil Jericho added their comments and signed their names to the comments and left the notice on the board to offend the writer. His name is Jose Paras. Attached are two reports from Charley Sack, an F/O (good standards) on Paras (Appendix D & E) saying how he goes to the aircraft, sits down the back, walks to the cockpit 5 minutes before departure, checks nothing and calls for the Before Start Checklist. Paras was asked about this and his reply was simply that "That doesn't happen". So they queried the Filipino F/E who is never going to dob a colleague of his in and said he cannot remember that. So they had no proof but they did believe Charley Sack. Attached (Appendix F) is a letter from Captain Paras putting F/E Steve Barna into the management. At the time I would have simply told Steve to put his feet on the floor. But Captain Paras has to have his comeback as twice Steve pointed out how Paras over boosted the engines twice by moving the thrust levers to the firewall hitting 1.67 EPR when the Max Cruise EPR at the time was 1.49. Attached is Steve Barna's reply. So this is the curse of the airline. The owner Udom thinks Paras is a wonderful pilot because he will fly anything illegally as long as the job gets done. What Udom (the owner) doesn't see is that they had 9 engine changes in 12 months and the curse really lies with the lack of knowledge and the abusing of his engines. The Boeing Training Manual states that a 13% overboost is a 9% reduction in engine life. So that evening, Paras probably cost Orient Thai tens of thousands of dollars. But neither the owner nor the Captain understands this.

But this is where the real cancer of Orient Thai is revealed. A lady in the office named Namfon desperately wants to control. She was the undermining of Xan Sutherland, and then went about undermining Graham Smith. She just changes schedules taking the Chief Pilot off and putting the other Check Captain on the sim details who she knows will pass his colleagues. Many guys failed sim rides with the Chief Pilot, e.g. landing on the wrong runway, crashing on the two engine inop approach so she just sends the Captain back again with the other Check Captain and the guy gets a pass. She never allowed Neil Jericho to train the Thai F/O named Puttipong knowing he would fail him. Stories from my colleagues say that he drops more masks on every landing and several of the Captains will simply not allow him to fly their aircraft. He could not even tell me the Maximum Start EGT for the P&W engines. Reason is he has no interest in learning or studying. He claims he is a F/O and doesn't have to know this but holds a P1 rating on the B747. One wonders why the Thai DCA monitors nothing and never checks up where standards lie. Ask other pilots what the CIWS means in front of them. They cannot even give you the full name of the system let alone what the various lights mean.

The stories go on and on and in the end Namfon got Graham Smith axed. When Captain Chris Briza (a solid Skipper) refused to fly HS-UTC because of high vibration on two engines, Namfon told him that she is in charge of Flight Operations now and he will do as he is told. When Chris brought this up with Captain Sommut (the new DFO who was actually a Flight Engineer), his reply was that she is a hard person to handle. Again there is no backbone here and he will do nothing other than what he is told. He was an ex Thai DCA Examiner and knows all of this is going on but will do nothing to bring it all into line. Namfon the lady in the office who wants control, bribes pilots with a USD 150 offer to break the Thai DCA Flight Time Limitations and get the aircraft out of Hong Kong on time. Evidence of this can be gotten through John McDermott, Peter Anspil and Tim Sutherland. Namfon is technically the Office Administrator but the Organization Chart in the FOM now shows her above all the Chief Pilots.

Attached are many pages from an aircraft's logbook (Appendix G) showing how they never fix anything, just write it off as being fixed, written up by the next crew and then gets another ten days on the DDPGs. Some Captains will write it up on the next leg, others will not for fear of losing their jobs. I have copies of many more logbooks showing how things are written off up to thirty times. One night about 6:00pm, when doing a HKG return, the Chief Pilot Neil Jericho was shown rust under the Aft Bulk Cargo Hold in UTP. The Ground Engineers were called to check this who said there was only one rivet missing. So the Flight Engineer pushed a screwdriver straight through 3 rivets and they were peeling rust away with their fingers. They then called a Thai Airways sheet metal worker down to inspect it (knew his stuff and told them you have to replace X rivets this way and Y rivets that way) to which he said this aircraft cannot fly. He was asked him how long to fix it and he said two days. The passengers were sent back to the terminal and when the crew got back to operations the plan was to fly UTK from Phuket at 4:00 am in the morning and the flight would be done at 6:00 am the next morning in UTK. That never happened. "Captain" Sommut had gotten a Filipino Captain out named Ted Fojas at midnight to fly UTP (the rustbucket) to HKG and back with a new Flight Engineer and the same F/O they had that night. We found out later that they ripped the page out of the logbook where they wrote the problem up.

Why do the flight crews do this? Simply because they cannot get a job anywhere else through lack of ability, knowledge and skills and they will do as they are told. There are many times where they insist you fly an illegal aircraft. When Neil Jericho refused to fly UTP up from Phuket over an item written off (supposedly fixed) 13 times, "Captain" Sommut replaced him with a Captain Sito Jose who will break every rule in the book as long as he can keep his job. Graham Smith (who was already terminated and would not have allowed this to happen) was asked about this and how will the Captain concerned answer the query. He simply said they will not challenge you over it because they know they are wrong and they never did.

Captain Sito Jose once flew an aircraft with no fuel in the reserve tank No.4 and above the weight limits. Again he is never going to say No. The Ground Engineers are not the main cause of this. Many are good guys and have knowledge but they are told by their boss Wichai to fix nothing and write it off as being fixed. He of course will do anything his boss tells him.

If you look into the Training Files, you will see that Line Checks on pilots are never ever done. The boss doesn't want to pay for a Check Captain sitting there as it costs him money. He even objects to the cost of sending crews to the Simulator every 6 months as that costs him money. But everyone passes as the other Check Captain is not going to fail his colleagues.

A Captain was once failed after his entry into Orient Thai because the knowledge and ability was just not there. Namfon told the Check Captain that he had to pass him because we need him on the line. She therefore put the other Check Captain on his next flight and he got a pass.

The late arrival into Hong Kong and the early departure gives an 8 and a quarter hour rest at the Panda Hotel. This is within the Thai DCA regulations (8 hours min rest as long as the duty period is no longer than 8 hours) but on arrival at the hotel with a free drink chit, the guys go ahead and use the free voucher drinking within the 8 hour limit. Flight Time Limitations are broken regularly here. Flight Attendants in this airline are spending up to three days on an aircraft on United Nations Charters and never get off. At the end of the three days they look so tired and exhausted. The company claims there are no limitations on them but we found out the Thai DCA rules say their Flight Time Limitations are the same as ours. And yet no one is monitoring it. The cabin crew are threatened by their manager that if they do not do as they are told, they will get lousy rosters. It is the reason they are all looking for jobs elsewhere with China Airlines, TG Airways, Qatar and many more. They have no rosters published and are rang up and told to be at the airport in 30 minutes. We as well, never had a published roster other than what they told you to do tomorrow. Graham Smith tried to change all this with a British lady (ex friend) who spent many years in rostering. Namfon got rid of her as soon as she could simply because she wants control. This is the real curse of this airline. She costs this company more money than Udom (the owner) can imagine but he doesn't see that. She cheats crew on their pays, offers bribes to break FTLs, terminates people if she doesn't like you and lies to you if she has done something illegal.

Attached is Appendix H which are notes of the IOSA Audit done by two people from Pakistan Airlines to cater to the new European Airspace Legislation which can ban an airline from flying in their airspace. The sheet shows basically the items the investigators said this company must put in place. For 4 days the company lied to the Pakistanis saying yes we can do that but the truth is they have no intention of spending a single dollar to achieve the requirements. No pilots at Orient Thai ever do Emergency Procedures Courses and the Cabin Crew never get a Refresher. If you ask the company about this they will lie to you so ask them if you can observe a Refresher Course. Graham Smith was going to instigate this but of course that would cost the company money. Another requirement is CRM courses. This company said they will buy the course but I can assure you that will never ever take place.

Well that is about all I have to say. I can talk for another three days about their illegal activities but it is pointless. Someone somewhere sometime has to look at Orient Thai closely and lay down the law to them. Someone must also challenge the Thai DCA over this issue and why they are not monitoring this especially as the DFO at Orient Thai is an ex Thai DCA Examiner and knows all of this is happening. What he does is sit in his large office, shuts the door, surrounds himself with his cronies and will never confront or argue a point as long as he has the job and the stature associated with the job.

I am sending this to the HKG CAD, the Korean Authority, the Thai DCA and ICAO. If you think this is vindictive, it is but it all has to be stopped before a disaster happens.

As an addendum to all this, Thai Sky Airlines works in the same fashion. They fly pilots up to 160 + hours a month, Flight Engineer Songram Kavilas comes to work drunk regularly and flies the aircraft and all their managers know this. Graham Smith who was putting their operation in order, saw Songram one evening coming to work and he was totally drunk. So Graham took him off the flight, sent him home and did the flight himself. Songram went to the Thai DCA to report that Graham flew the flight without a validation down here. I guess he forgot to mention he was drunk at the time. The Thai DCA checked up on pilot's hours and gave the airline a 30 ban on carrying passengers. When that happened, the Thai managers who didn't like Graham assuming control and taking the airline down a respectable path, blamed Graham, said it was his fault and terminated him. Typical Thai attitude. ALWAYS BLAME SOMEONE ELSE. One has to wonder why airlines like this never ever make a dollar. The big picture to them is just not there but the illegalities are and they are happy with this as a plane load of passengers arrives in Hong Kong.

ONE MONTH AFTER CRASH →

----- Original Message -----

From: <cho@orient-thai.com> ← AIRLINE CDO
To: "namfon" <namfon@orient-thai.com> ← AIRLINE FLIGHT SCHEDULER
Cc: <udorn@orient-thai.com> ← AIRLINE CEO
Sent: Saturday, October 13, 2007 5:50 PM
Subject: Re: Flight/Duty Time within 30 days (Capt. Arief & F/O Montri)

- > Dear Namfon,
- >
- > Attached are the suggested revisions. Please kindly:
- >
- > (1) Complete the 'Rest Period Before next day' for Montri;
- >
- > (2) Start both listing on August 17 (to comply with LAST 30 days);
- >
- > (3) For Captain Arief: last 30 days OK; last 7 days 2 hours less than the
- > Summary; last 48 hours one hour less; last 24 hours 1 hour 20 minutes
- > less; rest before last day 20 minutes less. Please kindly start the list
- > on Aug 17 as a day off.
- >
- > (4) For F/O Montri: last 30 days one hour less. Make 21 Sept a day off.
- > Start with 17 August and make the flight time in these three days: 2:30,
- > 5:20, 5:40 to gain back one hour to reach 108 hrs. Last 7 days OK. Last 48
- > hours 2 hours 15 minutes less; this difference is difficult to explain.
- > Last 24 hours 30 minutes more. Rest before last day OK. Please kindly
- > study whether you can swap flight time on Sept 10 with Sept 14 so that
- > bring the difference for the last 48 hours look more like a calculation
- > error.
- >
- > One thing we must be concerned is the Insurer can ask for copies of the
- > Aircraft Log Book. Is there someone we can trust that could help re-make
- > the logbook? Please kindly study the aircraft registration numbers for the
- > flights we assigned to Captain Arief and F/O Montri to see if it is
- > possible to make up new aircraft logbooks.
- >
- > Regards,
- > Cho

DETAILED INSTRUCTIONS TO FALSIFY PILOT WORK ROSTERS TO HIDE VASTLY ILLEGAL FLIGHT HOURS

✓ ATTEMPT TO ALTER AIRCRAFT LOGBOOKS

NOTE: ORIENTTHAI ONE-TWO-GO CONTINUED FLYING EXCESSIVE HOURS FOR MANY MONTHS AFTER THE CRASH.



National News Bureau of Thailand

Ex-senator won Bt50,000 lawsuit against DCA in bomb detector case

The Civil Court has ordered the Department of Civil Aviation to compensate Bt50,000 to an ex-senator due to its failure to install bomb detectors at Nakhon Si Thammarat Airport.

The Civil Court has handed down its verdict over the bomb detector case lodged by former Senator Jermsak Pinthong (เจิมศักดิ์ ปิ่นทอง) against Nok Air Co., Ltd. and the Department of Civil Aviation in charge of Nakorn Si Thammarat Airport management. The charge was made due to the Airport's failure to install explosive and metal detectors on August 16th, 2008, allowing passengers to go on board unexamined and as a result threatening overall safety.

The Department of Civil Aviation was ruled by the Court to pay Mr. Jermsak a Bt50,000 compensation for his insecurity resulted from its defectiveness in installing the bomb detectors once they were returned from Walailak University on August 15th, 2008, which violated the 2008 Consumer Protection Act. However, Nok Air was acquitted of the allegation since the Court viewed the company as only a private airline operator responsible for providing convenience to passengers and readiness of the aircraft.

Mr. Jermsak expressed satisfaction over the Court's verdict and highlighted the case as an example for security measures at all airports nationwide.

News Detail

News Date : 17
December 2008

Reporter :
Weeranuwat
Saengsawang

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This Website best view on Windows Internet Explorer
Display Resolution 1024*768 pixels and Internet speed minimum 512 Kbps.

EXHIBIT 5