

CIVIL AVIATION TRIBUNAL

BETWEEN:

Mark J. Howson, Applicant

- and -

Minister of Transport, Respondent

LEGISLATION:

Personnel Licensing Handbook Vol. 1, page 2 - 4, s. 3, Instrument standards

Review Determination
Robert J. MacPherson

Decision: September 25, 1989

Heard: Vancouver, British Columbia, September 25, 1989

That Mark J. Howson did not meet the standards of the instrument landing system (ILS) approach to Vancouver on his instrument check ride.

The decision of the Minister is upheld and the suspension of the document is confirmed.

A notice of hearing was sent double registered to both parties, August 30, 1989. Copies of the notice of hearing and certificate of service were read into the record.

The Notice of Suspension was read into the record as follows:

Pursuant to subsection 6.1(1) of the *Aeronautics Act* and in consideration of the flight test occurring on November 26, 1987, you have demonstrated that you no longer meet the required standard for a Class 1 instrument rating in that you failed to fly the aircraft within the prescribed limits.

Your airline transport licence is hereby suspended. This suspension comes into effect immediately and remains in effect until you demonstrate that you meet the required standard by successfully passing an IRT to Class 1 standards in a Group 1 aircraft and the document referred to above is reinstated by the Minister.

The review hearing was commenced by Transport Canada.

Robert Gillan, Superintendent of Flight Training Standards:

Mr. Gillan introduced Captain Walt Borodula, chief check pilot for Air B.C. Captain Borodula is a Transport Canada appointed company official who is authorized to perform IFR and PPC rides on Air B.C. pilots.

Captain Borodula, quoting from his hand-transcribed notes, told of the IFR and PPC ride that occurred on November 26, 1987. Captain Borodula produced the following exhibits as a reference during his statement:

M-1: Pilot check report on Howson, November 26, 1987.

M-2: Typed copy of Captain Borodula's notes taken during the check ride.

M-3: Photocopies of the actual notes taken during the check ride.

M-4: Excerpts from a DHC-6 Quick Reference Handbook, two pages on the DHC-6 electrical system, and two pages of takeoff data for the DHC-6.

M-5: Two pages—first page, a list of items which will result in the failure of the flight test, and the second outlining instrument standards.

M-6: Operation sheet of the KCS 55/55A Nav System.

M-7: Copy of the Abbotsford Airport layout.

Captain Borodula then described the preflight briefing, the flight itself and the results of the flight. Captain Borodula described the flight as less than satisfactory. He described how he had to "lead" the candidate to get answers to questions during the briefing, and the candidate was not thorough in his flight activities. In his conclusion and review of the flight test, there were four items Captain Borodula found to be unacceptable. The pilot check report was sent to Transport Canada as is the practice in these matters.

Item 4. (B) 2 full deflection above the glide slope is a failure item. (See M-5(A) and M-5 P2 2(C)). Transport Canada acted on the report and suspended Howson's IFR authority. The suspension to remain in effect until you "demonstrate that you meet the required standard" by successfully passing an IRT to Class 1 standards in a Group 1 aircraft.

Mr. Mark Howson declined to cross-examine Captain Borodula and requested he be allowed to read a transcript he had prepared. (Exhibit D-2).

Mr. Howson then read his exhibit and added comments as he proceeded. Mr. Howson started his presentation in September 1986, elaborating on meetings with other company personnel through

the date of the flight test. He then elaborated on four typewritten pages relating to his entire flight test.

Mr. Howson then presented a summary of what he said was taken from his MoT file. (Exhibit D-1). During Mr. Howson's cross-examination of Captain Borodula, he continually asked questions not related to the subject at hand, per the Notice of Suspension.

There was much conversation and statements made by Howson regarding Air B.C., the standard operating procedures, and conflicting policies or understanding of them between the training pilots and the check pilots. There was much rhetoric regarding the safety officer's handling of the ride and Captain Borodula's conduct.

Mr. Howson made many remarks during his testimony and cross-examination of Captain Borodula referencing differences of opinion as to the standard to be met on the check ride. Mr. Howson produced no evidence or witnesses to substantiate these remarks. No copies of company manuals, directives or standard operating procedures were produced.

That concluded Mr. Howson's presentation and cross-examination.

Personnel Licensing Handbook, Volume 1, page 2–5:

Items Which Will Result in Failure of the Flight Test

(a) Failure to fly the aircraft within the prescribed limits.

Personnel Licensing Handbook, Volume 1, page 2–4, section 3:

Instrument Standards.

The purpose of the flight test is to establish whether the applicant has acquired or has maintained, the knowledge and skill necessary for the safe operation of an aircraft under instrument flight rules.

2(c) Class 1 ILS Localizer, glide path and VOR plus or minus two dots.

Personnel Licensing Handbook, Volume 1, page 2–8, section 15:

A Class 1/Group 1 instrument rating must be held to exercise the privileges of an airline transport licence.

The findings in this hearing are as follows:

1. The failure to satisfactorily complete an ILS approach is a fail item on an IFR ride.
2. The Applicant is not new to aviation. He has been flying for approximately 12 years and has held an IFR rating for approximately 9 years.

3. The Applicant knew what to expect on an IFR check ride. He had done many of them previously.
4. The Applicant had been briefed on the content of the ride, prior to the start of the check ride.
5. There was conversation between the safety officer and the check pilot as whether to cancel the ride or proceed.
6. The check pilot stated the ride was to proceed.
7. The Applicant was upset at the manner in which he felt the ride was being assessed by the check pilot.
8. The Applicant states he thought the ride was over when he levelled off during the ILS approach.
9. It is necessary to complete an ILS approach to meet the standard.
10. The Applicant admits he did not complete the approach.
11. The check pilot is a duly authorized person to complete the flight check rides. (See M-10)

The bulk of the evidence produced by the Applicant was his own testimony and did not relate to the ILS approach, and does not offer any basis on which the suspension should be overturned. No evidence or witnesses were produced to support Mr. Howson's testimony.

Therefore, the suspension of your airline transport licence is hereby confirmed. Decision given to both parties at the conclusion of the Review Hearing.