

TRANSPORTATION APPEAL TRIBUNAL OF CANADA

BETWEEN:

Michael Scott Nelson, Applicant

- and -

Minister of Transport, Respondent

LEGISLATION:

Aeronautics Act, R.S.C. 1985, c. A-2, s. 7.1(1)(b)

Pilot Proficiency Check (PPC)

Review Determination
William Thornton Tweed

Decision: August 28, 2006

The decision of the Minister of Transport to suspend Captain Nelson's Group 1 Instrument Rating/CL-65 PPC is upheld.

[1] A **review hearing** on this matter was held April 12, 2006 at 10:00 a.m. in Vancouver, British Columbia.

BACKGROUND

[2] On October 20, 2005, Michael Scott Nelson, a captain with Air Canada Jazz, was undergoing a pilot proficiency check (PPC) for the CL-65 (RJ) in the simulator. His performance was assessed as a fail and his Group 1 Instrument Rating/CL-65 PPC was suspended. Mr. Nelson has asked this Tribunal to review that assessment.

FACTS

[3] The flight test was conducted pursuant to a "scripted ride" by Captain Eric William King, an approved company check pilot, duly authorized by the Minister of Transport. Captain King assessed the fail because Captain Nelson, while acting as the pilot flying (PF), did not maintain

the required flight profile, in particular, he allowed a full deflection of the localizer needle on an approach.

[4] During the approach, the autopilot disengaged and the aircraft was allowed to move a full needle deflection off the localizer before the problem was recognized and a go-around was initiated. The autopilot failure on the approach was not part of the script. Captain King said he thought that Captain Nelson had inadvertently disengaged the autopilot. Captain Nelson stated that he did not inadvertently disengage the autopilot. Captain Nelson said the autopilot went offline as the result of a simulator glitch not as a result of any action by the crew. Captain Nelson went on to say that he had been told by other pilots that the autopilot dropping offline was a simulator glitch that others had complained of. Captain King stated that if a failure had occurred that was not part of the script, the segment and the ride would not have been continued. There was evidence presented that during the first officer's section of the ride as PF, there was an overheat warning that was a malfunction of the simulator.

[5] Captain Nelson demonstrated the elapsed time from when the autopilot disengaged to the execution of the go-around was approximately 20 seconds and that the go-around was appropriate in the circumstances. Captain King agreed that the go-around was an appropriate response; however, he stated that a full deflection off the localizer was beyond the prescribed limits.

DISCUSSION

[6] The evidence clearly indicates that the aircraft was flown outside of the prescribed limits for a localizer approach. More than two dots off the centreline is considered a fail. In this case a full deflection occurred.

[7] There is insufficient evidence to resolve the conflicting evidence as to why the autopilot went offline. Captain King says the button on the throttle was accidentally pushed by Captain Nelson although he admits he did not actually see him push the button. Captain Nelson indicated that he did not inadvertently push the button to cause the autopilot to go offline. Had Captain Nelson been aware that he pushed the button corrective action would likely have been immediate. Without other evidence Captain Nelson's testimony is not inconsistent with Captain King's assessment.

[8] Captain Nelson stated that he had been told by other pilots that the autopilot going offline during a ride was a simulator glitch. Captain King stated that if there had been a simulator failure that segment of the ride would have been disregarded. There is no reliable evidence before this Tribunal to enable me to make a finding that there was in fact a simulator failure.

[9] The presence of an observer in the simulator during the ride was raised. Air Canada Jazz flight tests were being monitored by a representative of the International Air Transport Association who was conducting an audit on Air Canada Jazz. Captain Nelson's position is that the presence of this observer added to the level of tension in the cockpit and that along with a prior simulator failure on the first officer's ride may have contributed to the overall performance of the crew. He also indicated that he believed Captain King assessed his performance more

harshly that he otherwise would have had the observer not been present. There was no evidence that would support a finding that Captain King exercised his discretion in a manner that was inconsistent with the Approved Check Pilot Manual.

[10] The matter that remains unanswered is why the pilot flying and the pilot not flying both failed to recognize the autopilot was offline while the aircraft moved a full needle deflection off the localizer before initiating appropriate action.

DETERMINATION

[11] Although I am sympathetic to the applicant's position concerning the simulator glitch, without reliable evidence, I have insufficient grounds to refer the matter back to the Minister.

[12] I, therefore, confirm the Minister's decision to suspend Captain Nelson's Group 1 Instrument Rating.

August 28, 2006

William T. Tweed
Member
Transportation Appeal Tribunal of Canada