SOUTHWEST SETTLES FAA LAWSUIT FOR $2.8MN

News / Airlines

Southwest Airlines and the United States have settled a lawsuit involving allegations the Texan LCC operated numerous B737 aircraft that did not conform to US Federal Aviation Administration (FAA) maintenance standards and were therefore not airworthy.

In November last year, the US Department of Justice (DOJ) announced a USD12 million lawsuit against Southwest for three separate types of maintenance violations. The first two categories of violations related to approximately forty-four un-airworthy aircraft that Southwest flew prior to and throughout 2009 whose fuselages had been improperly maintained by, first, improperly installing fasteners and, second, improperly supporting (shoring) the aircraft during maintenance. The third category of violations involved Southwest flying two aircraft in 2012 whose drain masts had been improperly altered.

The US government claimed that Southwest, despite having outsourced its MRO requirements to Aviation Technical Services Inc. of Everett, Washington, was still liable for the improper repairs done by the contractor as it is ultimately responsible for the airline's proper maintenance.

However, following talks between the two parties, the DOJ this week announced that Southwest

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had agreed to pay a USD2.8 million civil penalty and up to USD5.5 million in deferred civil penalties should it fail to implement operational changes as required by the settlement agreement. The LCC is required to overhaul its operational protocols aimed at enhancing its oversight of and control over third parties that perform maintenance on its aircraft.

“The Justice Department believes the settlement agreement with Southwest Airlines Co. will provide meaningful improvements in safety and compliance and further ensure the integrity of FAA air safety regulations,” Principal Deputy Assistant Attorney General Benjamin C. Mizer, head of the Justice Department’s Civil Division, said.

Though a trial had been scheduled for March 14, 2016, company and government lawyers last week notified US District Court Judge John Coughenour in Washington State that they had reached a settlement.

In 2008, the US Federal Aviation Administration (FAA) sought USD10.2million in civil penalties from the Texan LCC for neglecting to inspect the fuselages of 46 of its planes. The two later settled for USD7.5million.

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