



MARK R. BAKER
President and CEO

March 30, 2023

Acting Administrator Billy Nolen
Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

Dear Administrator Nolen,

AOPA is aware of the significant, increasing number of FAA inquiries to individuals regarding the Veterans Administration disability program and their airman FAA medical applications. I write today to urge the FAA to undertake an enforcement amnesty program to address this issue.

You know firsthand that the aviation community has many veterans who voluntarily put their life on the line to protect our nation's freedom, who have sacrificed much and suffered harm while demonstrating their loyalty to country. Military veterans are a significant portion of the airman community and bring excellent skills and training to civilian aviation. We are fortunate to have their dedication and service in the civilian aviation community.

The volume of FAA inquiries to airmen about VA disability benefits is evidence of a systemic problem, one that has led too many pilots to make inadvertent mistakes or misunderstand FAA medical application requirements. Airmen need a clear pathway to correct their FAA medical records, and an understanding of what will happen when they do. The FAA has a successful history of enforcement amnesty programs in response to systemic issues, with the outcome of improved safety and information collection, and now is the time to build upon that success.

In 1987, the FAA issued a Notice of Enforcement Policy providing amnesty to individuals who corrected their application information involving DWI/DUI convictions. The 1990 Final Rule implementing 14 CFR 61.15 noted the submissions received under the policy allowed the FAA to review more than 24,000 airman medical files, and the majority of the pilots whose files were reviewed were sent letters confirming their continued eligibility to hold medical certificates.

In 2010, the FAA issued a Notice of Enforcement Policy providing amnesty to individuals who disclosed use of antidepressant medication, the underlying condition for which the antidepressant was prescribed, and visits to health professionals in connection with the antidepressant use or underlying condition. It did so in conjunction with the announcement of allowance of Special Issuances for some pilots using anti-depressant medications.



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To help address the current issue, we believe the pilot medical application and accompanying instructions need revision to enhance accuracy and clarity, which would be a win-win for applicants and the FAA. Most applicants don't intend to falsify their application submissions, but mistakes and misunderstandings abound. In 2010, the NTSB suggested review and revision would be beneficial and could prevent many intentional falsification cases. The Government Accountability Office issued an April 2014 Report to Congressional Committees, number GAO-14-330, titled "FAA Should Improve Usability of its Online Application System and Clarity of the Pilot's Medical Form". In 2019, AOPA submitted comments and suggestions for improvements on the FAA medical application. The aviation community would welcome the opportunity to work with the FAA to ensure information needed to assess medical qualification is collected, and in a way that minimizes opportunity for mistake and misunderstanding.

Reports from veterans and the attorneys who advise them indicate misunderstandings are common, and some stem from the VA ratings decision processes. If the medical application is improved and an amnesty program is launched, the FAA, Veterans Administration, and aviation industry can work together to educate veterans to enhance compliance and reduce the opportunity for future misunderstandings.

AOPA is very supportive of finding ways to minimize the opportunity for misunderstandings and ensure that pilots who make unintentional mistakes on their FAA medical application do not face FAA enforcement actions or criminal charges. This will help ensure the FAA has accurate information to assess medical qualifications.

Again, military veterans served our country honorably, so let's do our part to serve them and ensure they remain a cornerstone of our aviation community now and in the future.

Sincerely,

Mark Baker

cc: Bradley Mims, Deputy Administrator, FAA