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U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of Regional Counsel
Southwest Region
Fort Worth, TX 76193-0007

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HEARING DOCKET

July 28, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building, Room 2014

In the Matter of Willilam J. Rhering
Docket No. CP - To Be Assigned
Case No. 2004SW210129

1CP05SW0011 | FAA 2005-21948-1

Dear Sir or Madam:

Enclosed are the original and one copy of the complaint in the above-referenced proceeding.

The Complainant requests that the hearing in this matter be held in the Dallas, Texas area, and expects that the hearing will last one (1) day.

Please serve me with all documents in this matter.

Sincerely,

LYNETTE WORD
Regional Counsel
Southwest Region

By:

Rena M. Price
Attorney, Safety Enforcement Branch
Phone: 817/222-5068
FAX: 817/222-5945/5092

e-mail: Rena.M.Price@faa.gov

Enclosure

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

In the Matter of:

WILLIAM J. RHERING

FAA Case No. 2004SW210129
FAA Docket CP – To Be Assigned
Judge Not Assigned

COMPLAINT

The Complainant files its complaint, under Rule 208 of the Rules of Practice in FAA Civil Penalty Actions, 14 CFR §13.208, and states the following:

I.

Respondent William J. Rhering was advised through a Notice of Proposed Civil Penalty that the FAA proposed to assess a civil penalty in the amount of \$7,200.00. On July 25, 2005, Respondent submitted a written request for a hearing.

II.

1. On December 9, 2003, you were a ticketed passenger aboard American Eagle Airlines, Inc. Flight 3781 traveling from Dallas/Fort Worth International Airport (DFW), Texas, to Gerald R. Ford International Airport (GRR), Grand Rapids, Michigan.
2. Prior to boarding Flight 3781, you were observed talking loudly on your cell phone and pounding your fist on the ticket counter, presumably because the flight was delayed.
3. During the boarding phase, you refused to display your boarding pass to Flight Attendant C. W. Baker, and told her that you would have her fired.
4. As FA Baker continued to perform her crew duties, you were argumentative and continued to insist that you were going to have the crews' jobs and that American Airlines would be sorry for what they had done.
5. As FA Baker walked up and down the aisle continuing to perform her duties, at one point you elbowed her on at least three occasions.
6. When FA Baker asked that you return your seatback to the upright position, you used fowl language and spoke very abusively to her.
7. When instructed by FA Baker to move to seat 3C for takeoff, you refused.

8. When advised by FA Baker that you must move to seat 3C for takeoff, you became verbally abusive, made loud and intimidating threats to the flight attendant, the crew and the company, repeatedly saying that all would be sorry.
9. You continued to harass Ms. Baker and disturbed several other passengers by yelling and using profane language.
10. As a result of your disruptive behavior and threats about reporting the crew members and having Ms. Baker fired, the Captain initiated a Security lock-down of the aircraft, made arrangements to turn the aircraft around and taxi back to the gate.
11. Once the aircraft returned to the gate, you were removed from the aircraft.
12. You interfered with cabin crewmembers by disrupting them in the performance of their duties during a critical phase of flight.
13. Your actions as described in the foregoing paragraphs posed an imminent threat to the safety of the aircraft or other individuals on the aircraft
14. By reason of the foregoing facts and circumstances, Respondent violated the following sections of the Federal Aviation Regulations (Title 14, Code of Federal Regulations):

a. Section 121.580, in that no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated under this part.

b. Title 49, Section 46318 of the United States Code, applies to anyone who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft. (49 U.S.C. § 46318).

III.

1. Under 49 U.S.C. Section 46301(a)(1), Respondent is subject to a civil penalty not to exceed \$1,100.00 for each violation of the Federal Aviation Regulations. In addition, under 49 U.S.C. Section 46318(a), anyone who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty not to exceed \$25,000.

2. Under the facts and circumstances of this case, a civil penalty of \$7,200.00 is appropriate.

Complainant respectfully requests that the administrative law judge enter an order that Respondent be assessed a civil penalty in the amount of \$7,200.00.

Submitted this 28th day of July, 2005

LYNETTE WORD
Regional Counsel
Southwest Region

By:



Rena M. Price
Attorney, Safety Enforcement Branch
Phone: 817/222-5068
FAX: 817/222-5945/5092

e-mail: Rena.M.Price@faa.gov

CERTIFICATE OF SERVICE

I certify that the foregoing complaint has been mailed this date by certified mail, return receipt requested, to:

William J. Rhering
TOPS Engineering
275 W. Campbell Rd.
Suite 600
Richardson, TX 75080

Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Attn: Hearing Docket Clerk, AGC-430
Wilbur Wright Building, Room 2014



Sylvia C. Twa, Paralegal Specialist
Federal Aviation Administration
Southwest Region

Date: July 28, 2005