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

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

JAN 8 2008

Mr. Douglas K. Snow
[redacted]

Dear Mr. Snow:

This is in response to your letter, dated October 18, 2007, in which you raise questions about a new air carrier's supervisory dispatchers. If the new air carrier hires a dispatcher to write the carrier's training program for dispatchers and to develop the dispatcher competency check, you ask how can the person who has been hired to write the competency check be required to take the test. You suggest that allowing that person to take the test that he has written would give him an unfair advantage.

In order to comply with Section 121.422(b), another supervisory dispatcher or dispatcher ground instructor must administer the test and grade the test for the person who will serve as a dispatcher. This is true even for the dispatcher who happened to have written the dispatcher training program and developed the competency check. Section 121.422(b), provides, in part, that initial ground training for the aircraft dispatcher must include a competence check "given by" an appropriate supervisor or ground instructor. We view the phrase "given by" to mean that a different person must administer and grade the test for anyone who wishes to serve as a dispatcher for the carrier, regardless of who wrote the carrier's training program and developed the test. The other supervisor or ground instructor can change some variables in the test in order to make it more challenging for the person who originally developed the test.

This response has been coordinated with the Air Carrier Training Branch of the Air Transportation Division of Flight Standards Service.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel
for Regulations, AGC-200