



Comptroller General  
of the United States

1048117

Washington, D.C. 20548

## Decision

**Matter of:** National Transportation Safety Board -  
Physical Examinations for Air Safety  
Investigators

**File:** B-256092

**Date:** July 6, 1994

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### DIGEST

The National Transportation Safety Board may use appropriated funds to reimburse Air Safety Investigators for the costs of physical examinations for a Federal Aviation Administration (FAA) medical certificate performed by FAA certified private physicians where there are no FAA certified physicians at available public health facilities and the examination is performed for the sole purpose of obtaining a current FAA medical certificate.

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### DECISION

Pursuant to 31 U.S.C. § 3529, the National Transportation Safety Board (NTSB) asks whether appropriated funds may be used to reimburse approximately 70 Air Safety Investigators for part of the cost of non-mandatory physical examinations that are performed by private physicians who have been certified by the Federal Aviation Administration (FAA) to perform examinations for FAA medical certificates. For reasons set forth below, we conclude that NTSB may do so.

### BACKGROUND

Air Safety Investigators of the NTSB Office of Aviation Safety investigate most aviation accidents and incidents, including all major ones. In order to qualify for an Air Safety Investigator position, applicants are required to have a valid FAA medical certificate. NTSB encourages investigators, once appointed to the position, to maintain the currency of their FAA medical certificates by having physical examinations performed every two years by FAA certified physicians.

The NTSB states that because of the physical demands of the job, the health of its investigators is a primary concern of the agency. The NTSB maintains a preventive health service program to assure that its employees are physically able to safely withstand the physical rigors of the job. This is necessary for several reasons. Of an estimated 2,200 aviation accidents the NTSB has investigated, the

circumstances of approximately 500 required that the investigators visit the wreckage site. This often means working under very unpleasant and demanding conditions, including exposure to extreme heat and cold, climbing rugged or mountainous terrain often at high altitudes, and working long hours in remote areas where emergency medical care is not readily available.

Additionally, the investigators participate in training that taxes their physical capacity. This includes flight proficiency training, water survival training, and "rides" in the altitude chamber. Participation in the altitude chamber requires an FAA medical certificate.

NTSB states that investigators need a current FAA medical certificate in order to attend the agency-sponsored flight training school. The credibility of the investigators is of paramount importance to the NTSB. The investigators are authorized to ride in the pilot's compartment of commercial aircraft and are often asked about their flight qualifications; and they frequently interact with airframe and component manufacturers, pilot unions, and airline executives. The NTSB feels that its credibility is enhanced if its investigators can show that they are fully qualified in the aviation field and meet the standards that are applicable to other persons within the aviation community. Thus, the NTSB encourages its investigators, who are also pilots, to be both current and proficient in the aircraft they are rated to fly. By doing so, the agency believes, the credibility of the Office of Aviation Safety will be maintained within the aviation community.

The NTSB also feels that the physical examinations are necessary "to prevent work-related medical events." In the past few years, the agency states, five investigators retired for medical reasons and two others had heart attacks during the field phase of investigations. The NTSB maintains that the prevention of the unnecessary loss of highly trained and motivated investigators is in the best interest of its employees, the agency, and the taxpayers.

The agency, therefore, would like to provide financial assistance to some of its investigators for examination costs incurred. The agency plans to have its investigators utilize FAA health facilities where available to reduce the cost of the physical examination to the government. In cases, however, where there is no FAA certified physician at an available public health facility, the NTSB proposes to reimburse investigators for part of the cost of physical examinations performed by FAA certified private physicians.

## DISCUSSION

Under 5 U.S.C. § 7901, agencies are authorized to establish, within the limits of appropriations available, a health service program to promote and maintain the physical and mental fitness of employees. Under the statute, agencies may establish, by contract or otherwise, preventive programs relating to health. 5 U.S.C. § 7901(c). As part of such programs, agencies may provide physical examinations to their employees. 30 Comp. Gen. 493 (1951).

Appropriations are also available for payment of the costs of physical examinations performed by private physicians not associated with the agency's established health service program, where the employee's physical examination primarily benefits the government. See, e.g., 41 Comp. Gen. 531 (1962); 30 Comp. Gen. 387 (1951). In these cases, the examinations had to be performed by private physicians because there were no public health facilities available.

In this case, NTSB has a health service program providing medical examinations for its permanent employees in Washington, D.C., and there are public health facilities available to investigators located elsewhere. However, NTSB advises that not all public health facilities have FAA certified physicians. Therefore, in some cases, its investigators have the examination performed, at their own expense, by an FAA certified private physician.

In our view, NTSB's proposal is a reasonable extension of its existing preventive program relating to health that simultaneously supports agency program objectives. Apart from the fact that investigators perform their work under adverse conditions, NTSB encourages investigators to undergo training, requiring an FAA medical certificate, so that investigators will be able to meet aviation industry standards thereby enhancing the credibility of the agency. If investigators have a current FAA medical certificate, the agency is provided with some assurance that they will be physically able to safely withstand the rigors of their employment and training. Thus, we think the maintenance by investigators of current FAA medical certificates can reasonably be viewed as for the primary benefit of the government.

If a public health facility has no FAA certified physician, that facility, in effect, is not available to the investigator. In such cases, where the investigator would

have to use the services of an FAA certified private physician, NTSB may use appropriated funds to reimburse the investigator for the examination cost. 5 U.S.C. § 7901.

/s/ James F. Hinchman  
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B-256092

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