



U.S. Department
of Transportation

Southern Region
Office of the Regional Counsel

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**Federal Aviation
Administration**

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OCT 27 2009

FEDERAL EXPRESS, REGULAR &
CERTIFIED - RETURN RECEIPT REQUESTED

2010SO270038


Timothy B. Cheney



EMERGENCY ORDER OF REVOCATION

Under 49 U.S.C. §46105(c), the Administrator has determined that an emergency exists related to safety in air commerce and that immediate action to revoke your Airline Transport Pilot certificate is required. The reasons for this determination are set forth in the paragraph below entitled "Determination of Emergency."

Based on an investigation and all evidence presently before the Administrator, the Administrator finds that:

1. At all times material herein you were and are now the holder of Airline Transport Pilot Certificate No. 
2. On or about October 21, 2009, you, as pilot-in-command, operated Northwest Airlines Flight 188 (hereinafter NW188) on a scheduled passenger carrying air carrier flight conducted pursuant to part 121 of the Federal Aviation Regulations (FAR) from San Diego, California (SAN) with an intended destination of Minneapolis-St. Paul, Minnesota (MSP).
3. The flight plan for NW188 was for a flight time of 3 hours and 12 minutes at an altitude of 35,000 feet.
4. The planned fuel summary was based on NW188 beginning a descent into MSP at approximately 2 hours and 50 minutes into the flight.
5. NW188 was scheduled to arrive in MSP at approximately 8:00 p.m. Central Daylight Time (CDT).
6. NW188 was dispatched from SAN with an Air Traffic Control clearance to MSP.

7. At approximately 7:24:16 p.m. CDT, NW188 was instructed by the Denver ARTCC Sector 9 radar controller as follows: “northwest one eighty eight contact Minneapolis center one two four point eight seven see ya.”

8. At approximately 7:24:25 p.m. CDT, NW188 was instructed by the Denver ARTCC Sector 9 radar controller as follows: “northwest one eighty eight contact Minneapolis center one two four point eight seven.”

9. Contrary to the instruction, NW188 failed to contact Minneapolis Center.

10. At approximately 7:23pm CDT, the Denver Air Route Traffic Control Center (ARTCC) notified the Minneapolis ARTCC that NW188 was approaching Minneapolis airspace and was not in radio contact.

11. Thereafter, at approximately 7:58 CDT, and without obtaining an amended clearance, NW188 over flew MSP at an altitude of 37,000 feet.

12. NW188 failed to terminate the flight in MSP as cleared by ATC.

13. From approximately 7:23p.m. CDT to 8:14 p.m. CDT, NW188 flew in the airspace of the Denver ARTCC and Minneapolis ARTCC without maintaining radio communication with either ARTCC.

14. During the period that NW188 was not in radio contact with ATC, Minneapolis Center contacted the Northwest Airlines Company dispatch and requested that they attempt to contact NW188.

15. During the period from 7:32p.m. CDT, Northwest Airlines Dispatch tried to communicate with NW188 eight times to advise NW188 to communicate with ATC, without response from NW188.

16. At approximately 8:14pm CDT, NW188 contacted Minneapolis Center and stated, “We got distracted and we’ve over flown MSP, we are overhead EAU [Eau Claire, Wisconsin] and would like to make a 180 and to an arrival from over EAU.”

17. During the course of the above flight, NW188 was without radio contact for approximately ninety-one (91) minutes.

18. ATC made numerous attempts to communicate with NW188.

19. Despite the above attempts made by ATC, NW188 failed to respond to ATC.

20. You operated NW188 in a reckless manner that endangered the lives and property of others.