

Pilots and Aircrew Who Report UAP: Reporting, Retaliation, Medical Certification, and Insurance

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Key points

- Civil aviation reporting now runs from the pilot to air traffic control and from the facility to FAA security coordinators and AARO (JO 7110.65 ¶9-8-1; JO 7210.3 ¶4-7-4). Nothing in those rules protects the pilot who reports.
 - An air carrier employee disciplined for reporting a safety hazard has an AIR21 claim, 49 U.S.C. §42121, but the complaint must reach OSHA within 90 days. File a union grievance in parallel where a collective bargaining agreement applies.
 - A psychiatric referral after a safety report can itself be the retaliation: the Department of Labor's Review Board held a carrier liable for a bad-faith fitness-for-duty referral that kept a pilot off the flight deck for 21 months (*Petitt v. Delta*, ARB 2022).
 - The medical standards are the real risk. A first-class certificate requires no history of "psychosis," defined to include "hallucinations" (14 C.F.R. §67.107(a)(2)). A report of an object seen by a stable pilot is an observation; counsel's job is to keep it from being recast as a symptom.
 - A pilot who receives an FAA letter of investigation need not answer it, and anything said may be used as evidence (Pilot's Bill of Rights §2(b)). Talk to counsel before responding.
 - A NASA ASRS report filed within 10 days protects against FAA sanctions for inadvertent violations connected to the event (AC 00-46F ¶12.3), and it is a useful second record of the observation.
 - On the site's premise that AARO is part of the concealment, reports routed to AARO should be paired with a report the pilot controls: the ASRS report, the airline's safety program, and the pilot's own contemporaneous notes.
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1. Summary

Commercial and military pilots are the most credible UAP witnesses the public has, and they are the witnesses with the most to lose. A pilot's career depends on a medical certificate, an employer's confidence, and a clean record with the FAA. Each can be put at risk by a report. This analysis

covers how reports move through the system, the protections available to pilots who report, the medical certification rules, airline and military procedures, and insurance. [Issue D4](#) covers the government's duties to warn aviation and FTCA liability; [Issue E5](#) covers aviation insurance coverage for losses.

2. Where a pilot's report goes

- **To air traffic control.** Controllers must “[i]nform the operations supervisor/CIC of any reported or observed unidentified anomalous phenomena (UAP)/unexplained phenomena activity” (FAA Order JO 7110.65BB ¶9-8-1, Change 2, effective Jan. 22, 2026), and facilities must report pilot reports and controller observations to the National Tactical Security Operations Air Traffic Security Coordinator on the Domestic Events Network, with the aircraft's call sign and position and whether the object appeared on radar (JO 7210.3EE ¶4-7-4) ([Issue D4](#) §2).
- **To AARO.** The FAA's security office forwards reports to AARO, and AARO accepts reports directly from current and former government employees, service members, and contractors (50 U.S.C. §3373b). Civilian pilots may also report through AARO's public form.
- **To the airline.** Most air carriers run an Aviation Safety Action Program and a company safety reporting system. A report through the company program is usually required by company policy for any event affecting safety of flight.
- **To NASA.** The Aviation Safety Reporting System is run by NASA, independent of the FAA, and the FAA “will not use reports submitted to [NASA] ... in any enforcement action except information concerning accidents or criminal offenses” (14 C.F.R. §91.25).

What the rules do not do. None of the reporting rules gives the reporting pilot a right to see what happens to the report, protects the pilot from employer action, or requires anyone to warn other aircraft ([Issue D4](#) §2.3). The pending Safe Airspace for Americans Act (H.R. 5231, 119th Cong.) would bar use of UAP reports in enforcement except for accidents or crimes, bar their consideration in medical and competency certification, and prohibit reprisal by agencies, contractors, and air carriers (§2(d), (g)-(j)). As of October 2026 it had no recorded action beyond added cosponsors.

3. Protection against retaliation

3.1 AIR21

AIR21 forbids an air carrier, contractor, or subcontractor to discharge or discriminate against an employee who provides information about a violation or alleged violation of an FAA order, regulation, or standard, or any other federal law relating to air carrier safety (49 U.S.C. §42121(a)). A report of an object near the aircraft that posed a collision risk, or a report made under the FAA's own procedures, fits the statute. The employee need not prove an actual violation; the belief that one occurred must be held in good faith and be objectively reasonable for a person with the same training and experience, and the information need not relate “definitively and specifically” to a

safety rule. *Petitt v. Delta Airlines, Inc.*, ARB No. 2021-0014, 2022 WL 1091413, at 8 (ARB Mar. 29, 2022). *Making an entry the carrier's manual requires is a strong form of protected activity, because 14 C.F.R. §91.9 obliges the pilot to follow the manual: a captain who logged severe turbulence reported by an earlier crew, which grounded the aircraft for inspection, was protected, and his suspension was retaliation.* *Continental Airlines, Inc. v. Administrative Review Board**, 638 F. App'x 283, 287-89 (5th Cir. 2016). A UAP report logged or filed under the carrier's flight operations manual and FAA Order JO 7110.65 ¶9-8-1 rests on the same footing.

Psychiatric referral as retaliation. The decision that matters most for a pilot who reports a UAP is *Petitt*. Delta referred a first officer for a psychiatric evaluation under the pilots' contract shortly after she raised safety concerns, and she was kept off the flight deck for 21 months before an evaluator cleared her. The Board held that a compulsory medical evaluation under a collectively bargained procedure is not in itself retaliation, but becomes an adverse action when it is "retaliatory, a pretext, performed in bad faith, or otherwise constitutes harassment," judged case by case by the length of the process, whether it was routine, and whether similarly placed pilots were treated the same way. It affirmed the finding of an adverse action and of liability, and held that the Railway Labor Act did not displace the AIR21 claim because no contract term needed interpretation. 2022 WL 1091413, at 6-11. *The result runs the other way when the carrier has an independent reason.* In *Robinson v. Northwest Airlines, Inc.**, ARB No. 04-041, 2005 WL 3263822 (ARB Nov. 30, 2005), the Board accepted that a psychiatric examination and removal from flying were adverse actions but denied the complaint because the pilot's own later conduct, not his earlier report to the FAA, explained the referral. The practical lesson is that the pilot's account of the event should stay factual and measured from the first report onward ([Form D7-1](#)).

Proof. A contributing factor is "any factor, which alone or in combination with other factors, tends to affect in any way the outcome of the decision," and close timing between the report and the action supports the inference. *Ameristar Airways, Inc. v. Administrative Review Board*, 650 F.3d 562, 566-67 (5th Cir. 2011). The carrier's defense, that it would have acted anyway, requires clear and convincing evidence; it succeeds where the carrier applied a uniform, documented process to every candidate. *Hoffman v. Solis*, 636 F.3d 262, 267-70 (6th Cir. 2011).

State-law claims. A state whistleblower claim that would require a jury to decide a pilot's medical fitness is preempted, because federal law occupies the field of pilot qualifications and airman medical standards. *Ventress v. Japan Airlines*, 747 F.3d 716, 721-22 (9th Cir. 2014). AIR21 is therefore the main remedy for a pilot grounded on fitness grounds after a report.

- **Deadline.** The complaint must be filed with the Secretary of Labor (OSHA) within 90 days after the violation (§42121(b)(1)). The adverse action, such as removal from flight duty or referral for a fitness-for-duty evaluation, starts the clock.
- **Burden.** The employee must show that the protected activity was a contributing factor in the adverse action; the employer then avoids liability only by showing by clear and convincing evidence that it would have taken the same action anyway (§42121(b)(2)(B)).
- **Forum.** OSHA investigates and issues findings within 60 days. Either side may object and request a hearing before a Department of Labor administrative law judge within 30 days of the findings; otherwise a preliminary order becomes final and unreviewable (§42121(b)(2)(A)). The ALJ's decision is reviewed by the Administrative Review Board (29 C.F.R. part

1979), and a final order may be taken to the court of appeals within 60 days (§42121(b)(4) (A)). AIR21 has no provision for removing the case to district court.

- **Remedies.** Reinstatement, back pay, compensatory damages, and attorney fees (§42121(b)(3)(B)).

3.2 Collective bargaining agreements

Pilots represented by a union can grieve discipline under the collective bargaining agreement. Disputes over the agreement's application are "minor disputes" under the Railway Labor Act, decided by the carrier's system board of adjustment (45 U.S.C. §184). The grievance and the AIR21 complaint run separately, and filing one does not stop the clock on the other.

3.3 FAA investigations: the Pilot's Bill of Rights

If the FAA opens an investigation into a certificate holder, it must give written notice of the nature of the investigation and tell the airman "that an oral or written response to a Letter of Investigation ... is not required," that no adverse inference can be drawn from declining to respond, and that "any response ... may be used as evidence against the individual." Pilot's Bill of Rights, Pub. L. 112-153, §2(b)(1)-(2) (49 U.S.C. §44703 note). The airman is entitled to the releasable portions of the investigative report and to relevant air traffic data, including communication tapes and radar data (§2(b)(4)). A response, if given, is due within 30 days of receipt (§2(b)(6)). Certificate actions are appealable to the NTSB (49 U.S.C. §44709(d)), and the FAA may reexamine any certificate holder (§44709(a)).

3.4 ASRS immunity

The FAA treats the filing of an ASRS report as "indicative of a constructive attitude," and will impose no civil penalty or certificate suspension for a violation if it was "inadvertent and not deliberate," did not involve a criminal offense, accident, or a §44709 competency action, the airman has no FAA enforcement finding in the previous 5 years, and the airman shows that a report was delivered to NASA "within 10 days after the violation" or after the airman became aware of it. FAA Advisory Circular 00-46F ¶12.3 (Apr. 2, 2021). A deviation from an assigned altitude or heading to avoid an unidentified object is the kind of event the program covers. The ASRS report also creates a dated record that the pilot controls.

4. Medical certification

4.1 The standards

A first-class medical certificate requires "[n]o established medical history or clinical diagnosis" of a psychosis, defined as a disorder in which the individual "has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of this condition," or "may reasonably be expected to" (14 C.F.R. §67.107(a)(2)). The rule also disqualifies any "other mental condition" that the Federal Air Surgeon finds makes the airman unable to perform safely (§67.107(c)). Second- and third-class standards are the same in substance. A certificate holder may not act as a required crewmember while knowing or having reason to know of a condition that would make the holder unable to meet the standards (14 C.F.R. §61.53(a)).

4.2 Keeping an observation from becoming a diagnosis

The risk in a UAP case is that an observation is treated as a hallucination. An airline that refers a pilot for a fitness-for-duty evaluation after a report, or an aviation medical examiner who records the report as a symptom, can start a process that ends with a deferred or denied certificate.

1. **Corroboration.** Gather what corroborates the observation: other crew, other aircraft, controller statements, radar and sensor data ([Form D4-1](#)). An observation shared by a second pilot or confirmed by radar is not a symptom of anything.
2. **The medical application.** The FAA's application (MedXPress) asks about mental health conditions and treatment. A pilot who has not been diagnosed or treated for a condition answers on that basis; a UAP report is not a mental health condition and does not by itself call for a "yes." A false answer is a federal crime and a ground for revocation, so the pilot should answer every question accurately and should consult an aviation medical examiner, or an aviation attorney, before an exam if the report has become an issue.
3. **Independent evaluation.** If the airline or the FAA raises fitness, obtain an evaluation from a psychiatrist or psychologist experienced with FAA standards before the matter reaches the Federal Air Surgeon.
4. **Do not self-ground without advice.** A pilot who feels pressure to stop flying should understand that §61.53 turns on a medical condition. A pilot with no condition is not required to stop, but should not fly if fatigued or distressed after an event.

4.3 Loss-of-license insurance

Many professional pilots carry loss-of-license or disability insurance that pays if the medical certificate is lost. Read the policy's definitions before any evaluation: some policies pay only for loss of the certificate for medical reasons and exclude groundings by the employer or administrative suspensions.

5. Military aircrew

Service members who report UAP through the chain of command or to AARO are protected by 10 U.S.C. §1034 when the report is a protected communication to a member of Congress, an inspector general, or a designated recipient, and DoD policy forbids referral for a mental health evaluation as reprisal (DoD Instruction 6490.04 ¶3.e; [Issue C1](#) §4.2). The Joint Staff's 2023 order requires every UAP incident to be reported to AARO through the chain of command ([Issue D4](#) §2). Military flight surgeons and flight status boards apply service medical standards in place of part 67, and the remedies for an improper grounding run through the service's administrative processes and the Board for Correction of Military Records.

6. The working premise

The site assumes that AARO is part of the concealment. For pilots, that means a report routed only through ATC to AARO may never be acted on, and the pilot will never learn what was done with it.

The pilot should therefore keep control of a parallel record: a contemporaneous written account, the ASRS report, the airline safety report, and a preservation letter for radar and communications data ([Form D4-1](#)). A Department of War pilot or contractor may also use PURSUE ([Issue C1](#)).

7. Practice points

1. Write a dated account of the event within hours, with times, positions, and the other crew's observations.
 2. File an ASRS report within 10 days, and the airline safety report the company requires.
 3. Send the preservation letter the same day ([Form D4-1](#)).
 4. If the airline takes any action, calendar 90 days for AIR21 from the action and file a grievance where a collective bargaining agreement applies.
 5. Do not answer an FAA letter of investigation without counsel.
 6. Prepare for any medical evaluation with corroboration and, if needed, an independent evaluation.
 7. Check loss-of-license insurance terms before the evaluation.
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8. Deadlines

Step	Period	Authority
ASRS report for sanction waiver	10 days after the event or awareness of a violation	AC 00-46F ¶12.3.4
AIR21 complaint to OSHA	90 days after the adverse action	49 U.S.C. §42121(b)(1)
Objections to OSHA findings and hearing request	30 days after notice of the findings	§42121(b)(2)(A)
Petition for review of the final order	60 days after the final order	§42121(b)(4)(A)
Response to FAA letter of investigation (optional)	30 days after receipt	Pilot's Bill of Rights §2(b)(6)
FTCA claim (if the government's conduct contributed to a loss)	2 years after accrual	28 U.S.C. §2401(b)
