

Apache helicopter crashes during Army flight training

Instructor pilot permanently injured in crash caused by contractor's failure to properly inspect and repair aircraft

On June 6, 2022, an Apache helicopter crashed during a routine training flight near Fort Rucker (now known and hereinafter referred to as Fort Novosel), Alabama. During the flight, the aircraft abruptly rose in altitude and changed heading. Very shortly thereafter, the aircraft began spinning and then crashed into nearby woods. The helicopter, valued at \$30 million, was a total loss. Both the instructor and student pilot suffered severe injuries.

Searcy Denney represents the instructor pilot, Adrian Barajas, a retired decorated Army veteran with extensive battlefield experience, including piloting Apache helicopters.

Initial investigations revealed that one of four tail rotor blades had separated from the hub causing the Apache to spin and crash. This indicated that the crash was caused by a component failure of the tail rotor's system. Two separate U.S. Army investigations found that the instructor pilot did nothing that caused or contributed to the crash. Further, the instructor was later commended for being able to land the disabled aircraft without killing his student or himself.

The pilots' injuries, however, were severe. Adrian suffered a spinal cord injury, paralysis, contusions, and lacerations. He has suffered great pain and will do so in the future. He will need to undergo painful medical and therapy treatments. He will not be capable of working as a pilot again. He is permanently disabled and disfigured, and will be dependent, to some degree, on the support of others for the rest of his life. He has lost wages as well as the capacity to generate future income. Adrian's wife, Arioanna, has lost the consortium, care, protection, support, companionship, and comfort of her husband.

About five years prior to this incident, the Department of the Army awarded a contract to M1 Support Services (M1)



to provide safe and operational aircraft for use by the Army, including maintenance and logistical services for rotary wing aircraft throughout Army locations. The value of the contract, for one base year and nine one-year options, was \$5 billion. This contract included the logistics and maintenance of rotary wing aircraft used in flight training at Fort Novosel. M1 was directed to begin contract performance in 2018.

After Adrian Barajas retired from active duty, he sought work using his numerous skills as an experienced helicopter pilot. CAE, a civil aviation training contractor, held a contract with the Army to provide advanced helicopter flight training at various locations including Fort Novosel. CAE hired Adrian to conduct helicopter pilot training. The aircraft for CAE's flight training services at Fort Novosel were provided, maintained, inspected, and repaired by M1.

It is well known in the helicopter industry that the threat of corrosion and delamination is the constant enemy of the safety of an Apache airframe. Investigations of the June 2022 crash identified the primary cause as a crack or cracks in the Apache's tail rotor blade which had not been noticed during the maintenance and inspections of the blade required in the Preventive Maintenance Service policies and procedures. When the blade ultimately failed, it landed in a cotton field about 1,000 feet from the Apache crash site.

Adrian and his wife, Arioanna, asked Searcy Denney attorneys **Mariano Garcia** and **Cameron Kennedy** to represent them in a complaint that the crash was caused by the negligence of M1 and its agents and employees in that they had failed to adequately maintain, inspect, and repair the Apache helicopter. The attorneys filed a claim against M1 and numerous individuals for damages caused by their failures, for an amount to reflect the enormity of the wrongful acts, and for an amount that will prevent future similar acts. Searcy Denney will continue to pursue this claim and will provide updates in future *Of Counsel* publications. ♦

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