

 INFORMATION AGT (FOIA) 5 USC 552(B)(6) U.S. Department of Transportation National Highway Traffic Safety Administration		FOR AGENCY USE ONLY 100148 Date Received 29-NOV-2016 FEB -7 2017		Repository ☐ Reference No. 10928516	
Vehicle Owner's Questionnaire To Report Vehicle Safety Defects 1-888-DASH-2-DOT (1-888-327-4236) INTERNET: www.nhtsa.dot.gov/hotline					
OWNER INFORMATION (Type or Print)					
Name		Daytime Telephone Number		E-mail Address	
Address		Evening Telephone Number			
City	State	Zip Code			
KEAAU	HI				
The information you provide will be used to identify potential safety-related defects. We may share your information with the applicable vehicle manufacturer during an investigation or recall in accordance with the routine uses described in the agency's Privacy Act notice. See 49 FR 53971 (Sep. 3, 2004).					
VEHICLE INFORMATION					
17 digit Vehicle Identification Number Located at bottom of windshield on driver's side		Make	Model	Model Year	
JF1SG63655H		SUBARU	FORESTER	2005	
Date Purchased	Dealer's Name and Telephone Number		Engine:	Fuel Type:	
5-2005	Big Blank Motors-Hilo 808-961-4411		No: Cylinders 4	Unleaded	
Original Owner	Dealer's City	State	Zip Code		
☒	Hilo	HI	96720		
Transmission Type	☒ Antilock Brakes	Powertrain	Multiple Failure:	Incident Date(s)	
Auto	☒ Cruise Control			26-OCT-2016	
FAILED COMPONENT(S)/PART(S) INFORMATION					
Vehicle Component Codes: 200000 WHEELS, 020000 SUSPENSION			Failure Mileage	Failure Speed	
			89000	35mph	
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE					
Tire Make	Tire Model (Name or Number)		Tire Size (Example P215/65R15)		
DOT No. (Example: DOTM19ABC036)	☒ Original Equipment ☐ Prior Repair	Failure Location: Rear Passenger shock/strut			
Tire Component Code			Tire Failure Type:		
ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE					
Make:	Date Manufactured:		Model No./Name:		
Seat Type:	Installation System:				
Child Seat Component Code:	Failed Part:				
APPLICABLE INCIDENT INFORMATION (Please describe in detail the incident(s), Failure(s), Crash(es), and injury(ies).)					
Crash ☐ Yes ☒ No	Fire ☐ Yes ☒ No	Number of Persons Injured	Number of Deaths	Reported to Police	
		0	0	N	
Narrative Description of Incident(S), Crash(es), and Injury(ies). Please describe (1) events leading up to the failure, (2) failure and its consequences, and (3) what was done to correct the failure; i.e. parts repaired or replaced (and if old part is available).					
TL* THE CONTACT OWNS A 2005 SUBARU FORESTER. WHILE DRIVING AT AN UNKNOWN HIGHWAY SPEED, A BURNING RUBBER ODOR EMITTED INTO THE INTERIOR OF THE VEHICLE. THE VEHICLE WAS DRIVEN TO THE CONTACT'S RESIDENCE AND PARKED. THE VEHICLE WAS TOWED TO A DEALER WHERE IT WAS DIAGNOSED THAT THE BUCKET SUSPENSION PLATE UNDER THE SHOCK ABSORBER FAILED, WHICH IMPACTED THE SUSPENSION ASSEMBLY ON THE REAR PASSENGER SIDE AND CAUSED THE STRUT TO FRACTURE ON THE TIRE. THE DEALER REPLACED THE STRUTS, SHOCK ASSEMBLIES, AND BOTH REAR TIRES. THE MANUFACTURER WAS NOTIFIED OF THE FAILURES. THE APPROXIMATE FAILURE MILEAGE WAS 89,000.					
Please see attached supporting documents. mhawes!					
Include, if available: Police/Fire Department Report, Photos, and Repair Invoice. ATTACH ADDITIONAL SHEETS IF NECESSARY					
The Privacy Act of 1974-Public Law 93-579 This information is requested pursuant to authority vested in the National Highway Traffic Safety Act and subsequent amendments. You are under no obligation to respond this questionnaire. Your response may be used to assist the NHTSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the NHTSA proceeds with administrative enforcement or litigation against a manufacturer, your response, or a statistical summary thereof, may be used in support of the agency's action.					

December 27, 2016

Randy Reid, Chief
Correspondence Research Division
Office of Defects Investigation
Enforcement
U.S. DOT NHTSA
1200 New Jersey Ave., SE
Washington, D.C. 20590

RE: VOQ Ref # 10928516
Attachment cover letter

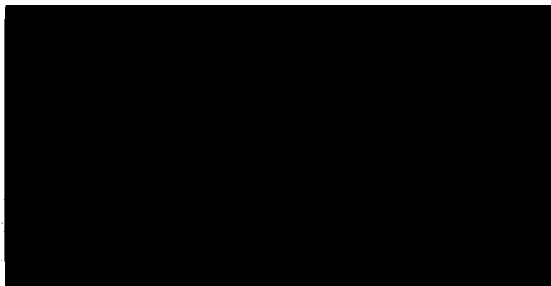
Aloha Mr. Reid,

Please find attached the communication chain between Subaru America/ServcoAuto Customer Service Department (CSD) and me regarding a mechanical failure that should not have happened and could have been very dangerous had I been going faster.

The following documents enclosed:

Original letter to Subaru America
Big Island Motors repair report with the repairs highlighted in yellow
The 5-point email chain between Kimberly Bala and me.

Mahalo in advance for your attention and time to see that this dramatic failure never happens again,



October 31, 2016

Tomomi Nakamura
Chairman and CEO
Subaru of America, Inc.
PO Box 6000
Cherry Hill, NJ 08034-6000

RE: 2005 Subaru Forester, license [REDACTED]
VIN: JF1SG63655H [REDACTED]
Mileage: 89,596
Repair performed by Big Island Motors Hilo

Aloha Mr. Nakamura:

The Subaru Forester was the car of the year in 2005, and that is what helped me make my final decision to buy one. I bought it from the dealer above in 2005, and have taken it in to them for service every 3000 miles since. I love my car.

Today I am writing to tell you of an issue that happened just days prior to my scheduled 90,000 service appointment. I was driving on gravel roads in one of the many subdivisions in the Puna District of the Big Island of Hawaii when I smelled burning rubber. I assumed that it was activity in the neighborhood, but my passenger said she was sure it was coming from my car! I stopped, looked, but could not determine any problem. The car, as usual, was handling perfectly and the engine was normal temperature. With great trepidation, I drove it back to my home and had a couple of friends see what they could see. No visible problems, but I decided to have it towed in anyway.

The dealer found that the "bucket" on the rear passenger shock-strut assembly had rusted out and collapsed, and the strut fell directly onto the tire. The burning rubber smell was the tire being ground away by the strut. If the tires had not been nearly new, I cannot imagine what could have happened to my passenger, her 11-year-old special needs son, and of course, me.

The dealer said this issue had never happened before in the history of the dealership or in the history of any of the mechanics working there. The plate or "bucket" at the bottom of the shock absorber spring/coil had been filled with water, dirt, and other road stuff as happens when we use our Subarus on substandard roads. **Because there is no requirement to clean this part in any of the service manuals**, no one had ever checked or seen the problem, and the muck sat, grew, rotted out the plate/bucket, and became a hazard waiting to happen. A rather unfortunate oversight for a company saying how rugged and able its vehicles are.

Subaru prides itself in offering customers a safe, well-made car that has taken many awards over the years. I trusted you to take care of me as your commercials and corporate responsibility themes assure that we are safe and secure in your hands. Because this is the second such totally unheard of issue that has happened with my car, I find I must write to you about this both to correct your service manuals and to reimburse me \$1,100.14 for the new shock/strut assemblies and tires to repair the problem.

The dealer said they had no way to reimburse me for something that Subaru does not warranty even though **Subaru does not recommend how to keep this defective design from becoming a hazard and potentially deadly problem.**

Please find attached a copy of the mechanic's report for your reference. I look forward to hearing back from you at your earliest convenience.

Mahalo in advance for your time and attention to my request,

[REDACTED]

[REDACTED] owner

[REDACTED]

[REDACTED] Keaau HI [REDACTED]

Encl: Copy of dealer's report dated October 25, 2016



BIG ISLAND MOTORS

HILO

**1 Keaa Street
Hilo, HI 96720
Phone: (808) 961-4411
MAZDA SUBARU
bigislandmotors.com**

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Keaau, HI Phone (H): Phone (C): Email: opt		A/R Number: Customer Number: PO Number: Auth Number:	Inv. Num Printed: OCT 25 16 12:22 PM Copy # 1 Date Opened: OCT 13 16 Date Notified: OCT 25 16 Date Delivered: Date Complete: OCT 25 16
Year/Make/Model: 2005 Subaru Forester VIN: JF1SG6385 5H License Number: Color: BLACK Stock Number: Mileage In: 89596 Tag Number: 4385 Mileage Out: 89598		Service Writer: Sherri Grandinetti Estimate Amount: \$ 2043.53 Terms & Conditions: Type of Sale: Retail	
		Customer Signature	

[illegible]



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Keaau, HI Phone (H): [REDACTED] Phone (W): [REDACTED] Phone (C): [REDACTED] Phone Oth: [REDACTED] Email: opt		A/R Number: [REDACTED] Customer Number: [REDACTED] PO Number: [REDACTED] Auth Number: [REDACTED]	Inv. Num [REDACTED] Printed: OCT 25 16 12:22 PM Copy # 1 Date Opened: OCT 13 16 Date Notified: OCT 25 16 Date Delivered: Date Complete: OCT 25 16
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		Customer Signature	

Description	QtyOrd	Qty Del	Price	Ext Total	Grand Total
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SubTotal Job # 6 0.00

7. Customer statement of problem

CHECK TIRES

1 -- Cause/Action to Take

TIRR - the driver rear tire has inner tire wear.

1 -- Correction/Action Taken

TIRES IN "RED STATUS"

888 ? 0.00

Sub Total Parts 0.00

SubTotal Job # 7 0.00

8. Customer statement of problem

NEED 2 TIRES MOUNT AND BALANCE driver rear tire and pass rear tire

1 -- Cause/Action to Take

TIRE2 - driver rear tire eaten up front rear strut bottoming out and driver rear tire has inner tire wear

1 -- Correction/Action Taken

repacked driver rear tire

mount and balance left rear tire.

Note:left rear wheel slightly bent.was able to balance tire and wheel.

Part Number	Failed	Description
PK90002000		215/60HR-16

181 ? 53.90

2 2 130.90 261.80

Sub Total Parts 261.80

Miscellaneous Charges and Deductions

Two Tires

12.00

SubTotal Job # 8 327.70

9. Customer statement of problem

Customer States send vehicle to East Hawaii Auto for alignment

1 -- Correction/Action Taken

sublet for alignment.

181 ? 0.00



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Customer Information Keaau, HI [REDACTED] Phone (H): [REDACTED] Phone (W): [REDACTED] Phone (C): [REDACTED] Phone Oth: [REDACTED] Email: opt		A/R Number: Customer Number: [REDACTED] PO Number: Auth Number: Service Writer: Sherri Grandinetti Estimate Amount: \$ 2043.53 Terms & Conditions: Type of Sale: Retail		Inv. Num [REDACTED] Printed: OCT 25 16 12:22 PM Copy # 1 Date Opened: OCT 13 16 Date Notified: OCT 25 16 Date Delivered: Date Complete: OCT 25 16	
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Description	QtyOrd	Qty Del	Price	Ext Total	Grand Total
1 - Correction/Action Taken installed struts only for both rear left and right, recheck rebound on struts and it did not touch tire..... no further diag or repair...	274		?		353.60
tech replace front left tire due damage tire from strut... mount and balance. test drive, normal drivning condtion....					
Part Number Failed Description					
72382 REAR STRUT	1	1	186.42	186.42	
72383 REAR STRUT	1	1	186.42	186.42	
FREIGHT FREIGHT	2	2	20.00	40.00	
Sub Total Parts					412.84
Miscellaneous Charges and Deductions					
One Tire				6.00	
SubTotal Job # 4					772.44
5. Customer statement of problem					
CHECK BATTERY					
BATTG -					
1 - Correction/Action Taken					
BATTERY IN "GREEN STATUS"	888		?		0.00
Sub Total Parts					0.00
SubTotal Job # 5					0.00
6. Customer statement of problem					
CHECK TIRES					
TIRG -					
1 - Correction/Action Taken					
TIRES IN "GREEN STATUS"	888		?		0.00
Sub Total Parts					0.00



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Description	QtyOrd	Qty Del	Price	Ext Total	Grand Total
1 -- Correction/Action Taken resurface front rotors. after resurface right rotor measured at 23.40mm and left at 24.20mm. discard spec at 22mm. installed and deglaze front brake pads, installed warrantable right front caliper parts dept received the wrong brake caliper, new front left side came in and the vehicle needed front right side brake caliper.. kuulei from parts got the correct brake caliper for front right side... tech installed front right brake caliper with new brake pads and shims.... tech brake bleed brake lines... tech tested brakes and vehicle stop well.... no further repair.....					
Part Number 26296FG010	Failed	Description PAD KIT F			
	1	1	84.95	84.95	
Sub Total Parts SubTotal Job # 2					84.95 188.95
Recommendations caliper part warranty from ro 83997 10/26/15					
3. Customer statement of problem NEEDS MAZDA FULL SERVICE CK LIST 99P - 1 -- Correction/Action Taken complete check sheet					
	181		?		0.00
Sub Total Parts SubTotal Job # 3					0.00 0.00

4. Customer statement of problem

Customer States approved to replace rear strut assemblies and pass rear tire due to tech found pass rear strut had bottomed out onto tire causing burned rubber smell



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Description	QtyOrd	Qty Del	Price	Ext Total	Grand Total
1. Customer statement of problem					
90,000 MILE SERVICE quoted \$560					
90K -					
1 - Correction/Action Taken					
replace engine oil & filter, replace front and rear diffential fluids, replace brake fluid and bleed brake lines, replace trans flyid, top off all fluids, replace spark plugs , replace engine air filter, replace hepa filter...	181	274	?		<u>300.00</u>
Part Number	Failed	Description			
15208AA12A		ELEM CP OIL FILTER	1	1	5.19 5.19
OIL		SAE5W30	5	5	2.67 13.35
16546AA020		AIR FILTER	1	1	24.88 24.88
0000775W90QT		SAE 75W-90	1	1	19.21 19.21
00007780W9QT		SAE 80W-90 R DIFF OIL	2	2	14.46 28.92
000077130E20		BRAKE FLUID	1	1	10.87 10.87
11126AA000		GASKET	1	1	1.95 1.95
22401AA65A		PLUG-SPARK	4	4	18.64 74.56
462		ATF DEX/MERC	5	5	9.98 49.90
3690		CABIN AIR FILTER	1	1	37.27 37.27
<u>Sub Total Parts</u>					<u>266.10</u>
<u>Miscellaneous Charges and Deductions</u>					
Hazardous Waste Charge					1.50
SubTotal Job # 1					567.60

2. Customer statement of problem

Customer states that seems like brakes or something is locking up, she smells a burning rubber smell. vehicle towed in. check and advise

1 -- Cause/Action to Take

verified customer concern.right front caliper locked up.
advise r&r right front caliper,resurface front rotors and replace front
brake pads and hardware.

Note:after confirming that right front caliper is locking up and during tire rotation for 90k service i found that the rear strut spring buckets rusted out.this caused the spring tension on the to push the bucket down and make contact with the rear tires.contact with tires only happens during wheel travel over rough or bumpy roads.

i was so consentrated to the vehicle brake lock up that i missed the damage to the rear struts.this is a safety concern of the vehicle suspension stability.

advise car down for repair of replacing rear strut assembly

[REDACTED] email chain regarding shock/strut assembly breakdown:

2005 Subaru Forester, license [REDACTED]
VIN: JF1SG63655H [REDACTED]
Mileage: 89,596

1. After Subaru America told me that they were not the right place to lodge my complaint, I talked with a lovely person, Debbie, who told me she would route my email to the right place:

On Nov 10, 2016, at 11:15 AM, ServcoAutoCSD <servcoautocsd@servco.com> wrote:
Aloha [REDACTED]

I have been forwarded your case regarding concerns that occurred on your 2005 Subaru Forester regarding the rear struts. We would first like to thank you for taking the time to share your concerns with us. After further research we have found that there are currently no repair programs and or warranties that would allow for reimbursement of the repairs your requesting. We have gathered further information from your servicing dealership and have documented your concerns and value your feedback.

Thank you,

Kimberly Bala

Customer Relations Manager
Servco Automotive Customer Service

2850 Pukoloa St. Suite 202 | Honolulu, HI, 96819, U.S.
O 808.564.2300 M 808.564.2308 F 808.564.2806
E kimberly.bala@servco.com www.servco.com

2. My response to Kimberly:

From: [REDACTED] [mailto:[REDACTED]] Sent: Sunday, November 13, 2016 3:33 PM To: ServcoAutoCSD <servcoautocsd@servco.com> Cc: CustDlrServices@subaru.com Subject: Re: Customer service request

Aloha Kimberly,

Thanks for your fast response. Sounds like we are on the same page that there is nothing about this issue in your files. I am, in fact, writing about this precisely because I already know you have no awareness of this issue. That is the whole point of my letter and request. If you knew about it, the part would be either redesigned or its maintenance

added to your service protocols.

I thank you for documenting my inquiry, but that is not enough: Are you adding me to a list of customers to determine whether or not Subaru fixes the problem or just waiting for the class action lawsuit? My apologies in advance, but this letter feels like you are just trying to brush me off and hoping I will go away. If I just go away, I will be completely out of my own integrity to get Subaru to deal with a safety problem that I can resolve that could save lives.

As I mentioned in my letter, this issue needs Subaru's attention in the service manuals or maybe the design department so the problem doesn't need to be a service issue at all. Seems logical that if you design a part that has a "collector" plate (what the mechanics call the "bucket") on your shock absorber/strut assembly, that you also recommend that it be cleaned from time to time during regular service appointments. Especially when you advertise safety and security for traveling over rougher roads and terrains for family and dear ones. I risked injuring an [REDACTED] year-old special needs child who was sitting in my back seat when this failure occurred. That isn't all right with me, and I hope it isn't all right with you either.

Where i live is the perfect environment for the Forester as advertised, and I love my car. Had i known about this part and your (now admitted) ignorance of the problem, I would have insisted that the dealership check this at every service, which now they will. Sadly, this seems really wrong — sort of like closing the barn door after the cows got out. Because I am not a car person, I take the car every 3000 miles since I purchased it to the dealer for service precisely to avoid these types of problems. I should not be held responsible for this chain of events that (1) never should have occurred, no matter the age of my car, and (2) was pre-determined to happen by design.

Perhaps some of my own history with Subaru is warranted. My sister had an unfortunate occurrence with her Subaru, and Subaru America took responsibility and was very responsive to her situation. I also had an earlier problem, a cracked exhaust pipe, that should never have happened with my Forester, and it was automatic and easy for Subaru to fix the problem. I hoped to receive the same excellent customer service this time too.

At one point in 2008 after the financial crash, I had to consider selling my Forester. When I had a good buyer, they checked car fax and learned about the first unusual problem and said they didn't want to buy a lemon. Fortunately, I found a way to keep my dear car. Now, car fax will show two such abnormalities, and my car will have to be sold for scrap. This is disheartening for one of the best resale cars in the U.S. And, for you to refuse to work with me on this is more than disheartening. I can only sincerely ask for your advice with respect to my concerns:

1. What if the child had been injured or died because of your design flaw?
2. Should i now worry that there are other parts in your wonderful car that will fail because of bad design?
3. Should I stop telling folks to buy Subarus and start sharing with them about my

anomalies and close calls?

4. Did I buy a lemon?

5. Do you care about this potentially deadly issue? (Remember, this failure caused the strut to fall directly onto the tire and to burn deep into the rubber)

Please work with me here. I need your help for me and all the Subaru owners who will have or are having this problem. From the mechanics at the dealership to the dealership's entire history, I repeat their statement that this should not have happened. I am a great driver with a clean record and have never had an accident.

I thank you for your time and attention to revisit my request to both reimburse me for your design flaw and to correct it before someone dies.

I look forward to your response,

[REDACTED]

[REDACTED] | MEDIATION & MORE | [REDACTED] | [REDACTED]
[REDACTED] | [REDACTED]

3. Kimberly at ServcoAuto's second response:

On Nov 18, 2016, at 1:58 PM, ServcoAutoCSD <servcoautocsd@servco.com> wrote:
Hello [REDACTED]

I have been continuing to work with our automotive distribution team for Subaru regarding your inquiries and concern to help further explanations and more information pertaining to your concern. According to our Subaru representatives there is a section you can locate in your 2005 Owner's Manual that specifically addresses your concern about preventative maintenance that can be performed by the owner pertaining to your concern. It addresses regular washing of suspension and underside of vehicle if used on dirt/mud/sandy roads which if not done can cause corrosion of suspension parts. Section 10-2 of the 2005 Forester owner's manual states: Washing the underbody Chemicals, salts and gravel used for deicing road surfaces are extremely corrosive, accelerating the corrosion of underbody components, such as the exhaust system, fuel and brake lines, brake cables, floor pan and fenders, and suspension. Thoroughly flush the underbody and inside of the fenders with lukewarm or cold water at frequent intervals to reduce the harmful effects of such agents. Mud and sand adhering to the underbody components may accelerate their corrosion. After driving off-road or on muddy or sandy roads, wash the mud and sand off the underbody. Carefully flush the suspension and axle parts, as they are particularly prone to mud and sand buildup. Do not use a sharp-edged tool to remove caked mud. At this time as I previously researched there are no warranties or repair programs that allow for

reimbursement on the repairs you had performed. Again, thank you for contacting our offices to share your experience and we will utilize your valuable feedback documented in your case.

Thank you,

Kimberly Bala

Customer Relations Manager
Servco Automotive Customer Service

2850 Pukoloa St. Suite 202 | Honolulu, HI, 96819, U.S.

O 808.564.2300 **M** 808.564.2308 **F** 808.564.2806

E kimberly.bala@servco.com www.servco.com

4. My final communication to Kimberly on November 22:

Aloha Kimberly,

Since the dealer could not find anything and it took you this long to find this in the manual, I can only say I hope you get the promotion as a real company gal! Expecting me as a senior to go under my car and wash it when I take it to the dealer every 3000 miles for maintenance is just wrong.

That I can no longer recommend Subaru and brag about my car is really unfortunate. I really believed you were the best car on the road. Silly me I guess.

You could have easily understood, made some contribution to the situation, and said you would be changing this maintenance protocol. All of this could have been handled well, expensed off your finances, and you could have made another customer and fan for life. But apparently that is not in line with your company policies despite the claims in your ads. I am very sorry about that.

But, you did prove yourself right; congratulations.

5. I have heard nothing since.