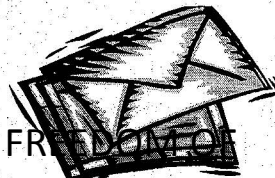


NHTSA ccmMercury Routing Slip



CL-10949409-8800

INFORMATION Redacted PURSUANT TO THE FREEDOM OF
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Printed: 1/26/2017

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Due Date: 2/21/2017

S10 #: 11-170125-004

DOT/I #:

RMP #:

**Subject: DIRECT REPLY- LETTER FROM SENATOR BROWN INQUIRY ON BEHALF OF CONSTITUENT
[REDACTED] REGARDING HYUNDAI RECALL**

Ack Date:

**Sign Office: DEPUTY DIRECTOR,
GOVERNMENTAL AFFAIRS**

Cleared Date:

File Loc:

Added By: CBUTLER x60180

Ack By:

Signature: ESSIE WAGNER

Cleared By:

XREF File:

Modified By: Chris.Butler

Signed For:

Cleared For:

Closed Date:

Most Recent Comment:

Author:

THE HONORABLE SHERROD BROWN
UNITED STATES SENATOR
801 WEST SUPERIOR AVE, SUITE 1400
CLEVELAND, OH 44113
Tel: 216-522-7272 Fax: 216-522-2239 E-mail:

FEB -1 2017

Assigned To	Task	Asgn Date	Deadline	Returned Date
NEF-010	REPLY	1/26/2017	2/21/2017	
NGA-010	SIGN	1/26/2017		

RR
2117
SMD

SHERROD BROWN
OHIO

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY

BANKING, HOUSING,
AND URBAN AFFAIRS

FINANCE

VETERANS' AFFAIRS

United States Senate

WASHINGTON, DC 20510 - 3505

January 23, 2017

Mr. Dana Gresham
Assistant Secretary for Governmental Affairs
U.S. Department of Transportation
Office of the Secretary
1200 New Jersey Ave, S.E.
Washington, DC 20590

Dear Mr. Gresham:

Enclosed please find correspondence from a Request for Assistance and correspondence from
[REDACTED]

Please review this matter and provide me with your comments and recommendations for any actions that can be taken to resolve this matter. Your response should be directed to my Cleveland office at 801 West Superior Ave., Suite 1400, Cleveland, Ohio 44113 (Phone: 216-522-7272; Fax: 216-522-2239).

Thank you for your attention to this request.

Sincerely,



Sherrod Brown
United States Senator

SB:jp

Enclosure

cc: [REDACTED]

2017 January 05 10:31 AM

513 847 4999->216 522 2239

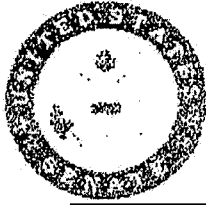
1/1

Jan 05 17 10:45a

Risk Buders, LLC

513 847-4000

p.1



Request for Assistance

SENATOR SHERROD BROWN

NAME _____ HOME PHONE _____
ADDRESS _____ CELL PHONE _____
CITY Liberty Twp WORK PHONE _____
STATE OH ZIP _____ COUNTY Butler EMAIL _____
SS# _____ Medicare# _____ CLAIM#/CASE# _____
(Provide these numbers only if necessary to investigate your case.)

Dear Senator Brown:

I am seeking your assistance in a personal matter involving the federal government. I hereby authorize your office to request, on my behalf, that the appropriate federal agency or agencies investigate the following:
(Use reverse side or additional paper, as needed.)

Please see my original contact inquiry to your office.

I further authorize, under the provisions of the Privacy Act of 1974, that the agency or agencies involved have my permission to disclose information from their records about my case or claim to the office of Senator Sherrod Brown.

SIGNATURE _____ DATE 1/5/2017

Please return this completed form and any other relevant information to:

Senator Sherrod Brown, 801 West Superior Avenue, Suite 1400, Cleveland, Ohio 44113-1829
Phone: 216-522-7272 Toll Free: 888-896-6446 (Press 1)
Fax: 216-522-2239

[REDACTED]
Liberty Twp, OH
County: Butler
[REDACTED]

I own a 2005 Hyundai Sonata which is driven by my youngest daughter who is a senior at Wright State University in Dayton. While home for her Christmas break I took her car in for a checkup by my mechanic. For several weeks prior she had noticed some unusual vibration and noise while operating the car. The safety and mechanical inspection revealed that a sub-frame under the front end of the car, also called the engine cradle, was badly corroded to the extent that significant metal in the sub-frame was gone; perhaps more than 50% gone at one location. I have pictures of the corrosion damage in my Dropbox file online at:
[REDACTED]

My mechanic investigated further online and discovered that there were no recalls of the 2005 Hyundai Sonata for this problem but that a recall had been issued in April 2009 for model years 1999 to 2004 for this exact same problem (NHTSA Campaign Number: 09V124000, summary also in the Dropbox file). My mechanic contacted the local Hyundai dealership to inquire as to whether they would fix this problem given it was the same problem for which the earlier models had been recalled. They said I could bring it in and they would inspect it and make a determination.

On Monday, December 19th, I brought the vehicle to Superior Hyundai in Fairfield, OH for the inspection. Following their inspection, they indicated that it would be repaired by Hyundai but cautioned me not to drive the car until the repair was made as they believed it was a substantial safety hazard. We set up a tentative date for the repair and I returned home. Later that day, I received a call from Ken at Superior Hyundai who informed me that he had submitted the claim to HyundaiUSA and they had made a determination that the cost of repair would not be covered by HyundaiUSA because "the 2005 model year was not included in the recall campaign" alluded to above.

Safety problems and design flaws are not uncommon in the manufacture of cars and vehicles. For the most severe of these problems, a recall campaign is generally designed to identify ALL vehicles that contain a particular design flaw and to provide appropriate repair or replacement of defective parts.

In 2009 when the recall for this problem was issued, the decision was apparently made to limit the recall to model years 1999 to 2004, probably because these models had been on the road long enough to manifest the problem. At that point in time, the 2005 and newer models probably would not have yet shown significant observable corrosion of the sub-frames. However, Hyundai

engineers would have known that the design flaw that led to the severe corrosion problems identified in the recall had not been fixed in the 2005 and newer models and, therefore, would eventually manifest that same excessive corrosion and result in the same safety hazards.

The Recall Summary for the earlier models indicates that the corrosion of the sub-frame will eventually result in the forward mounting of the lower control arm becoming detached from the sub-frame. This may then result in the loss of drive power to the wheels and the front wheel making contact with the fender or wheel well "increasing the risk of a crash". Regarding the massive corrosion on my vehicle, I think it would be safe to say that the entire sub-frame could experience a catastrophic failure capable of causing serious injury or death to the occupants.

Senator Brown, the federal government agency NHTSA is entrusted with ensuring that the cars on road are designed for safety. What should be done when that agency fails to require a manufacturer to recall ALL cars with a particular design flaw? What valid reason could there have been to include 1999 to 2004 model years but not the 2005 and newer model years that contained the exact same design flaw and would eventually manifest the exact same hazardous corrosion? Could it have been a favor from the Obama Administration in exchange for a significant campaign contribution made by HyundaiUSA? Was someone at the NHTSA bribed? I don't know, but they gave me no technical reason why 2005 was excluded. This seems very suspicious to me that something so fundamental as defining the breadth of model years with a particular design flaw could be missed so badly.

So where does all this leave me now? I will not compromise my daughter's safety, so on January 3rd I am scheduled to have the repair made at my own expense; an expense that had the NHTSA done its job, would have been repaired years ago by HyundaiUSA under a recall.

According to regulations, if a vehicle defect is repaired at the owner's expense which later becomes the subject of a recall, the owner can request reimbursement for the repair cost from the manufacturer. Thus, I am requesting of you or your office the following:

1. That your office look into why the 2005 model year Hyundai Sonata was not included in NHTSA Recall Campaign Number: 09V124000 given the fact that it contains the same engine cradle design flaw as the earlier models.
2. Why the NHTSA, after receiving numerous additional complaints for the exact same problem described in the recall of 1999 to 2004 model years, has failed to take any action on behalf of these American consumers who own 2005 Hyundai Sonatas?
3. Finally, I ask that you take whatever action is within your Constitutional authority to compel the NHTSA to identify and include all model year Hyundai Sonatas that contain the corrosion prone sub-frame design flaw described in the

Recall 09V124000.

Thank you Senator Brown for your assistance with this problem. If you need any other specific information, please contact me. Also, please keep me informed of any progress you make. I am a Marine Corps veteran and will be [REDACTED] years old next month. I'm semi-retired and living on a very limited income while trying to pay for college tuition costs that have skyrocketed in recent years. The nearly \$1200 this repair is going to cost is a lot of money to me and my family. I would very much like it to be reimbursed to me by HyundaiUSA. Your help can make it happen. Thank you again for your service to our country.



Office of U.S. Senator Sherrod Brown

FAX TRANSMISSION

TO: Dana Gresham

DATE: 1/23/17

FAX NUMBER: (202) 366-3675

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 6

FROM:

John Patterson

U.S. Senator Sherrod Brown

801 West Superior Ave., Suite 1400

Cleveland, Ohio 44113

John_Patterson@brown.senate.gov

Phone: 216-522-7272

Fax: 216-522-2239

Subject: [REDACTED]



Office of the Secretary of Transportation Governmental Affairs

Control number: I1-170125-004	Action office: NHTSA
Document date: 1/23/2017	Due date: 2/23/2017
Author(s): Sherrod Brown	
Subject: Inquiry on behalf of constituent [REDACTED] regarding Hyundai recall	
Action: Direct Reply	

Comments:

Date	Action	Action by
1/25/2017	Folder Sent for Draft to Action Office: NHTSA for 'Direct Reply'.	ADA.VALAITIS.GA
1/25/2017	Updated Folder Information.	ADA.VALAITIS.GA
1/25/2017	Work Folder Assigned to NHTSA.	ADA.VALAITIS.GA
1/25/2017	Incoming File Uploaded.	ADA.VALAITIS.GA
1/25/2017	Control Number Created.	ADA.VALAITIS.GA

Date	Note	Note by
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