

January 5, 2023

Subaru of America, Inc.  
PO Box 9103  
Camden, NJ 08101-9877

Re: 2019 Subaru Ascent VIN 4S4WMAPD6K [REDACTED]

I am writing to you in regard to your NHTSA Recall ID 21V-955, dated February 2022, and NHTSA Recall ID 21V-955 dated August 2022. Both of these were in regard to 2019-2020 model year Subaru Ascent vehicles. **(Copies attached)**

When I first received your notice in February of 2022, I took it to Bend Subaru and talked with them about getting it fixed. The Service Department (Katy) said I would have to wait for the 2<sup>nd</sup> Recall Notice because they didn't yet have a way to fix it, and she didn't know when that might happen.

I continued to drive my Ascent until the morning of August 16, 2022 when the car malfunctioned, knocked me unconscious, did a 180 degree turn from west to east and ended up down a 45-foot embankment. I did not regain consciousness for approximately 45 minutes when the Emergency Medical Ambulance people were banging on the driver's window. They could not open the front doors to get me out. They were finally able to extricate me through the back hatch door. They were unable to stabilize a gurney to assist me back up the 45 foot embankment. Two attendants working together guided and reinforced me so I could walk out of that accident.

**I have included pictures of the car.** I was bleeding badly from cuts and bruises; and my chest and rib cage were hit so hard by airbags I could barely breath; my lower legs are still healing from air bag injuries; and they likely have permanent nerve damage. It was 11 a.m. and at the time of the accident the medical people were concerned about my lack of consciousness. Everyone was questioning me and I was trying to figure out what had happened. I had been travelling in a line of traffic that was moving at about 50 mps on a 2-lane highway next to the Santiam River. It was a clear summer day with blue skies, and dry pavement. One minute I was on the highway, then the car jolted forward and I hit my head and lost consciousness. As it turned out I had a concussion and a small brain bleed in addition to the other injuries.

Many tests later, including a brain MRI, clearly showed that I did not have a cardiac event, a stroke, or any other medical reason for losing consciousness. Oregon Department of Motor Vehicles questioned my lack of consciousness and sent a report to be completed by doctor. That report was sent directly from the doctor to DMV, **and a copy is included for your records.** ODMV had it reviewed by one of their medical doctors and accepted the fact that my loss of consciousness was due to the fact that the car malfunctioned.

State Farm Insurance, however, is showing it as an "at-fault" accident. I am working with them in the hope of clearing that issue from my record. In addition to all else, several companies are refusing to insure me, and the one that will has quoted a premium that is nearly double what I usually pay each year.



On August 26, ten days after I returned home from this accident, I got your Second Recall Notice, which made it pretty clear what had happened to my Ascent and what caused my injuries. I'm writing to you because until now I always thought I was "safe" in a Subaru. However, your lack of responsibility and attention to developing a "fix" (not to mention your lack caring about those of us driving these vehicles) for my car from the time you first notified me in February until the car malfunctioned in August, is just shocking and has cost me in terms of health, recovery time, mental anguish, loss of possessions and loss of money too. I needed to hire an attorney to stand-in for me when people were trying to tell me this would probably be a "chargeable accident" and raise my insurance rates, or even put me in a special risk pool. I've been driving for many years with no "at fault" accidents and no moving violations/citations.

When I finally felt well enough to analyze what had happened, I also checked the NHTSA Website. Once I typed in the VIN, the website instantly told me that my car had never been repaired. I then inquired about other vehicle owners with 2019-2020 Ascents notified by your recall notices. Information on the website "[car.complaints.com/Subaru/Ascent/2019/drive-train/power-train.shtml](http://car.complaints.com/Subaru/Ascent/2019/drive-train/power-train.shtml) lists fully 64 other Ascents reporting these specific problems with their vehicles starting as early as December 21. How could you not be paying attention to this? Your Recall Notices state very specifically "If the drive chain guide breaks, resulting fragments could inhibit the shift select mechanism. If the vehicle continues operation with the drive chain slipping, over time the drive chain could break. If the drive chain breaks while the vehicle is in motion, the vehicle may experience a loss of motive power, increasing the risk of a crash."

Although the Ascent's safety features undoubtedly saved my life, and most likely took over the steering and braking of the car, this should never have happened if you had done your jobs and fixed or replaced the cars in the Recall Notices. This accident has consumed more than 4 months of my life just to recover sufficiently enough to deal with issues and questions about the "who, what and why" did the accident happen.

State Farm Insurance paid for my Personal Injury Expenses, and they settled what would otherwise be a fair amount for the loss of the car too. However, I'm still behind about \$7,500 in the cost of the new car. I also had to pay \$2,024 for a rental car because State Farm would not cover the cost of a rental once they declared the Ascent as a "total loss" I never saw or had access to the 2019 car again once State Farm hauled it away, and there are several things missing, including a new Garmin, a portable air compressor, a device to cut open or break a window in case of emergency, binoculars, 2 quilts, pillows, and the necklace I was wearing. Those items will cost approximately \$5,700 to replace. (the necklace alone was valued at approximately \$5,000). I had money and credit cards in the middle console, as well as a costly pair of black leather gloves. I also paid an attorney about \$750 to assist me in getting State Farm to settle the claim.

The odometer had only 23,132 miles on it. I have been driving a Subaru since 2005. This was my fourth Subaru. Two of the older ones are still in my family and have much higher mileage. This accident has caused pain, nerve damage, scarring, confusion, financial loss, and now financial penalties because they believe I caused it. In my opinion, this entire thing has been caused by Subaru of America Inc's lack of care and urgency in taking care of what you called out as a "programming error in the transmission control unit (TCU).

I'm writing to you to request your financial assistance to recoup my losses mentioned above. In summary, they are:

- 7 karat, emerald cut grape garnet necklace set in 14 karat gold, with 2 diamonds and a 22 inch 14 karat gold chain \$5,000
- Garmin \$ 190
- Binoculars \$ 120
- Air Compressor \$ 60
- Glass Breaking Device \$ 25
- 2 quilts and pillows \$ 300
- Legal Fees \$ 750
- Leather Gloves \$ 100
- Rental Car \$ 2,024
- Additional costs of new car \$ 7,500 (even though I downgraded to a Forester)
- **Total:** \$16,069

I'm also asking your assistance to clear up the issue over "fault" or "no fault" in the accident. I have not retained an attorney at this point. I can do so if necessary. I have an exemplary driving record and there is no reason for the unfair assumptions the insurer has made.

I appreciate your attention and will need a response in writing, and reimbursement by January 26, 2023.

Sincerely,

[Redacted Signature]

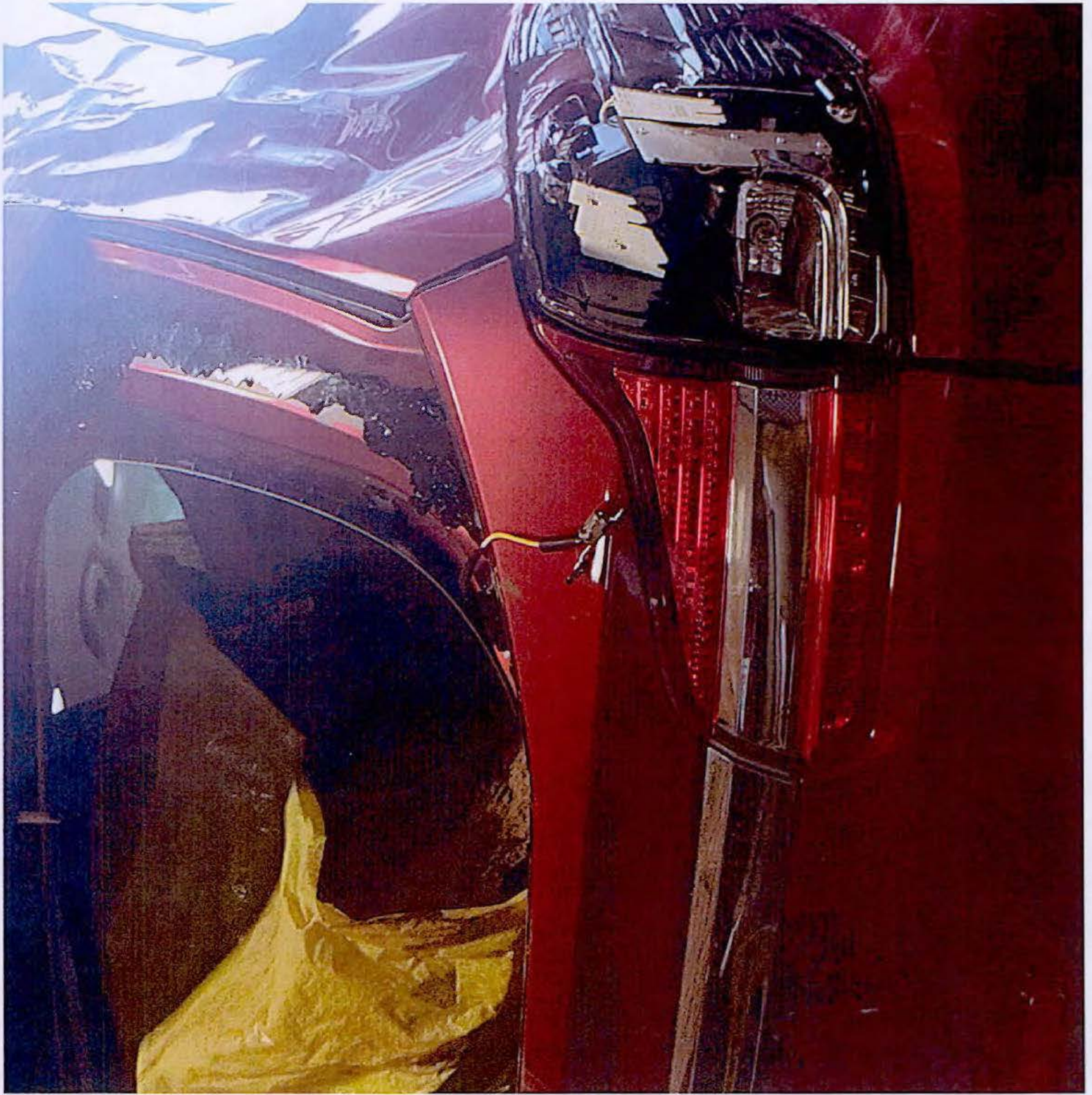
Redmond, OR [Redacted]

Cc: NHTSA, @ 1200 New Jersey Ave., SE, Washington, D.C. 20590

Cc: Ed Fitch, Fitch & Neary, P.C.

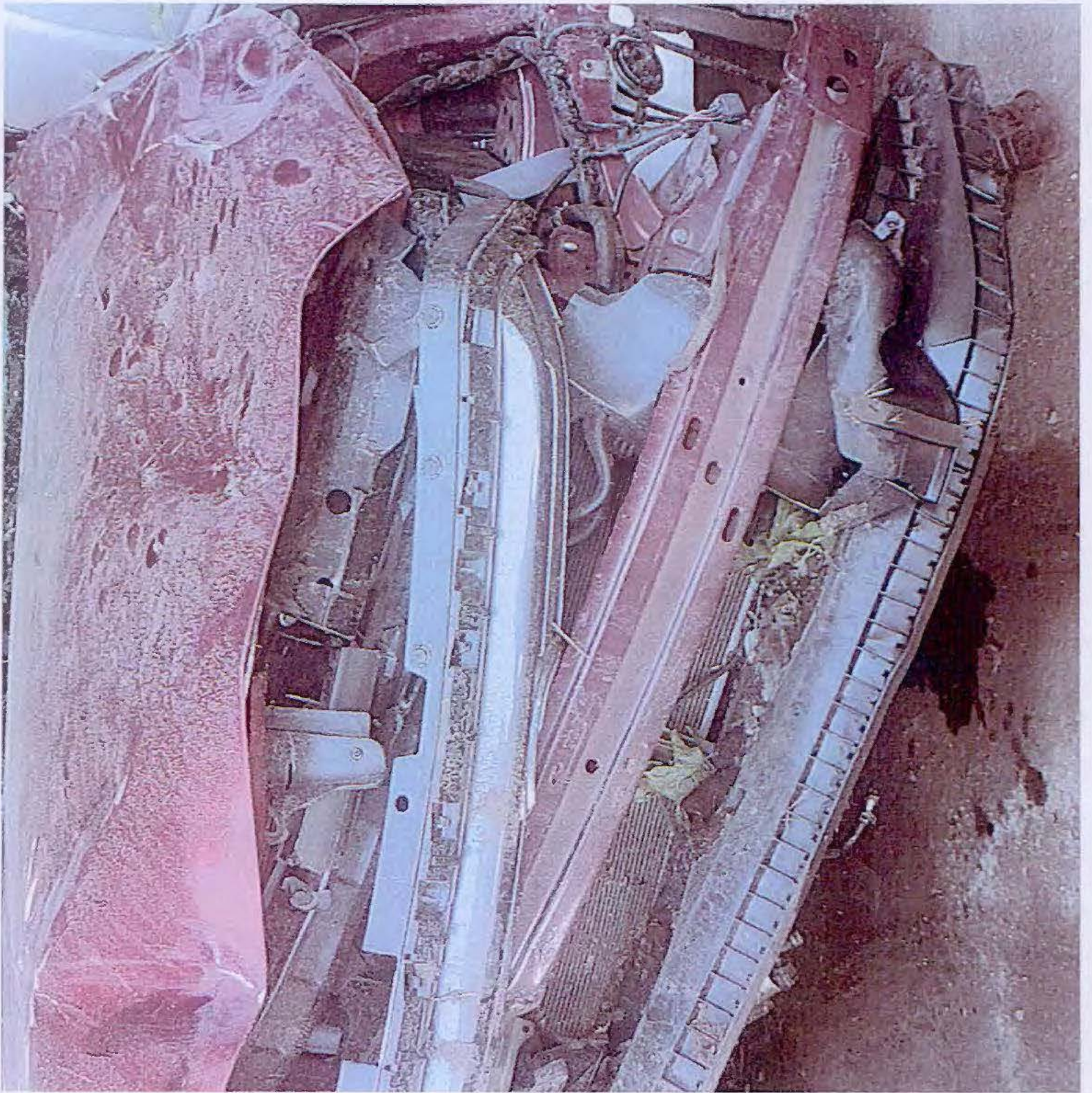
To protect the privacy of individuals, NHTSA does not make medical records available to the public without authorization. For this reason, documents falling into this category have not been included in this complaint record.

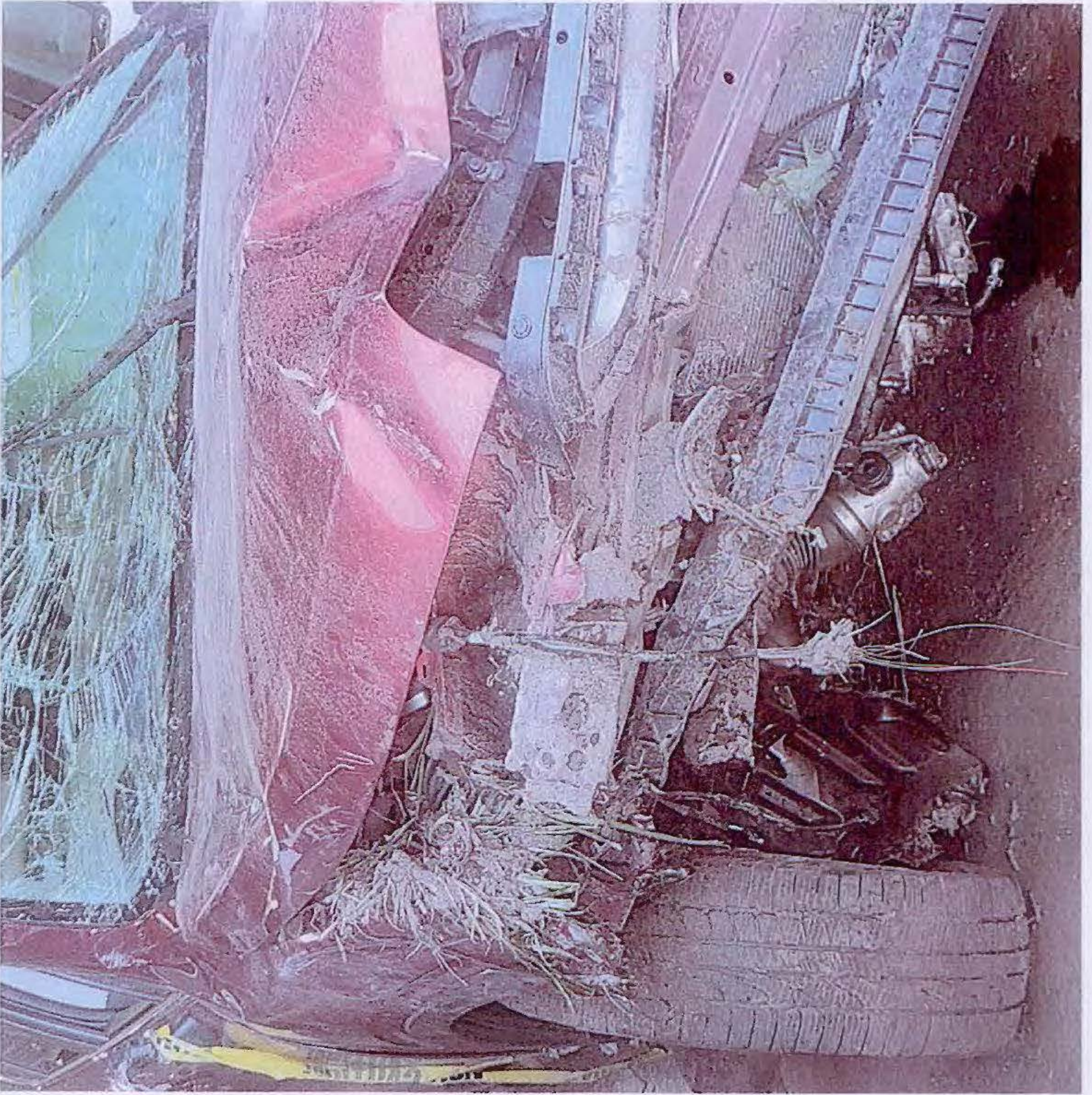














Please send the original service repair order, which has the name of the repair facility, date of repair, mileage at the time of repair, complete 17-digit vehicle identification number (VIN), and your name, with correct mailing address and telephone number to the address listed below.

Subaru of America, Inc.  
Customer-Retailer Services Department, Attention: WRK-21 Recall  
P.O. Box 9103, Camden, NJ 08101-9877

Please send original receipts only and retain a photocopy for your records. Please be assured that we will attempt to process your reimbursement request as quickly as possible, but it may take up to 60 days for this process to be completed.

**IF YOU NEED FURTHER ASSISTANCE:**

To locate the nearest Subaru retailer, you can access our website at [REDACTED] and select 'Find a Retailer.'

For additional information, please go to: [REDACTED]

If you need additional assistance, please contact us directly:

- By e-mail: Go to [REDACTED] and select "Customer Support"
- By telephone: 1-844-373-6614  
Monday through Friday between 8:00 a.m. and 7:00 p.m. ET
- By U.S. Postal mail: Write us at Subaru of America, Inc.  
Attn: Customer-Retailer Services Department  
P.O. Box 9103, Camden, NJ 08101-9877

To subscribe to the NHTSA Recall Notification email System, please go to: [REDACTED]  
[REDACTED]

Please contact us immediately if the Subaru retailer fails or is unable to make the necessary repairs free of charge.

You may also contact the Administrator, National Highway Traffic Safety Administration (NHTSA), 1200 New Jersey Ave., SE, Washington, DC 20590 or call the toll-free Vehicle Safety Hotline at 1-888-327-4236 (TTY: 1-800-424-9153) or go to [REDACTED] if you believe the Subaru retailer has failed or is unable to remedy your vehicle without charge within a reasonable amount of time.

Your continued satisfaction with your Subaru is important to us. Please understand that we have taken this action in the interest of your safety and your vehicle's proper operation. We sincerely apologize for any inconvenience this matter may cause and urge you to schedule an appointment once you are notified that the remedy is available.

Sincerely,  
Subaru of America, Inc.

*A subsidiary of SUBARU CORPORATION*

**URGENT  
IMPORTANT SAFETY RECALL**  
This notice applies to the VIN below

VIN: 4S4WMAPD6 [REDACTED]

*Delivered to  
St. Farm. Redmond  
Office week of  
8/29/22*

*Notice*



**SUBARU**

Subaru of America, Inc.  
P.O. Box 9103  
Camden, NJ 08101-9877  
844-373-6614  
www.subaru.com

*2nd  
letter  
Rec'd 8-26-22*

[REDACTED] 970 PS-67442

[REDACTED] REDMOND, OR [REDACTED]



Subaru Safety Recall WRK-21  
NHTSA Recall ID 21V-955  
August 2022

Dear Subaru Owner:

This notice is sent to you in accordance with the National Traffic and Motor Vehicle Safety Act.

Subaru of America, Inc. (Subaru) has decided that a defect, which relates to motor vehicle safety, exists in certain 2019-2020 model year Ascent vehicles and certain 2020 Legacy and Outback vehicles.

You previously received a letter informing you of this recall, stating that the tools and reprogramming files necessary to perform this repair were not yet available.

*This letter is to inform you that the tools and reprogramming files are now available.*

**DESCRIPTION OF THE DEFECT AND SAFETY RISK**

Due to a programming error in the transmission control unit (TCU), the drive chain may slip, resulting in breakage of the chain guide. If the drive chain guide breaks, resulting fragments could inhibit the shift select mechanism. If the vehicle continues operation with the drive chain slipping, over time the drive chain could break.

If the drive chain breaks while the vehicle is in motion, the vehicle may experience a loss of motive power, increasing the risk of a crash.

**WHAT YOU SHOULD DO**

This recall replaces Subaru's previous WUV-07 recall issued in January 2020 for certain 2019 model year Ascent vehicles. Vehicles affected by the previous recall must return to complete the WRK-21 recall repair, even if the previous recall repair was completed.

Please contact your Subaru retailer (dealer) immediately for an appointment to have this repair performed, at no cost to you.

**WHAT SUBARU WILL DO**

Your Subaru retailer will reprogram the TCU. The historical TCU data will be analyzed for chain slip characteristics and the chain guide will be visually inspected. If the vehicle is confirmed to have experienced drive chain slip or if the chain guide is damaged, the transmission assembly will be replaced. All remedy repairs necessary will be completed at no cost to you.

Additionally, in cases where the CVT transmission assembly is not replaced as part of this recall, Subaru will extend the Powertrain Limited Warranty as it applies to the CVT specific to the chain slip condition. The extended coverage period will run from the vehicle's original warranty start date and end after ten (10) years or one hundred thousand (100,000) miles, whichever comes first. The extension will be applied only after the recall repair is completed and will cover replacement of a CVT assembly failed as a result of CVT chain slip only once during the 10 years / 100,000 miles parameters of this extension.

**HOW LONG WILL THE REPAIR TAKE?**

The time required for this repair will vary depending on the services required. The repair time will range from approximately one hour up to approximately six hours if the transmission needs to be replaced. Your retailer can provide you with a better estimate of the overall time for this service visit, as it may be necessary to leave your vehicle for a longer period of time on the day of your scheduled appointment to allow your Subaru retailer flexibility in scheduling.

For your convenience, your retailer may provide you with a loaner or rental vehicle, at no cost to you, until the repair is complete.

**OWNER INFORMATION**

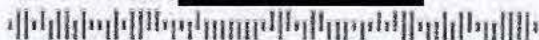
Government regulations require that recall notifications be sent to the last known owner of record. That information is based primarily on state registration and title data. If you are a lessor of this vehicle, federal regulations require you to forward this notice to your lessee within ten days.

**URGENT  
IMPORTANT SAFETY RECALL**  
This notice applies to the VIN below

VIN: 4S4WMAPD[REDACTED]

970 WRK21\_2-68103

REDMOND, OR [REDACTED]



**SUBARU.**

Subaru of America, Inc.  
P.O. Box 9103  
Camden, NJ 08101-9877  
844-973-6614  
www.subaru.com

Subaru Safety Recall WRK-21  
NHTSA Recall ID 21V-955  
February 2022  
Interim Notification

Dear Subaru Owner:

This notice is sent to you in accordance with the National Traffic and Motor Vehicle Safety Act.

Subaru of America, Inc. (Subaru) has decided that a defect, which relates to motor vehicle safety, exists in certain 2019-2020 model year Ascent vehicles and certain 2020 Legacy and Outback vehicles.

You received this notice because our records indicate that you currently own one of these vehicles.

This recall replaces Subaru's previous WUV-07 recall issued in January 2020 for certain 2019 model year Ascent vehicles. Vehicles affected by the previous recall must return to complete the WRK-21 recall repair, even if the previous recall repair was completed.

**DESCRIPTION OF THE DEFECT AND SAFETY RISK**

Due to a programming error in the transmission control unit (TCU), the drive chain may slip, resulting in breakage of the chain guide. If the drive chain guide breaks, resulting fragments could inhibit the shift select mechanism. If the vehicle continues operation with the drive chain slipping, over time the drive chain could break.

If the drive chain breaks while the vehicle is in motion, the vehicle may experience a loss of motive power, increasing the risk of a crash.

**WHAT YOU SHOULD DO**

As mentioned above, vehicles affected by the previous recall must return to complete the WRK-21 recall repair, even if the previous recall repair was completed.

Subaru is in the process of acquiring the tools and reprogramming files necessary to perform this repair and expects to have a sufficient supply available in May. Once the repair is available, Subaru will contact you again by mail advising you to proceed with scheduling an appointment with your Subaru retailer (dealer).

**WHAT SUBARU WILL DO**

Once the tools and reprogramming files are available to perform this repair, your Subaru retailer will reprogram the TCU. The historical TCU data will be analyzed for chain slip characteristics and the chain guide will be visually inspected. If the vehicle is confirmed to have experienced drive chain slip or if the chain guide is damaged, the transmission assembly will be replaced. All remedy repairs necessary will be completed at no cost to you.

**OWNER INFORMATION**

Government regulations require that recall notifications be sent to the last known owner of record. That information is based primarily on state registration and title data. If you are a lessor of this vehicle, federal regulations require you to forward this notice to your lessee within ten days.

If you have moved or sold your vehicle, please update this information online at [www.subaru.com](http://www.subaru.com), select 'Customer Support,' then select 'Address Update' or 'Ownership Update' from the "Quick Links" menu.

**IF YOU HAVE PREVIOUSLY PAID FOR A REPAIR**

If you have already paid for repairs associated with this condition, you may be eligible for reimbursement. Reimbursement consideration will be based on the amount an authorized Subaru retailer in your area would charge for the same repair.

7-22-22  
Subaru (Katy)  
says wait for 2nd  
notice because they  
don't have a fix for  
it yet.  
1st  
notice

If you have moved or sold your vehicle, please go to [REDACTED] to send us your information.

#### **CALIFORNIA REGISTERED OWNERS**

The California Air Resources Board requires that emission related campaigns be completed prior to California's vehicle registration renewal process; without this repair, you will not be able to register your vehicle during your next annual registration. Upon completion of this campaign, your California dealer will complete and provide you a "Proof of Correction Certificate." If required, present the certificate to the California Department of Motor Vehicles (the "DMV") when renewing your California registration as proof of campaign completion. If the DMV does not request the certificate, we recommend that you keep it for your records.

In addition, the State of California requires that every vehicle must pass an emission test (SMOG Check) every two years and before it is sold. *Without the repair we are providing at no charge, your vehicle may not pass this test.*

#### **IF YOU HAVE PREVIOUSLY PAID FOR A REPAIR**

If you have already paid for repairs associated with this condition, you may be eligible for reimbursement. Reimbursement consideration will be based on the amount an authorized Subaru retailer in your area would charge for the same repair.

Please send the original service repair order, which has the name of the repair facility, date of repair, mileage at the time of repair, complete 17-digit vehicle identification number (VIN), and your name, with correct mailing address and telephone number to the address listed below.

Subaru of America, Inc.  
Customer Advocacy Department, Attention: WRK-21 Recall  
P.O. Box 9103, Camden, NJ 08101-9877

Please send original receipts only and retain a photocopy for your records. Please be assured that we will attempt to process your reimbursement request as quickly as possible, but it may take up to 60 days for this process to be completed.

#### **IF YOU NEED FURTHER ASSISTANCE:**

To locate the nearest Subaru retailer, you can access our website at [REDACTED] and select 'Find a Retailer.'

For additional information, please go to [REDACTED].

If you need additional assistance, please contact us directly:

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Monday through Friday between 8:00 a.m. and 7:00 p.m. ET
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