

SERVED: February 5, 1992

NTSB Order No. EA-3482

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D. C.
on the 22nd day of January, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

v.

JOHN T. SWEENEY,

Respondent.

Docket SE-11260

ORDER DISMISSING PETITION FOR RECONSIDERATION

By correspondence dated November 20, 1991, respondent has filed what appears to be a request for reconsideration of Board Order EA-3397 (served October 2, 1991), wherein the Board dismissed respondent's appeal from an initial decision for his failure to perfect his appeal by filing an appeal brief.¹ However, as the Administrator points out in his response to the petition, the 30-day deadline under Section 821.50 of our rules of practice for filing a petition for reconsideration in this proceeding expired on November 1, 1991. As respondent has brought to our attention no reason that would excuse his late submission, we agree with the

¹Respondent's pleading in no way challenges the legal conclusion reached in Order EA-3397 or the facts on which it is based. Instead, respondent argues matters relating to the merits of his dismissed appeal. As the case has never been briefed before the Board, issues bearing on the validity of FAA's charges upheld by the law judge could not be entertained at this juncture even if our disposition on a procedural ground were shown to be in error.

Administrator that the petition should be dismissed.²

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's petition for reconsideration is dismissed.

KOLSTAD, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Consistent with Section 821.11 of our rules of practice, a late petition for reconsideration will only be accepted on a showing of "extraordinary circumstances."