

SERVED: February 5, 1992

NTSB Order No. EA-3486

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 29th day of January, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

v.

SE-8701

ARTHUR G. SCHOPPAUL,

Respondent.

ORDER DENYING STAY

Respondent, through counsel, has filed a motion for a stay of Board Order EA-3410, served October 17, 1991, which affirmed revocation of respondent's airline transport pilot certificate, pending judicial review of that order in the United States Court of Appeals for the District of Columbia pursuant to Section 1006 of the Federal Aviation Act, 49 USC §1486.¹

The Board consistently denies requests for stays of orders pending judicial review in cases involving revocation because the revocation of a certificate, in contrast to a suspension, is based on the conclusion that the airman's conduct is sufficiently egregious as to demonstrate a lack of the qualifications required of the certificate holder. The Board believes that aviation safety and the public interest would be compromised by permitting an individual whose conduct

¹The Administrator has not filed a response to the motion.

demonstrates that he lacks the care, judgment, and responsibility to continue to exercise the privileges of the certificate he has been found unfit to hold, and require that he be denied the right to exercise those privileges pending judicial review.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for a stay of Order EA-3410 is denied.

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