

SERVED: February 6, 1992

NTSB Order No. EA-3489

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.

CHARLES DANIEL DEARING, JR.,

Respondent.

Docket SE-10153

ORDER DISMISSING APPEAL

On May 17, 1990, respondent filed a notice of appeal from the Decision Order Administrative Law Judge Patrick G. Geraghty issued on May 7, 1990, granting the Administrator's Motion for Partial Summary Judgment.¹ However, respondent has not filed an appeal brief and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's

¹The law judge's decision sustained an order of the Administrator revoking respondent's airman certificates for his alleged violations of Section 609(c)(1) of the Federal Aviation Act of 1958, as amended, and section 91.12(a) of the Federal Aviation Regulations.

Rules of Practice.² See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

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

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."