

SERVED: July 8, 1992

NTSB Order No. EA-3604

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 15th day of June, 1992

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BARRY LAMBERT HARRIS,	)	
Acting Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-11882
v.	)	
	)	
DAVID L. NATHAN,	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

On February 25, 1992, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Patrick G. Geraghty issued at the conclusion of an evidentiary hearing held on February 20, 1992.<sup>1</sup> 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

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<sup>1</sup>The law judge affirmed an order of the Administrator suspending respondent's Airman Certificate No. 506920641 with commercial pilot privileges for 90 days for his alleged violations of sections 91.71(b) and (d) and 91.9 of the Federal Aviation Regulations.

Rules of Practice.<sup>2</sup> See 49 CFR Part 821.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

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

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<sup>2</sup>Section 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."