

SERVED: July 9, 1992

NTSB Order No. EA-3606

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

BARRY LAMBERT HARRIS,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-12029
v.)	
)	
SHELBY L. SMITH,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On January 23, 1992, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Jerrell R. Davis issued at the conclusion of an evidentiary hearing held on January 16, 1992.¹ 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 affirmed an order of the Administrator suspending respondent's Private Pilot Certificate No. 463152918 for 45 days for his alleged violations of sections 91.123(a) and 91.13(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.

COUGHLIN, Acting Chairman, LAUBER, KOLSTAD, 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."