

SERVED: October 28, 1992

NTSB Order No. EA-3704

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 20th day of October, 1992

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THOMAS C. RICHARDS,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-10656
v.	)	
	)	
MICHAEL G. DAWSON,	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the appeal filed by the respondent in this proceeding because it was not, as required by Section 821.48(a) of the Board's Rules of Practice,<sup>1</sup> perfected by the filing of a timely appeal brief. We will grant the motion, to which respondent filed no response.

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<sup>1</sup>Section 821.48(a) provides as follows:

"§ 821.48(a) 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."

The record establishes that respondent filed a timely notice of appeal from the written decision the law judge served on July 8, 1992.<sup>2</sup> Respondent did not, however, file an appeal brief within 30 days after that date, that is, by August 7, and he has not undertaken to explain his failure to do so in answer to the motion to dismiss. Dismissal of his appeal is therefore warranted. See Administrator v. Hooper, NTSB Order No. EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

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

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<sup>2</sup>The law judge's order granted the Administrator summary judgment on a complaint seeking the revocation of respondent's airman certificates on allegations that he had violated sections 61.15 and 91.12(a) of the Federal Aviation Regulations.