

SERVED: February 1, 1993

NTSB Order No. EA-3775

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 25th day of January, 1993

| | | |
|----------------------------------|---|-----------------|
| THOMAS C. RICHARDS, |) | |
| Administrator, |) | |
| Federal Aviation Administration, |) | |
| |) | |
| Complainant, |) | |
| |) | Docket SE-12592 |
| v. |) | |
| |) | |
| EDWARD RUSSELL SPEAR, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER DISMISSING APPEALS

On October 26, 1992, the respondent and the Administrator filed notices of appeal from the written initial decision Administrative Law Judge Patrick G. Geraghty served in this proceeding on October 16, 1992.¹ However, neither party has filed an appeal brief and their appeals are therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² See 49 CFR Part 821.

¹The law judge affirmed an order of the Administrator alleging that respondent had violated section 61.15(e) of the Federal Aviation Regulations, but modified the order to provide for a 20 rather than a 30-day suspension of respondent's private pilot certificate.

²Section 821.48(a) provides as follows:

ACCORDINGLY, IT IS ORDERED THAT:

The Administrator's and the respondent's appeals are dismissed.³

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

(..continued)

"§ 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."

³Our dismissal of the appeals moots respondent's motion to dismiss the Administrator's appeal as untimely because the date of the postal meter stamp on the envelope containing it is October 27, 1992. The certificate of service for the Administrator's notice of appeal recites that it was "placed in the United States mail, postage prepaid" on October 26, 1992. The Administrator did not file an answer to the motion.