

SERVED: February 2, 1993

NTSB Order No. EA-3784

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-11712 |
| v. |) | |
| |) | |
| THEODORE BABBITT, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER DISMISSING APPEAL

On July 24, 1992, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge William E. Fowler, Jr. rendered at the conclusion of an evidentiary hearing held on July 15, 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 Rules of Practice.² See

¹The law judge affirmed an order of the Administrator suspending "any and all certificates held by [respondent] including Commercial Pilot Certificate No. 221559" for 30-days for his alleged violations of sections 91.95(a) and 91.9 of the Federal Aviation Regulations.

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

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

(..continued)

(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."