

SERVED: March 3, 1994

NTSB Order No. EA-4102

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 22nd day of February, 1994

Petition of)
)
)
LEO BURDELL HANNA)
) Docket SM-4082
)
for review of the denial by)
the Administrator of the Federal)
Aviation Administration of the)
issuance of an airman medical)
certificate.)
)
)

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the appeal filed by respondent in this proceeding because it was not, as required by Section 821.48(a) of the Board's Rules of Practice,¹ perfected by

¹Section 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.

the filing of a timely appeal brief. 49 C.F.R. 821. We will grant the motion, to which respondent filed no answer.

The record establishes that respondent filed a timely notice of appeal from the written decision served by the law judge on November 10, 1993, granting the Administrator's motion for summary judgement.² Respondent did not, however, perfect his appeal by filing an appeal brief within 30 days after that date.

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, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above order.

²The Administrator had denied petitioner's May 18, 1992, application on the basis that petitioner was disqualified from holding the Third Class Airman Medical Certificate under the provisions of Sections 67.17(e)(2)(iii) and (f)(1) of the Federal Aviation Regulations.