

SERVED: April 21, 1994

NTSB Order No. EA-4152

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 April, 1994

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13149
v.)	
)	
HARRY D. NICHOLSON, JR.,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEALS

Both respondent and the Administrator filed notices of appeal from the oral initial decision Administrative Law Judge William R. Mullins rendered at the conclusion of an evidentiary hearing held on December 1, 1993.¹ The Administrator subsequently withdrew his appeal, and respondent did not perfect his appeal by filing a brief, as required by section 821.48(a) of the Board's Rules of Practice.² 49 CFR 821. It is therefore

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 120 rather than a 150-day suspension of respondent's Commercial Pilot Certificate No. 459375179.

²Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

subject to dismissal, as is the Administrator's.

ACCORDINGLY, IT IS ORDERED THAT:

The appeals of respondent and the Administrator are dismissed.

VOGT, Chairman, LAUBER, HAMMERSCHMIDT, and HALL, 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.