

SERVED: April 21, 1994

NTSB Order No. EA-4153

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-13281
v.)	
)	
LAWRENCE E. MALONE,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On November 29, 1993, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Jerrell R. Davis rendered at the conclusion of an evidentiary hearing held on November 23, 1993.¹ However, the respondent has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² 49 CFR 821.

¹The law judge affirmed an emergency order of the Administrator revoking all airman certificates held by respondent, including Private Pilot Certificate Number 553743508 and his third class medical certificate for his alleged violations of 67.20(a)(2) and (a)(4) of the Federal Aviation Regulations. The respondent waived expedited processing of the case as an emergency.

²Section 821.48(a) provides as follows:

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

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