

SERVED: September 27, 1994

NTSB Order No. EA-4254

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 September, 1994

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13609
v.)	
)	
WALTER J. RAZAVI,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

The Administrator has moved to dismiss respondent's appeal in this proceeding because the notice of appeal was not filed, as required by § 821.47 of the Board's Rules of Practice,² within 10

²Section 821.47 provides as follows:

§ 821.47 Notice of appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 821.8) a notice of appeal within 10 days after an oral initial decision has been rendered or written decision or an order has been served.

days³ after the law judge rendered his oral initial decision on June 17.⁴ We will grant the motion, to which respondent filed no answer.⁵

Inasmuch as respondent's tardiness in filing a notice of appeal from the law judge's decision does not appear to be excusable for good cause shown, his appeal will not be entertained. See Administrator v. Hooper, 6 N.T.S.B. 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

HALL, Acting Chairman, LAUBER, HAMMERSCHMIDT and VOGT, Members of the Board, concurred in the above order.

³Respondent's notice must have been filed by June 27, to have been timely. It was filed on June 29.

⁴The law judge affirmed an order of the Administrator alleging that respondent had violated § 135.5 of the Federal Aviation Regulations and suspending his Airman Certificate No. 542902120 for a period of 120 days.

⁵However, on August 5, 1994, respondent filed an appeal brief which contains no explanation for the tardiness of the notice of appeal.