

SERVED: October 31, 1994

NTSB Order No. EA-4269

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 26th day of October, 1994

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13399
v.)	
)	
THOMAS F. MARTIN, JR.,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

The Administrator has filed a motion to dismiss respondent's appeal from the oral initial decision and order that Administrative Law Judge William E. Fowler, Jr. rendered at the conclusion of an evidentiary proceeding held on June 28, 1994.¹

The record establishes that respondent filed a timely notice of appeal. 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 order of the Administrator alleging that respondent had violated §§ 91.13(a) and 91.129(h) of the Federal Aviation Regulations and suspending his Airline Transport Pilot Certificate Number 16641142 for 10 days.

²Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

We will grant the motion to which respondent has filed no answer.

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. The respondent's appeal is dismissed.

HALL, Chairman, LAUBER, HAMMERSCHMIDT and VOGT, 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.