

SERVED: March 24, 1995

NTSB Order No. EA-4337

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 21st day of March, 1995

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DAVID R. HINSON,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
	Complainant,	)	
		)	Docket SE-13556
	v.	)	
		)	
MICHAEL G. MANIN,		)	
		)	
	Respondent.	)	
		)	
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**ORDER DENYING RECONSIDERATION**

Respondent has petitioned for reconsideration of Order No. EA-4303 (served December 16, 1994), in which we upheld the Administrator's emergency order revoking respondent's airline transport pilot certificate based on his intentional falsification of two applications for airman medical certification on which he failed to disclose that he had been convicted of making a false statement in a passport application.<sup>1</sup> As discussed below, the petition is denied.

In his petition, respondent reiterates his claim that the law judge in this case did not make the requisite finding that

<sup>1</sup> In that decision we also dismissed respondent's appeal in another enforcement action (SE-13557). Respondent does not seek reconsideration of that dismissal.

respondent had actual knowledge of the false statements he made, and that there is insufficient evidence to establish actual knowledge. However, as we made clear in our earlier decision, the law judge's finding that respondent made "intentional" false statements was equivalent to a finding that he had actual knowledge of those statements. That finding is supported by the record.

Respondent also challenges the sanction in this case, arguing that only his medical certificate should have been suspended for the offense of intentional falsification. In recent years, however, we have made clear that we view intentional falsification as a serious offense which warrants revocation of the respondent's airman certificate as well as his medical certificate. See Administrator v. Bodovinitz, NTSB Order No. EA-4179 at 9-10 (1994), and cases cited therein.

Finally, respondent points out that in EA-4303 we stated, in error, that the revocation of his pilot certificate would commence 30 days after service of that order. In fact, the revocation of respondent's certificate was immediately effective upon respondent's receipt of the emergency order. The Administrator acknowledged in his response to respondent's petition that respondent was eligible to reapply for his certificate on February 16, 1995.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's petition for reconsideration is denied.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.