

SERVED: May 19, 1995

NTSB Order No. EA-4361

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 12th day of May, 1995

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DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13875
v.)	
)	
JAMES H. JOHNSTON, II)	
)	
Respondent.)	
)	
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ORDER DISMISSING APPEAL

The Administrator has filed a motion to dismiss respondent's appeal from the decisional order of Administrative Law Judge Patrick G. Geraghty served on January 9, 1995.¹

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

¹The law judge granted the complaintant's motion for summary judgment, thereby affirming an order of the Administrator alleging that respondent violated section 61.15(e) of the Federal Aviation Regulations ("FAR," 14 CFR Part 61) and suspending his Private Pilot Certificate Number 610036809 for 30 days.

²Section 821.48(a) provides as follows:

821. 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, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member 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.