

will grant the motion, to which petitioner filed no answer.⁴

Inasmuch as petitioner'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 petitioner's appeal is dismissed.

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

(..continued)

application for a second-class medical certificate, on the ground that he had a specifically disqualifying cardiac history.

³In order for petitioner's notice to have been timely filed it should have been filed on April 6. Petitioner's notice was dated April 10 and postmarked April 11.

⁴Additionally, petitioner has failed to file an appeal brief which was due no later than April 26 as required by § 821.48(a).