

SERVED: October 5, 1995

NTSB Order No. EA-4396

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 1st day of October, 1995

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Petition of )  
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 )  
 WILLIAM M. HODGES )  
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 )  
 for review of the denial by ) Docket SM-4158  
 the Administrator of the )  
 Federal Aviation Administration )  
 of the issuance of an airman )  
 medical certificate. )  
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**ORDER DISMISSING APPEAL**

The Administrator has filed a motion to dismiss respondent's appeal from the written initial decision of Chief Administrative Law Judge William E. Fowler, Jr., served on June 9, 1995.<sup>1</sup> No answer to the motion has been received.

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.<sup>2</sup> 49 CFR

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<sup>1</sup>The law judge granted the Administrator's motion to dismiss, based on the doctrine of res judicata, the petitioner's petition for review of the FAA's denial of his application for a first class medical certificate, on the ground that he had a history of personality disorder.

<sup>2</sup>Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

821.

**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, HAMMERSCHMIDT and GOGLIA, 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.