

SERVED: December 7, 1995

NTSB Order No. EA-4410

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 7th day of December, 1995

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-13714
v.)	
)	
PHILIP CHARLES MANNING,)	
)	
Respondent.)	

ORDER DENYING STAY

Respondent requests a stay of Board Order EA-4403, served November 3, 1995, pending the disposition of a petition for review of that decision he has filed with the United States Court of Appeals for the Ninth Circuit.¹ The motion for a stay will be denied.

A Board decision affirming, on substantive grounds, the revocation of a certificate reflects our agreement with the Administrator that the airman lacks the qualifications necessary to hold the certificate.² It has therefore been the Board's

¹NTSB Order No. EA-4363 affirmed a decision sustaining the revocation of respondent's private pilot certificate, pursuant to Section 609(c) of the Federal Aviation Act, 49 U.S.C. App. 1429(c) [now recodified as 49 U.S.C. 44710(b)] and sections 91.19 and 61.15 of the Federal Aviation Regulations, based on a federal felony drug conviction involving marijuana smuggling. The Board denied reconsideration of its decision in NTSB Order No. EA-4403 (served November 3, 1995).

²A stay of a Board order affirming a revocation may be available where an airman's appeal was dismissed on a procedural ground. See Administrator v. Coombs, NTSB Order No. EA-3750

longstanding and consistent policy to deny stays of such decisions pending judicial review. See, e.g., Administrator v. Gilliland, NTSB Order EA-4204 (1994). Respondent's motion for a stay of the order revoking his ATP certificate makes no argument that his case justifies a departure from precedent.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's motion for stay is denied.

Daniel D. Campbell
General Counsel

(..continued)
(1992).