

SERVED: March 26, 1997

NTSB Order No. EA-4536

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 25th day of March, 1997

BARRY L. VALENTINE,)	
Acting Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-14461
v.)	
)	
INTERAIR SERVICES, INC.)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On November 30, 1996, the respondent filed a timely notice of appeal from a November 20, 1996 written decision of the law judge.¹ However, the respondent did not, as it was required to do under Section 821.48(a) of the Board's Rules of Practice (49 CFR Part 821),² perfect the appeal by filing an appeal brief by

¹The law judge's order, among other things, granted a motion by the Administrator for dismissal of the appeal from an order revoking the respondent's Part 135 air carrier operating certificate (No. AT764-251).

²Section 821.48(a) provides as follows:

§ 821.48(a) **Briefs and oral argument.**

December 20; that is, within 30 days after the November 20 decision.³

In the absence of good cause to excuse respondent's failure to perfect his appeal by filing a timely appeal brief, dismissal of his appeal is required by Board precedent. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, 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.

³The Board did receive from the respondent a document styled an "APPEALS BRIEF" that was dated January 7 and postmarked January 10, 1997.