

SERVED: June 16, 1998

NTSB Order No. EA-4673

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 8th day of June, 1998

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JANE F. GARVEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-15053
v.	)	
	)	
LESTER WELTON,	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the appeal filed by the respondent in this proceeding because it was not perfected by the filing of a timely appeal brief, as required by Section 821.48(a) of the Board's Rules of Practice (49 CFR Part 821).<sup>1</sup>

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<sup>1</sup>Section 821.48(a) provides as follows:

§ 821.48(a) **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.

We will grant the motion, to which the petitioner has not filed an answer.

The record establishes that respondent filed a timely notice of appeal from the written decision the law judge served on January 21, 1998, but he did not file an appeal brief by March 6, the date to which his original deadline (February 20) for the filing had been extended.<sup>2</sup> In the absence of good cause to excuse a failure to file an appeal brief on time, the party's appeal must be dismissed. See Administrator v. Hooper, 6 NTSB 559, 560 (1988).

**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, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

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<sup>2</sup>The law judge granted the Administrator's motion for summary judgment on a complaint alleging that respondent's private pilot certificate (No. 56090065) should be revoked pursuant to section 61.15(a) of the Federal Aviation Regulations, 14 CFR Part 61, in light of a 1993 federal court drug conviction.