

by the respondent within 10 days after the law judge served a written initial decision and order on September 11, 1998.² We will grant the motion, to which respondent has submitted no answer.

Absent a showing of good cause that would provide a basis for excusing the lateness of the notice, respondent's appeal must be dismissed.³ See Administrator v. Hooper, NTSB Order EA-2781 (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.

²The law judge affirmed in part an order of the Administrator suspending respondent's mechanic and commercial pilot certificates (Nos. 009446378 and 002350340, respectively) for his alleged violations of sections 43.9(a), 43.5, 43.13(a) and (b), 43.15(a)(1), 91.407(a), 91.7(a), and 91.13(a) of the Federal Aviation Regulations, 14 CFR Parts 43 and 91. The law judge modified the Administrator's order to provide for a 120, rather than a 180, day suspension of respondent's certificates.

³Respondent's notice of appeal, due on September 21, 1998, was dated September 21, but postmarked September 23. It was not accompanied by a certificate of service.