

SERVED: January 6, 1999

NTSB Order No. EA-4737

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 6th day of January, 1999

_____)	
JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-14662
v.)	
)	
DAVID A. BABB,)	
)	
Respondent.)	
_____)	

ORDER DENYING STAY

Respondent has requested a stay of NTSB Orders EA-4664 and 4718, served June 3, 1998, and November 13, 1998, pending disposition of a petition for review of those orders to be filed in the U.S. Court of Appeals.¹ The motion for stay, opposed by the Administrator, is denied.

As we stated in Administrator v. Van Eaton, NTSB Order No. EA-4462 at 2 (1996), "The Board's policy is clear regarding stays pending judicial review of cases where we have revoked certificates. We consistently deny stays in cases involving certificate revocation because revocation incorporates a conclusion that an airman lacks the qualifications required of a certificate holder." See also

¹By order EA-4664, the Board affirmed the revocation of respondent's commercial pilot certificate under FAR section 61.15(a) based on a drug-related criminal conviction. In NTSB Order No. EA-4718, the Board denied respondent's petition for rehearing.

Administrator v. Manning, NTSB Order No. EA-4410 (1995); Administrator v. Beauchemin, NTSB Order No. EA-4390 (1995). Respondent makes no argument in his motion that his case justifies a departure from precedent.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for stay is denied.

Daniel D. Campbell
General Counsel