

SERVED: July 30, 1999

NTSB Order No. EA-4782

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 22nd day of July, 1999

Petition of)
ELMER ALLEN PROPST)
for review of the denial by) Docket SM-4284
the Administrator of the)
Federal Aviation Administration)
of the issuance of an airman)
medical certificate.)

ORDER DENYING RECONSIDERATION

Petitioner has requested our reconsideration of NTSB Order EA-4757, issued on May 4, 1999. In that decision we affirmed the law judge's dismissal of petitioner's petition for review of the denial by the Administrator of his application for an airman medical certificate, under the doctrine of *res judicata*.

The Administrator has filed a brief in reply, opposing the request for reconsideration. She asserts that petitioner's arguments are yet another attempt to collaterally attack the Board's 1971 decision that found petitioner had a history of psychosis.¹ We agree.

ACCORDINGLY, IT IS ORDERED THAT:

The request for reconsideration is denied.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

¹We reject petitioner's contention that the Board lacks jurisdiction to review his qualifications to hold an airman medical certificate. Our statutory authority to review the Administrator's denial of airman certificates is clear. 49 USC § 1133.