

SERVED: October 5, 1999

NTSB Order No. EA-4792

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 5th day of October, 1999

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-15194
v.)	
)	
CLEO KING,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On February 2, 1999, respondent filed a timely notice of appeal from the oral initial decision Administrative Law Judge William R. Mullins rendered in this case on January 28, 1999.¹ However, respondent did not file an appeal brief by May 10, the date to which his original deadline (March 19) for the filing had been extended, as required by section 821.48(a) of the Board's Rules of Practice, 49 CFR Part 821.²

¹The law judge upheld an order of the Administrator suspending any and all airman certificates held by respondent, including Commercial Pilot Certificate No. 2162007, for a period of 90 days, for his alleged violations of sections 91.13(a) and (b), 91.111(a), and 91.113(b) of the Federal Aviation Regulations, 14 CFR Part 91.

²Section 821.48(a) provides as follows:

In the absence of good cause to excuse the failure to file a timely appeal brief, respondent's appeal must be dismissed. See, e.g., Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi
General Counsel

(..continued)

§ 821.48 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.