

SERVED: October 7, 1999

NTSB Order No. EA-4793

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 7th day of October, 1999

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JANE F. GARVEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	
v.	)	Dockets SE-15513
	)	and SE-15514
	)	
RODNEY D. WILLROTH and	)	
DANIEL M. DROOGLEEVER,	)	
	)	
Respondents.	)	
	)	

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**ORDER DISMISSING APPEAL**

The respondents have moved to dismiss the appeal filed by the Administrator 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 Administrator filed no response.

The record establishes that the Administrator filed a timely notice of appeal from the oral initial decision the law judge rendered in this case on April 15, 1999,<sup>2</sup> but she did not file an appeal brief within 50 days after that date; that is, by June 4, and she has not to date filed an appeal brief.

In the absence of good cause to excuse the Administrator's failure to perfect her appeal by filing a timely appeal brief, dismissal of her appeal is required by Board precedent. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The respondents' motion to dismiss is granted; and
2. The Administrator's appeal is dismissed.

Ronald S. Battocchi  
General Counsel

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<sup>2</sup>The law judge dismissed orders of the Administrator suspending respondents' airman certificates for a period of 45 days for their alleged violations of sections 91.13(a) and, as to respondent Willroth, section 91.123(b), and, as to respondent Droogleever, section 91.123(a) of the Federal Aviation Regulations, 14 CFR Part 91.