

SERVED: October 13, 1999

NTSB Order No. EA-4796

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 13th day of October, 1999

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-15615
v.)	
)	
JAMES LEON HODGE,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On July 19, 1999, respondent, by counsel, filed a timely notice of appeal from the order Administrative Law Judge William E. Fowler, Jr., served in this case on July 9, 1999.¹ However, respondent did not file an appeal brief by August 9, as required by section 821.48(a) of the Board's Rules of Practice, 49 CFR Part 821.²

¹The law judge's order granted a motion by the Administrator for dismissal of respondent's appeal from an emergency revocation order issued by the Administrator as untimely. Respondent had previously waived application of the Board's expedited procedures to this proceeding, which alleged violations related to respondent's use of his mechanic certificate while it was under suspension.

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.