

SERVED: March 23, 2000

NTSB Order No. EA-4833

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 23rd day of March, 2000

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JANE F. GARVEY,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
	Complainant,	)	
		)	Docket SE-15690
	v.	)	
		)	
ARTHUR J. KING,		)	
		)	
	Respondent.	)	
		)	
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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the notice of appeal in this proceeding because it was not, as required by Section 821.47 of the Board's Rules of Practice (49 CFR Part 821),<sup>1</sup> filed by the respondent within 10 days after the law judge served a written order granting the Administrator's motion to dismiss

<sup>1</sup>Section 821.47 provides as follows:

**§ 821.47 Notice of Appeal.**

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to § 821.8) a notice of appeal within 10 days after an oral initial decision or an order has been served.

respondent's appeal as untimely on November 17, 1999.<sup>2</sup> We will grant the motion, to which respondent submitted no answer.<sup>3</sup>

Without good cause to excuse a failure to file a notice of appeal on time, a party's appeal will be dismissed. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

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

Ronald S. Battocchi  
General Counsel

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<sup>2</sup>In her February 16, 1999 order of revocation and suspension, the Administrator alleged that respondent had violated sections 67.403(a)(1) and (c)(1) of the Federal Aviation Regulations, 14 CFR Part 67, and ordered that his Second Class Medical Certificate and any other medical certificates issued to him be revoked and that his Commercial Pilot Certificate (No. 219883656) and any other certificates issued to him be suspended for 60 days.

<sup>3</sup>Respondent's notice of appeal, due on November 29, 1999, was dated November 29, but faxed on November 30, and postmarked December 16. It was not accompanied by a certificate of service.