

SERVED: September 14, 2001

NTSB Order No. EA-4910

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 14th day of September, 2001

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JANE F. GARVEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
v.	)	Docket SE-16198
	)	
MARCO CARUSO,	)	
	)	
Respondent.	)	

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**ORDER DISMISSING APPEAL**

On June 29, 2001, respondent, by counsel, filed a timely notice of appeal from the written decision Administrative Law Judge William R. Mullins issued in this case on June 21, 2001, denying respondent's motion for reconsideration of a June 12 order granting the Administrator's motion for summary judgment.<sup>1</sup> However, respondent did not subsequently file a timely appeal brief, and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>2</sup> See 49 CFR

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<sup>1</sup>The law judge affirmed an order of the Administrator revoking respondent's Airline Transport Pilot Certificate No. 002442735, Flight Instructor Certificate No. 002442735, and Mechanic Certificate No. 638226995 (with airframe/powerplant ratings) for his alleged violation of section 65.20(a)(2) of the Federal Aviation Regulations, 14 CFR Part 65.

<sup>2</sup>Section 821.48(a) provides as follows:

**§ 821.48 Briefs and oral argument.**

(a) *Appeal briefs.* Each appeal must be perfected within

Part 821.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Ronald S. Battocchi  
General Counsel

(..continued)

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.