

SERVED: September 27, 2001

NTSB Order No. EA-4915

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 27<sup>th</sup> day of September, 2001

_____		)	
JANE F. GARVEY,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-15973
v.		)	
		)	
WALTER F. CHAPMAN,		)	
		)	
Respondent.		)	
_____		)	

**ORDER DISMISSING APPEAL**

On July 31, 2000, the respondent filed a notice of appeal from an order the law judge served in this proceeding on July 14, 2000.<sup>1</sup> Section 821.47 of the Board's Rules of Practice (49 CFR Part 821),<sup>2</sup> requires that an appeal from a decision of a law

<sup>1</sup>The law judge granted a motion by the Administrator to dismiss as untimely respondent's appeal from an order suspending his mechanic certificate for 20 days for his alleged violation of section 43.15(a)(1) of the Federal Aviation Regulations, 14 C.F.R. § 43.15.

<sup>2</sup>Section 821.47 provides, in part, as follows:

§ 821.47 **Notice of Appeal.**

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

judge be filed within 10 days after its service date. In this case, that means that the notice should have been filed by July 24.

Absent a showing, not made or evident here, of good cause that would provide a basis for excusing the lateness of the respondent's notice, out of time by some 7 days, his appeal must be dismissed. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

The respondent's appeal from the law judge's July 14, 2000 order is dismissed.<sup>3</sup>

Ronald S. Battocchi  
General Counsel

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<sup>3</sup>Notwithstanding our dismissal of respondent's appeal for his failure to file a timely notice of appeal, we note that the appeal brief he subsequently filed contains no argument challenging the validity of the law judge's ruling on the Administrator's motion to dismiss.