

SERVED: February 11, 2002

NTSB Order No. EA-4949

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 11th day of February, 2002

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	Docket SE-16459
v.)	
)	
LARRY G. GOOD,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On January 2, 2002, Administrative Law Judge William E. Fowler, Jr., issued an order in this proceeding that granted the Administrator's motion to dismiss, as late-filed, an appeal the respondent had taken from the emergency revocation of his inspection authorization and his mechanic and pilot certificates.¹ Pursuant to section 821.57(a) of the Board's Rules of Practice, respondent needed to file a notice of appeal within two days if he desired review of the law judge's order by the full Board.² Respondent failed to do so. Instead,

¹In support of the revocation action, the Administrator alleged that respondent had violated sections 43.2(a)(1) and (2), 43.12(a)(1), 43.13(a), and 43.15(a)(1) of the Federal Aviation Regulations, 14 C.F.R. Part 43. The respondent did not answer the motion to dismiss.

²The Board's Office of Administrative Law Judges sent respondent a copy of the Board's rules of practice when he filed the appeal from the Administrator's emergency order of revocation

respondent, by counsel, contacted the Board on January 7, 2002, and requested an extension of time through that date to file a notice of appeal.³

In the absence of good cause, an untimely notice of appeal will be dismissed. See, e.g., Administrator v. Mace, 7 NTSB 478 (1990)(emergency revocation proceeding), aff'd 948 F.2d 781 (D.C. Cir. 1991). Counsel's assertion that she did not review the documents involved in the matter until January 7th does not constitute good cause for excusing the missed deadline.⁴

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

(..continued)

that the law judge subsequently dismissed as untimely. The Administrator's emergency revocation order set forth detailed advice for prosecuting a timely appeal before the Board.

³The Administrator has filed an answer in which she opposes the extension request and moves for dismissal of the appeal.

⁴Without a timely appeal, counsel's views as to the merits of the Administrator order and the necessity for her to have prosecuted the matter as an emergency are immaterial.