

SERVED: January 2, 2003

NTSB Order No. EA-5012

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

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 30th day of December, 2002

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MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-15472
v.)	
)	
DAVID A. SHRADER,)	
)	
Respondent.)	
)	
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ORDER DISMISSING PETITION FOR RECONSIDERATION

Respondent seeks, pursuant to Section 821.50 of the Board's Rules of Practice, 49 C.F.R. § 821.50, rehearing of NTSB Order No. EA-4971, served May 17, 2002, wherein the Board granted the Administrator's appeal and reversed the law judge's order dismissing the complaint as stale.¹ Two members of the Board (Acting Chairman Carmody and Member Black) would deny the petition, and two members of the Board (Members Hammerschmidt and Goglia) would grant the petition.²

In the absence of a majority decision for either the grant

¹The Administrator sought to suspend respondent's airman certificate for 60 days under FAR section 61.15(e) for his admitted failure to provide timely notice to the Administrator of an alcohol-related motor vehicle conviction in California.

²The same arguments were pressed unsuccessfully by the respondent on appeal and on reconsideration in Administrator v. Ramaprakash, NTSB Order No. EA-4947 (2002)(Members Hammerschmidt and Goglia, dissenting), reconsideration denied, NTSB Order No. EA-4984 (2002)(Members Hammerschmidt and Goglia, dissenting).

or denial of the petition, no action can be taken.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for reconsideration is dismissed.

CARMODY, Acting Chairman, and HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.