

SERVED: April 1, 2003

NTSB Order No. EA-5034

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 1<sup>st</sup> day of April, 2003

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MARION C. BLAKEY,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-16794
v.		)	
		)	
TAREK HASSAN JIFRY,		)	
		)	
Respondent.		)	
		)	
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**ORDER**

We have today issued an opinion and order in Administrator v. Zarie, NTSB Order No. EA-5033 (served April 1, 2003), a case also decided by Administrative Law Judge Patrick G. Geraghty that involves the identical factual setting, allegations, and legal issues as are posed by this appeal.<sup>1</sup> For the reasons set forth in Zarie, we affirm the law judge's grant, in the same language, of summary judgment for the Administrator in this proceeding.

<sup>1</sup>A copy of the law judge's decision is attached, as is a copy of the Board's opinion and order in the Zarie case.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The respondent's appeal is denied; and
2. The order of the law judge affirming the emergency suspension of respondent Jifry's Airline Pilot Certificate No. 2339384 under section 61.18 of the Federal Aviation Regulations is affirmed.

ENGLEMAN, Chairman, and GOGLIA, CARMODY, ROSENKER, and HEALING, Members of the Board, concurred in the above opinion and order. Member CARMODY submitted the following concurring statement, in which Member GOGLIA joined.

The decision here does not reflect any judgment either on the process TSA, in concert with the Administrator, has put in place to enhance aviation security by de-certifying airmen who pose a security threat, or on TSA's threshold determination that the respondent in this case may present such a risk. The decision recognizes that the validity of the TSA assessment does not fall within the scope of our statutory charter.