

SERVED: December 22, 2003

NTSB Order No. EA-5071

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 22nd day of December, 2003

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MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-16996
v.)	
)	
DEWIE JOSEPH SANDLIN,)	
)	
Respondent.)	
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ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the appeal filed by the respondent in this proceeding because it was not perfected by the filing of a timely appeal brief, as required by Section 821.57(b) of the Board's Rules of Practice (49 C.F.R. Part 821).¹ We will grant the motion.

The record establishes that respondent filed a timely notice of appeal from the law judge's November 24th oral initial

¹Section 821.57(b) provides as follows:

§ 821.57(b) **Briefs and oral argument.**

(b) Briefs and oral argument. Each appeal in proceedings governed by this subpart must be perfected, within 5 days after the date on which the notice of appeal was filed, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal....

decision, but he did not file an appeal brief within 5 days after that date, that is, by December 1, 2003.²

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief after the deadline, dismissal of his appeal is required by Board precedent. See Administrator v. Hooper, 6 NTSB 559 (1988).

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

²The law judge affirmed an order of the Administrator revoking all of respondent's airman and medical certificates for his alleged violations of sections 61.59(a)(2), 91.13(a), 135.267(b)(2) and 135.267(d) of the Federal Aviation Regulations, 14 CFR Parts 61, 91 and 135.