

SERVED: February 27, 2004

NTSB Order No. EA-5082

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 27th day of February, 2004

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MARION C. BLAKEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-16975
v.	)	
	)	
HERBERT MCGREGOR,	)	
	)	
Respondent.	)	

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**ORDER DISMISSING APPEAL**

On December 18, 2003, respondent filed a timely notice of appeal from the written decision Administrative Law Judge William R. Mullins issued in this case on December 11, 2003, granting the Administrator's motion for summary judgment.<sup>1</sup> However, respondent did not subsequently file a timely appeal brief,<sup>2</sup> and his appeal is therefore subject to dismissal under section

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<sup>1</sup>The law judge affirmed an order of the Administrator suspending respondent's Airline Transport Pilot Certificate No. 47201 and any other airman pilot certificate held by him, pending a successful reexamination of his qualifications, pursuant to 49 U.S.C. sections 44709 and 46105(c)(1).

<sup>2</sup>Petitioner's appeal brief was due on January 30, 2004, following a timely request for an extension of time from the original January 12<sup>th</sup> deadline.

821.48(a) of the Board's Rules of Practice.<sup>3</sup> See 49 CFR Part 821.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Ronald S. Battocchi  
General Counsel

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<sup>3</sup>Section 821.48(a) provides as follows:

**§ 821.48 Briefs and oral argument.**

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.