

SERVED: September 14, 2004

NTSB Order No. EA-5108

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 8th day of September , 2004

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
	Complainant,)	
)	Docket SE-16809
	v.)	
)	
CASINO AIRLINES, INC.,)	
	Respondent.)	
)	
_____)	

ORDER DENYING RECONSIDERATION

On consideration of the respondent's petition for reconsideration of Board Order No. EA-5091 (served May 27, 2004) and the Administrator's response in opposition, we have concluded that the petition, which for the most part repeats and expands upon arguments previously considered and rejected, neither establishes error in our original decision nor otherwise presents a valid basis for reconsidering it.¹

We agree that a letter the president of Casino sent the law judge to note an appeal from the Order of Revocation could have been treated as an answer to the complaint and that, had it been so treated, it arguably raised triable issues. At the same time, the law judge cannot be faulted for not recognizing the appropriateness of disregarding respondent's failure to file a

¹Section 821.50(d) of the Board's Rules of Practice provides that repetitious petitions for reconsideration "will not be entertained by the Board and will be summarily dismissed."

formal answer in the face of his subsequent failure to respond to the Administrator's motion for summary judgment. The law judge could reasonably conclude that the respondent would have objected to the motion if it had a basis, whether identified in the appeal letter or otherwise, for believing that the motion should not be granted.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is denied.

ENGLEMAN CONNERS, Chairman, ROSENKER, Vice Chairman, and CARMODY, HEALING, and HERSMAN, Members of the Board, concurred in the above order.