

SERVED: February 28, 2008

NTSB Order No. EA-5370

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 28<sup>th</sup> day of February, 2008

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ROBERT A. STURGELL,	)	
Acting Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-18007
v.	)	
	)	
PACIFIC AIR RADIO, INC.	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the appeal that respondent has filed in this proceeding, because respondent did not perfect his appeal by filing a timely appeal brief, as the Board's Rules of Practice require.<sup>1</sup> The Administrator's motion, to which respondent filed no responsive pleading, is granted.

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<sup>1</sup> 821.48(a) **Briefs and oral argument.**

(a) Appeal brief ... each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.

The record establishes that respondent filed a timely notice of appeal from the law judge's November 19, 2007 decisional order.<sup>2</sup> Respondent, however, did not file an appeal brief by the deadline established by § 821.48(a). We have not received an appeal brief from respondent as of the date of this order.

Without good cause to excuse a failure to file a timely appeal brief, or a request to file one out of time before it is due, a party's appeal will be dismissed. Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Gary L. Halbert  
General Counsel

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<sup>2</sup> The law judge granted the Administrator's motion for summary judgment, affirming the Administrator's order revoking respondent's approved repair station certificate for alleged violations of certain provisions of the Federal Aviation Regulations.