

SERVED: August 24, 1992

NTSB Order No. EA-3667

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 17th day of August, 1992

THOMAS C. RICHARDS,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-12145
v.)	
)	
TED J. DuHACK,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On March 26, 1992, respondent by counsel filed a notice of appeal from the oral initial decision Administrative Law Judge Jimmy N. Coffman rendered at the conclusion of an evidentiary hearing held on March 17, 1992.¹ However, respondent has not filed an appeal brief and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice.² See 49 CFR Part 821.

¹The law judge affirmed an order of the Administrator suspending respondent's Airline Transport Pilot Certificate No. 327422997 for his alleged violations of sections 91.13(a), 91.7(a) and (b), and 135.143(a) and (b) of the Federal Aviation Regulations, 14 CFR Parts 91 and 135.

²Section 821.48(a) provides as follows:

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

(..continued)

"§821.48 **Briefs and oral argument.**

(a) Appeal briefs. Each appeal must be perfected within 50 days after service of 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."