

SERVED: September 28, 1994

NTSB Order No. EA-4256

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 16th day of September, 1994

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RICHARD A. RUGGIERO,	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	Docket CD-28RM
DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Respondent.	)	
	)	
	)	

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**ORDER DISMISSING APPEAL**

On May 15, 1994, petitioner, by counsel, filed a notice of appeal from the oral initial decision Administrative Law Judge Jerrell R. Davis rendered at the conclusion of an evidentiary hearing held on May 4, 1994.<sup>1</sup> However, the petitioner has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>2</sup> 49 CFR 821.

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<sup>1</sup>The law judge *reversed* the Administrator's denial of the issuance of a type rating in the SAAB 340-B aircraft to petitioner. It is unclear on what grounds petitioner appealed the ruling.

<sup>2</sup>Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

**ACCORDINGLY, IT IS ORDERED THAT:**

The petitioner's appeal is dismissed.

HALL, Acting Chairman, LAUBER, HAMMERSCHMIDT and VOGT, Members of the Board, concurred in the above order.

(..continued)

(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.