

SERVED: March 2, 1995

NTSB Order No. EA-4331

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 24th day of February, 1995

_____)	
DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	
v.)	Dockets SE-12030 and
)	SE-12049
)	
MAURICE BAILEY and)	
GILBERT E. AVILA,)	
)	
Respondents.)	
_____)	

ORDER DENYING RECONSIDERATION

Respondents have filed a petition seeking reconsideration of our decision in NTSB Order No. EA-4294 (served December 13, 1994). In that decision we affirmed orders suspending respondents' mechanic certificates for 120 days each based on their improper approval of a Piper PA-32 for return to service after a 100-hour inspection (signed off by respondent Bailey) and annual inspection (signed off by respondent Avila), when the aircraft was unairworthy due to numerous discrepancies.¹ The petition is denied.

¹ We affirmed violations of 14 C.F.R. 43.13(a) and (b), and 43.15(a) against respondent Bailey, and of 43.15(a) against respondent Avila.

Although respondents' petition is somewhat difficult to understand, it appears to reiterate many of their earlier arguments, all of which we rejected in Order No. EA-4294. They continue to assert noncompliance with a variety of laws, regulations, and policies, on the part of the FAA inspector who investigated this case (in not "grounding" the aircraft), the Part 135 owner of the aircraft (in allegedly not repairing the discrepancies), and the pilot who flew the unairworthy aircraft (in not noting the discrepancies alleged in the Administrator's complaint). Respondents' primary argument appears to be that the actions of these individuals were inconsistent with the Administrator's position that the aircraft was unairworthy. We disagree. The evidence at the hearing overwhelmingly established that respondents returned an unairworthy aircraft to service, improperly certifying that it was airworthy. The subsequent actions of others are irrelevant to respondents' violations. To the extent that respondents' petition raises additional arguments, they are either repetitive or meritless.

In sum, respondents have not raised any matter in their petition that would warrant reconsideration of our decision in this case.

ACCORDINGLY, IT IS ORDERED THAT:

The petition for reconsideration is denied.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIT, Member of the Board, concurred in the above order.