

SERVED: September 12, 2000

NTSB Order No. EA-4857

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 12th day of September, 2000

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JANE F. GARVEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-15776
v.	)	
	)	
PATRICK J. BADON,	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

On May 4, 2000, respondent, by counsel, filed a timely notice of appeal from the oral initial decision Administrative Law Judge William R. Mullins rendered in this case on April 27, 2000.<sup>1</sup> However, respondent did not file an appeal brief by June 16, as required by section 821.48(a) of the Board's Rules of Practice, 49 CFR Part 821.<sup>2</sup>

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<sup>1</sup>The law judge upheld an order of the Administrator suspending any and all airman certificates held by respondent, including Airman Certificate No. 439040550, for a period of 120 days (waived under the Aviation Safety Reporting System), for his alleged violations of sections 121.315(c), 121.639(a) and (c), and 91.13(a) of the Federal Aviation Regulations, 14 CFR Parts 121 and 91. The law judge dismissed violations of sections 119.5(g) and 121.557(c).

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

In the absence of good cause to excuse the failure to file a timely appeal brief, respondent's appeal must be dismissed. See, e.g., Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Ronald S. Battocchi  
General Counsel

(..continued)

**§ 821.48 Briefs and oral argument.**

(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.