

SERVED: October 31, 2006

NTSB Order No. EA-5257

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

Issued under delegated authority (49 C.F.R. 800.24)
on the 31st day of October, 2006

MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-17677
v.)	
)	
GARY LEE FLAUGHER,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On July 17, 2006, respondent, through counsel, filed a notice of appeal from the law judge's July 7, 2006 oral initial decision.¹ However, respondent did not subsequently file a timely appeal brief,² and has not provided good cause for this

¹ The law judge affirmed an order of the Administrator revoking all of respondent's airman and medical certificates for his alleged violations of sections 67.107(b)(3), 67.207(b)(3), 67.307(b)(3), and 67.403(a)(1) of the Federal Aviation Regulations, 14 C.F.R. Part 67.

² After the Board granted a timely, unopposed request for a 30-day extension of time, respondent's appeal brief was due no later than September 27, 2006. On September 18, 2006, respondent's counsel withdrew his appearance, indicating respondent would proceed pro se.

failure. His appeal is therefore subject to dismissal under Section 821.48(a) of the Board's Rules of Practice (49 C.F.R. Part 821).³

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief after the deadline, dismissal of his appeal is required by Board precedent and policy. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Gary L. Halbert
General Counsel

³ Section 821.48(a) provides as follows:

§ 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.