

SERVED: January 31, 2007

NTSB Order No. EA-5266

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 January, 2007

MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-17770
v.)	
)	
DONALD L. DES JARDINS,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

On October 26, 2006, respondent filed a notice of appeal from the law judge's October 18, 2006 oral initial decision.¹ However, respondent did not subsequently file a timely appeal brief,² and has not provided good cause for this failure. His appeal is therefore subject to dismissal under Section 821.48(a)

¹ The law judge affirmed an order of the Administrator suspending respondent's commercial pilot certificate, but modified the sanction from a period of 45 days to 30 days, for his alleged violations of sections 91.123(b) and 91.113(a) of the Federal Aviation Regulations, 14 C.F.R. Part 91.

² Respondent's appeal brief was due no later than December 7, 2006. We note that, as of the service date of this order, we still have not received any appeal brief from respondent.

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.