

SERVED: June 11, 2009

NTSB Order No. EA-5454

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

Issued under delegated authority (49 C.F.R. § 800.24)  
on the 11<sup>th</sup> day of June, 2009

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J. RANDOLPH BABBITT,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-18353
v.		)	
		)	
MICHAEL D. BECKLEY,		)	
		)	
Respondent.		)	
		)	
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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the appeal that respondent has filed in this proceeding, because respondent did not perfect his appeal by filing a timely appeal brief, as Section 821.48(a) of the Board's Rules of Practice requires (49 C.F.R. Part 821).<sup>1</sup> The Administrator's motion, to which

<sup>1</sup> Section 821.48(a) provides as follows:

**§ 821.48 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

respondent filed no responsive pleading, is granted.

The record establishes that respondent filed a timely notice of appeal from the law judge's December 19, 2008 oral initial decision.<sup>2</sup> Respondent, however, did not file an appeal brief by the deadline established by § 821.48(a). We have not received an appeal brief from respondent as of the date of this order.

Without good cause to excuse a failure to file a timely appeal brief, or a request to file one out of time before it is due, a party's appeal will be dismissed. See Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Gary L. Halbert  
General Counsel

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(..continued)

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.

<sup>2</sup> The law judge affirmed the Administrator's order revoking, on an emergency basis, respondent's airline transport pilot, flight engineer, certified flight instructor, ground instructor, and first-class medical certificates for violation of section 121.455(b) of the Federal Aviation Regulations.