

SERVED: September 17, 2010

NTSB Order No. EA-5550

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

Issued under delegated authority (49 C.F.R. § 800.24)  
on the 17<sup>th</sup> day of September, 2010

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J. RANDOLPH BABBITT,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-18804
v.		)	
		)	
WILLIAM J. SHIELDS,		)	
		)	
Respondent.		)	
		)	
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**ORDER DISMISSING APPEAL**

The Administrator submitted a motion 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

respondent filed no responsive pleading, is granted.

The record establishes that respondent, through counsel, filed a timely notice of appeal from the law judge's July 1, 2010 order denying reconsideration of his June 22, 2010 order terminating the proceeding.<sup>2</sup> Respondent, however, did not file an appeal brief by the deadline established by § 821.48(a). The undersigned has 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)

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.

<sup>2</sup> Respondent appealed the Administrator's order revoking, on an emergency basis, respondent's airman medical certificate due to a clinical diagnosis of substance dependence within the preceding 2 years. Respondent subsequently waived the expedited procedures normally applicable to emergency proceedings.