

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

General Standing Order Applicable to All
Cases Before Tribunal

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) Standing Order 26-1
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Until withdrawn or superseded, this standing order is applicable in all cases docketed with the Office of Administrative Law Judges (“OALJ”) of the National Transportation Safety Board (“NTSB”) on or after July 20, 2026.

Proceedings before the Board are governed by the Board's Rules of Practice in Air Safety Proceedings, 49 C.F.R. Part 821. OALJ also applies the Pilot's Bill of Rights, Pub. L. No. 112-153, as amended, and the Federal Rules of Civil Procedure and Federal Rules of Evidence to the extent practicable.¹

ALJs within OALJ are required to oversee the conduct of proceedings delegated to OALJ. *See* 49 CFR § 821.35(b). In furtherance of that obligation, the following rules apply to all cases:²

I. As a general rule, the ALJ will schedule and preside over live, in-person evidentiary hearings, though exceptions may apply depending on case circumstances.

All evidentiary hearings shall be conducted in-person unless a party presents a compelling hardship and requires an accommodation under our regulations [49 C.F.R. § 821.37(a)] to conduct the hearing virtually. Such requests will be considered on a case-by-case basis, based on the circumstances presented by the party (parties), and approved by the judge, in consultation with the Chief Judge, if such an accommodation is determined to be appropriate and in the best interest of the agency’s mission.

¹ *See* 49 C.F.R. §§ 821.5, 821.38.

² This order is not intended to, does not, and may not be relied upon to create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Nothing in this order should be construed as mandating a particular outcome in any specific case. Exceptions to these rules may be made when justified by circumstances.

II. The location for hearings will be addressed during a prehearing conference.

Live hearings will be held in a location established during a prehearing conference. An ALJ shall give due regard to the location of the subject incident, the convenience of the parties and their witnesses, and the conservation of Board funds as well as the convenience of the hearing site to scheduled transportation services. *See* 49 C.F.R. § 821.37(a). In cases, where a denial of a medical certificate is challenged, the hearing is required to be conducted “at a place convenient to the place of residence or employment” of the petitioner. *See* 49 U.S.C. § 44703(d)(2).

III. The failure to attend a prehearing conference or abide by discovery deadlines may result in sanctions.

If a party fails to attend a prehearing conference, without requesting that the conference be rescheduled before the time of the conference, or fails to comply with a discovery or other deadline or otherwise fails to comply with a notice or order from this tribunal without good cause, the ALJ may impose a sanction,³ including:

1. directing that facts be taken as established for purposes of the action;
2. prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
3. striking pleadings in whole or in part;
4. staying further proceedings until the order is obeyed;
5. dismissing the action or proceeding in whole or in part; or
6. rendering a default judgment against the disobedient party.

IV. Challenges to OALJ’s jurisdiction or authority will be addressed before the merits of a case.

Jurisdiction is a threshold issue and, without authority over a matter, an administrative tribunal cannot proceed.⁴ When a party expressly raises a jurisdictional or authority-based challenge, the ALJ will address and issue a formal ruling on the record whether jurisdiction and authority over a case or issue exists before addressing other arguments or the merits of the case.

V. Although parties may use artificial intelligence, they are bound by the obligation to verify the accuracy of representations.

Any party using generative artificial intelligence (“AI”) to create, draft or prepare any document submitted to this tribunal shall include a statement disclosing AI use and certify that a human personally reviewed and ensured that all factual assertions and legal authorities were independently verified in compliance with Rule 11 of the Federal Rules of Civil Procedure. A

³ *See* Federal Rules of Civil Procedures Rules 16(f) and 37(b)(2)(a).

⁴ *See Union Pacific R.R. Co. v. Brotherhood of Locomotive Engineers and Trainmen*, 558 U.S. 67, 71 (2009); *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 89 (1998); *Ex parte McCardle*, 74 U.S. 506, 514 (1868).

party making the required disclosure and certification will not be subject to sanctions solely on the basis of using AI; however, the failure to disclose, certify, or otherwise comply with these requirements may result in the filing being stricken, dismissal, or other appropriate relief.

VI. Emergency cases will be given priority in scheduling.

Emergency proceedings brought under 49 U.S.C. § 44709(e) shall receive scheduling priority over all non-emergency matters. The Board has long recognized that due process requires “the opportunity to be heard at a meaningful time and in a meaningful manner.”⁵ Accordingly, OALJ will make every reasonable effort to ensure compliance with the expedited statutory and regulatory timelines governing emergency cases.

Under the applicable statutes and regulations, hearings in emergency proceedings must be set for a date no later than 30 days after the appeal is received, and the Board must issue its final disposition within 60 days after the appeal is filed. See 49 U.S.C. § 44709(e); 49 C.F.R. § 821.56.

When a respondent waives the expedited deadlines applicable to an emergency proceeding, the above requirements no longer govern; however, the matter will ordinarily continue to receive priority scheduling in recognition of the significance of the immediately effective certificate action at issue.

Accordingly, emergency cases and waived-emergency cases shall ordinarily receive priority in hearing scheduling. When necessary, hearings in other matters may be continued or rescheduled to accommodate those proceedings.

Date of Order July 20, 2026.



Daniel J. McGinn-Shapiro
Chief Administrative Law Judge

⁵ See *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); *Administrator v. Choure*, NTSB Order No. EA-5829 at 12 (2017) (stating that due process requires notice and opportunity to be heard at a meaningful time and in a meaningful manner).