

SERVED: August 18, 1992

NTSB Order No. EA-3642

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

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 10th day of August, 1992

THOMAS C. RICHARDS,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-9978
v.)	
)	
ELVIN L. MYRICK,)	
)	
Respondent.)	
)	

ORDER DENYING RECONSIDERATION

Respondent seeks reconsideration of our decision in NTSB Order EA-3578, served June 5, 1992. In that decision, we affirmed an initial decision finding that respondent had violated 14 C.F.R. 91.9, 91.65(a), and 91.67(e). In his petition, respondent claims that we improperly affirmed an initial decision that was based on inherently incredible testimony, and is inconsistent with the weight of the evidence.

We disagree. In fact, the inconsistencies in the testimony that respondent raises in his petition were specifically discussed and resolved in our decision. See NTSB Order EA-3578 at 7-8. That respondent disagrees with the law judge's (and our) analysis does not make it inherently incredible or inconsistent with the weight of the evidence.

Respondent's other arguments -- that his version of events is supported by other evidence¹ -- also are insufficient to reverse. As the Administrator notes, the record is not as definitive as respondent would have it. Moreover, these matters, too, inherently involve credibility determinations by the law judge, reversal of which has not been justified.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is denied.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

¹I.e., his passenger's alleged lack of anxiety and the apparent lack of concern by others.