

SERVED: April 5, 1994

NTSB Order No. EA-4138

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 25th day of March, 1994

DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-11657
v.)	
)	
MARK A. BISHOP,)	
)	
Respondent.)	
)	

ORDER DENYING RECONSIDERATION

Respondent requests reconsideration of Board Order EA-4061 (served January 24, 1994) affirming the revocation of his medical certificate and a 60-day suspension of his ATP certificate for the intentional falsification of four medical certificate applications, in violation of section 67.20 of the Federal Aviation Regulations. The Administrator has replied in opposition. We deny the request.

Respondent contends that the law judge and, in turn, the Board, erroneously concluded that respondent's testimony proved that he had actual knowledge that the information he provided on the medical certificate applications was false. At the hearing, he testified to his belief that certain legal proceedings related to his driving record in New York did not result in a conviction he needed to report on the applications and this, he asserts, is

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uncontroverted proof that he thought he had answered the questions truthfully.

We find no merit in respondent's contention. As we stated in our opinion, the law judge made a credibility determination embracing a judgment that respondent knew he was not being truthful when he answered "no" to the question of whether he had a record of traffic or other convictions. The law judge did not, as the petition contends, conclude that since respondent had been arrested, had pleaded guilty to Driving While Ability Impaired, had paid a fine, and had had his driving privileges suspended in New York for 90 days, he must or should have known he could not honestly give a "no" answer to the question. The law judge found that respondent had intended to falsify the application, not that he had mistakenly given a false answer. The circumstantial evidence was sufficient to support such a finding.

We conclude that the petition does not set forth an error in our original decision.

ACCORDINGLY, IT IS ORDERED THAT:

The petition for reconsideration is denied.

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