

SERVED: May 20, 1994

NTSB Order No. EA-4175

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 17th day of May, 1994

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BONNIE LEE MENDENHALL,	)	
	)	
Applicant,	)	
	)	
v.	)	
	)	Docket No. 150-EAJA-SE-
DAVID R. HINSON,	)	12564
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Respondent.	)	
	)	
	)	

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**OPINION AND ORDER**

The Administrator seeks clarification and modification of one aspect of our opinion in this case, NTSB Order EA-4121 (served March 30, 1994). Respondent has not replied. We grant the request.

In that decision, we stated, as background,

6. On May 16, 1992, applicant performed a practical examination for an ATP certificate in the CE-500, the examination being conducted by an FAA-designated examiner. This examiner issued her a temporary ATP certificate for the

6295A

CE-500.

Elsewhere in the opinion we interchangeably used the term "reexamination" and "examination" when discussing respondent's May 16, 1992 "practical examination." See, e.g., NTSB Order EA-4121 at 4.

There should be no inference taken from our language usage regarding the relationship between a practical examination (test) and a reexamination, or concerning the individuals authorized to conduct either test. As stated in paragraph 6 of the opinion (reproduced above), uncontested by respondent, she underwent a practical examination on May 16, 1992. We agree with the Administrator that our inexact terminology should not be read for the proposition that a reexamination under Section 609 may be administered by a designated examiner. That issue was not before us and was not reached.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The Administrator's petition is granted; and
2. Our opinion in NTSB Order EA-4121 is clarified as set forth above.

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