

SERVED: August 17, 1994

NTSB Order No. EA-4230

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 15th day of August, 1994

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DAVID R. HINSON,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-12367
v.	)	
	)	
STEPHEN ALBERT NAYPAVER, JR.,	)	
	)	
Respondent.	)	

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**ORDER DENYING STAY**

Respondent, pro se, has requested a stay of NTSB Orders EA-4127 and 4199, served April 13 and June 23, 1994, respectively, pending review of those orders by the United States Court of Appeals for the Fifth Circuit pursuant to Section 1006 of the Federal Aviation Act (49 U.S.C. 1486) and the NTSB Rules (49 C.F.R. 821.64).<sup>1</sup>

We generally grant stays of our orders pending judicial review when the suspension affirmed is for less than 6 months. We consistently deny stays in cases involving certificate revocation because revocation is based on a conclusion that the airman lacks the qualifications required of a certificate holder. Cases in between -- involving suspensions of 6 months or more -- are evaluated on a case-by-case basis, considering the seriousness of the violations. See Administrator v. Reinhold, NTSB Order EA-4224 (1994).

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<sup>1</sup>Board Order EA-4127 affirmed a 180-day suspension of respondent's airline transport pilot certificate. Order EA-4199 denied respondent's petition for reconsideration.

In our judgment, respondent's conduct here reflects a disregard for aviation safety that mitigates against a stay of our order. Looking at the facts in the light most favorable to him, respondent continued a long distance flight despite having been told by air traffic control that he may have hit a power line. Further, immediately after takeoff, respondent lost power in one engine. After regaining power, he chose to continue his flight rather than land to investigate the engine failure. Finally, respondent's prior violation history supports denial of the requested stay.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's motion for stay is denied.

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