

SERVED: May 20, 1996

NTSB Order No. EA-4455

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 13th day of May, 1996

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DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
	Complainant,)	
)	Docket SE-14224
	v.)	
)	
VALENTINO MAGHEE,)	
)	
	Respondent.)	
)	
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ORDER DISMISSING APPEAL

The Administrator has moved to dismiss the notice of appeal in this proceeding because it was not, as required by Section 821.47 of the Board's Rules of Practice (49 CFR Part 821),¹ filed by the respondent within 10 days after the law judge served a written order granting summary judgment in the matter on December

¹Section 821.47 provides as follows:

"§ 821.47 Notice of Appeal.

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to §821.8) a notice of appeal within 10 days after an oral initial decision or an order has been served."

27, 1995.² We will grant the motion, to which respondent has submitted no reply.

Absent a showing of good cause that would provide a basis for excusing the lateness of the notice, respondent's appeal must be dismissed.³ See Administrator v. Hooper, NTSB Order EA-2781 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

²The law judge affirmed an order of the Administrator revoking the respondent's airman certificate (No. 485503280) pursuant to section 61.15(a)(2) of the Federal Aviation Regulations, 14 CFR Part 61.

³Respondent's notice of appeal, due on January 6, 1996, was not filed until January 29.