

SERVED: May 29, 1996

NTSB Order No. EA-4458

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 24th day of May, 1996

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DAVID R. HINSON,)	
Administrator,)	
Federal Aviation Administration,)	
)	
	Complainant,)	
)	Docket SE-13914
	v.)	
)	
THOMAS L. ROGERS,)	
)	
	Respondent.)	
)	
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ORDER DENYING RECONSIDERATION

Respondent seeks reconsideration, as authorized by 49 C.F.R. § 821.50, of NTSB Order No. EA-4428, served March 5, 1996, wherein the Board affirmed the Administrator's order suspending respondent's airman certificate for 90 days, based on respondent's violation of sections 91.13(a), 135.5, 135.63(c), 135.73, and 135.75 of the Federal Aviation Regulations, 14 C.F.R. Parts 91 and 135. As discussed below, we deny the petition.

In his petition, respondent argues again that because the Proposed Notice of Certificate Action sought to suspend respondent's "Airline Transport Pilot Certificate," not all pilot certificates, and that the Administrator agreed to amend the suspension order to conform to the notice, then the suspension may not be applied to all of his pilot certificates unless he is afforded another informal conference. Respondent made this

argument on appeal and we addressed it in NTSB Order No. EA-4428 at 11-12. Suspension of an Airline Transport Pilot Certificate includes all lesser pilot certificates as well.

Respondent next contends that the language in the Board's Order suspending his "airman certificate," is overly broad and should be limited to pilot certificates, so as not to be interpreted to apply to his mechanic certificate. On this point, the Administrator concurs. Thus, for clarification, the Board's Order is amended accordingly.

As for the remainder of respondent's petition, it contains no new matter, unconsidered argument, or evidence that was not considered by the Board before issuing its decision. The arguments advanced therein by respondent were already considered thoroughly by the Board and need not be discussed further now.

ACCORDINGLY, IT IS ORDERED THAT:

The petition for reconsideration is denied. However, Board Order No. EA-4428 is clarified to ensure application to respondent's pilot certificates only.

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