

SERVED: August 28, 1998

NTSB Order No. EA-4694

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 August, 1998

JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-14381
v.)	
)	
PETER S. WOERMANN,)	
)	
Respondent.)	
)	

ORDER DENYING RECONSIDERATION

Respondent seeks reconsideration of NTSB Order No. EA-4644, served March 18, 1998, wherein the Board affirmed the Administrator's order suspending respondent's airline transport pilot certificate for 15 days for violating section 105.13 of the Federal Aviation Regulations.

Respondent's petition alleges errors of fact and law in the Board's order. Our review of the record, however, reveals none. Respondent's petition also repeats arguments that were thoroughly considered by the Board in connection with its original decision, and nothing in respondent's petition establishes that they, or any other matter raised again therein, merit further discussion.¹

¹ Respondent's petition purports to be based on "new" evidence,
(continued ...)

ACCORDINGLY, IT IS ORDERED THAT:

The petition for reconsideration is denied.

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

objected to by the Administrator, but respondent has not made the requisite showing under 49 CFR § 821.50(c) and it is therefore stricken from the record. Nonetheless, we must comment that even were we to accept this evidence, which purports to corroborate the testimony of one of the Army pilots who estimated that the total duration of their flight from a nearby airfield was as brief as 10 minutes, it would not benefit respondent. The record indicates that the Army pilots monitored the unicom frequency as they approached and landed at the airport, and the credited testimony of the Army pilots that they never heard announcements of parachute activity gives rise to a reasonable inference that respondent never made those announcements during that time period. A pilot's duty to warn of parachuting activity does not end when the parachutists exit his aircraft, and, in this case, respondent failed to act as a reasonable and prudent pilot when he did not take available measures to warn other pilots that parachutists were descending upon the airfield.