

SERVED: June 16, 2009

NTSB Order No. EA-5456

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. § 800.24)  
on the 16<sup>th</sup> day of June, 2009

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J. RANDOLPH BABBITT,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-18347
v.		)	
		)	
HARSHEN DESAI,		)	
		)	
Respondent.		)	
		)	
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**ORDER DISMISSING APPEAL**

Respondent submitted a letter indicating a possible intent to appeal the law judge's February 5, 2009 order granting summary judgment.<sup>1</sup> However, respondent did not perfect his appeal as required by the Board's Rules of Practice (49 C.F.R. Part 821).<sup>2</sup>

<sup>1</sup> The law judge granted the Administrator's motion for summary judgment, affirming the Administrator's order revoking, on an emergency basis, any and all certificates held by respondent, including his private pilot certificate, for violation of sections 61.37(a)(3) and (a)(7) of the Federal Aviation Regulations.

<sup>2</sup> Section 821.48(a) provides as follows:

**§ 821.48 Briefs and oral argument.**

(a) Appeal brief....each appeal must be

Further, we have not received an appeal brief from respondent as of the date of this order.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's appeal is dismissed.

Gary L. Halbert  
General Counsel

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(..continued)

perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.