

SERVED: September 27, 2010

NTSB Order No. EA-5554

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

Issued under delegated authority (49 C.F.R. § 800.24)
on the 27th day of September, 2010

| | | |
|----------------------------------|---|-----------------|
| J. RANDOLPH BABBITT, |) | |
| Administrator, |) | |
| Federal Aviation Administration, |) | |
| |) | |
| Complainant, |) | |
| |) | Docket SE-18914 |
| v. |) | |
| |) | |
| LEIFUR HELGASON, |) | |
| |) | |
| Respondent. |) | |
| |) | |

ORDER DISMISSING APPEAL

Respondent filed a notice of appeal from the law judge's August 4, 2010 order dismissing respondent's appeal for lack of timeliness.¹ Respondent, however, did not perfect his appeal by

¹ The law judge dismissed respondent's appeal of the Administrator's order revoking, on an emergency basis, respondent's private pilot, airframe and powerplant mechanic, repairman, and medical certificates, and any other airman or medical certificates held by respondent, alleging violations of 14 C.F.R. § 61.15(e) and 67.403(a)(1). Respondent subsequently waived the expedited procedures normally applicable to emergency proceedings.

filing a timely appeal brief, as Section 821.48(a) of the Board's Rules of Practice requires (49 C.F.R. Part 821),² and has not provided good cause for his failure to do so.

Without good cause to excuse a failure to file a timely appeal brief, or a request to file one out of time before it is due, a party's appeal will be dismissed. See Administrator v. Hooper, 6 NTSB 559 (1988). To be timely, respondent had to file his appeal brief on or before September 3, 2010. 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

² Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

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