

SERVED: November 16, 2010

NTSB Order No. EA-5560

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

Issued under delegated authority (49 C.F.R. § 800.24)
on the 16th day of November, 2010

J. RANDOLPH BABBITT,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-18894
v.)	
)	
SOUTH SKY AVIATION CORPORATION,)	
)	
Respondent.)	
)	

ORDER DISMISSING APPEAL

Respondent filed a notice of appeal from the law judge's July 29, 2010 decisional order.¹ Respondent, however, did not perfect the appeal by filing a timely appeal brief, as Section

¹ The law judge affirmed the Administrator's order revoking, on an emergency basis, respondent's air agency (flight school) certificate, for alleged violations of 14 C.F.R. §§ 144.77(a)(1), 141.83(a)(1), and 61.59(a)(2). Respondent subsequently waived the expedited procedures normally applicable to emergency proceedings.

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 failing 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). After respondent, through counsel, requested, and the Board granted, an extension of time within which to file the appeal brief, respondent's brief was due on or before September 20, 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.