

SERVED: June 9, 2011

NTSB Order No. EA-5587

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 8th day of June, 2011

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J. RANDOLPH BABBITT,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
Complainant,		)	
		)	Docket SE-19024
v.		)	
		)	
RONALD FREDRICK SCHMIDT,		)	
		)	
Respondent.		)	
		)	
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**ORDER**

Respondent and the Administrator have filed a joint motion for remand. We grant the motion.

The Administrator issued an emergency order revoking respondent's private pilot and second-class airman medical certificates on January 24, 2011. Respondent subsequently filed a notice of appeal of the emergency order, waiving his right to the expedited emergency proceedings. On March 2, 2011, counsel for the Administrator, based upon a belief the parties reached a settlement, filed a notice of withdrawal with the law judge. The law judge terminated the proceeding on March 4, 2011.

Respondent then filed a notice of appeal with the Board. The parties now agree no settlement existed and, as a result, jointly request the Board vacate the law judge's order and remand the case for a hearing.

We find no formal settlement existed. Although not specifically raised in the joint motion, we further note only counsel for the Administrator signed the March 2, 2011 notice of withdrawal. We would caution future litigants to avoid this practice to prevent confusion as occurred in this case. Therefore, we remand the case to the law judge in lieu of requiring briefs from the parties on this issue.

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The parties' joint motion for remand is granted;
2. The law judge's order terminating the proceeding is vacated; and
3. The case is remanded to the law judge.

HERSMAN, Chairman, HART, Vice Chairman, and SUMWALT, ROSEKIND, and WEENER, Members of the Board, concurred in the above opinion and order.