

SERVED: November 16, 2011

NTSB Order No. EA-5602

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, 2011

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| _____ |) | |
| J. RANDOLPH BABBITT, |) | |
| Administrator, |) | |
| Federal Aviation Administration, |) | |
| |) | |
| Complainant, |) | |
| |) | Docket SE-19103 |
| v. |) | |
| |) | |
| PETER RANDOLPH BRUSH, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| _____ |) | |

ORDER DISMISSING APPEAL

On August 4, 2011, respondent filed a notice of appeal from the law judge's oral initial decision, issued on August 3, 2011.

The Board's Rules of Practice require a notice of appeal be filed within 10 days after the oral initial decision, and must be perfected by an appeal brief filed within 50 days after the oral initial decision.¹ Respondent's counsel received a 30-day extension of time to file respondent's appeal brief. Respondent's brief was due on October 24, 2011, however, as of this date, no brief

¹ 49 C.F.R. §§ 821.47(a) and 821.48(a).

has been filed. On November 3, 2011, the Administrator filed a motion to dismiss the appeal. On November 10, 2011, respondent's counsel provided a response informing the Board he was hired to pursue the matter through the hearing but not the appeal; he has lost contact with his client; and therefore, has no authority to file a brief or proceed on the appeal.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

David K. Tochen
General Counsel