

SERVED: October 20, 2016

NTSB Order No. EA-5796

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

Issued under delegated authority (49 C.F.R. § 800.24)
on the 20th day of October, 2016

_____)	
MICHAEL P. HUERTA,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	
v.)	Docket CP-30004
)	
PEYTON J. WILSON,)	
)	
Respondent.)	
_____)	

ORDER DISMISSING APPEAL

On September 1, 2016, respondent filed a notice of appeal from Chief Administrative Law Judge Alfonso J. Montañó's oral initial decision, issued on August 18, 2016.

The Board's Rules of Practice require a notice of appeal be filed within 10 days after the date on which the oral initial decision was rendered or the appealable order was served.¹ Respondent's notice of appeal was due on August 29, 2016², however, he did not file his notice by the deadline established by § 821.47(a). He filed a notice of appeal by electronic mail on

¹ 49 C.F.R. § 821.47(a).

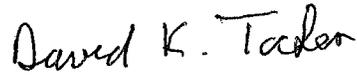
² Ten days from the date of the law judge's decision would have occurred on August 28, 2016, which was a Sunday. Pursuant to 49 C.F.R. § 821.10, the deadline would expire on the following Monday, which was August 29, 2016.

September 1, 2016, one day late.

On September 8, 2016, the Administrator filed a motion to dismiss the appeal as untimely filed and respondent has failed to respond to the motion.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

A handwritten signature in black ink that reads "David K. Tochen". The signature is written in a cursive style with a large initial "D".

David K. Tochen
General Counsel