

SERVED: July 9, 2003

NTSB Order No. EM-196

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

Issued under delegated authority (49 C.F.R. 800.24)  
on the 9th day of July, 2003

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THOMAS H. COLLINS,	)	
Commandant,	)	
United States Coast Guard,	)	
	)	
v.	)	Docket ME-173
	)	
CHRISTOPHER J. DRESSER,	)	
	)	
Appellant.	)	

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**ORDER DENYING STAY**

Appellant has requested a stay of NTSB Order No. EM-195, served June 11, 2003, pending disposition of a petition for review of that order filed in the U.S. Court of Appeals.<sup>1</sup> The Commandant does not oppose the request. The request is denied.

Because the Board's order did not reach the merits of the Coast Guard's charge against the appellant, but, instead, reversed the Coast Guard's decisions and remanded the case for a new hearing before a different law judge, there has been no final action by the Coast Guard, and the appellant has administrative remedies to exhaust before judicial review would ordinarily be available. In these circumstances, it would not be appropriate to grant the appellant's request for a stay of the Board's order.

**ACCORDINGLY, IT IS ORDERED THAT:**

Appellant's request for stay is denied.

Ronald S. Battocchi  
General Counsel

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<sup>1</sup>In EM-195, the Board remanded the case to the Commandant for further proceedings consistent with our agreement with the appellant that the law judge who heard his appeal from a drug charge should have recused himself because of an appearance of conflict created by his son's participation in related litigation.