

SERVED: February 10, 1998

NTSB Order No. EA-4630

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 4th day of February, 1998

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JANE F. GARVEY,		)	
Administrator,		)	
Federal Aviation Administration,		)	
		)	
	Complainant,	)	
		)	Docket SE-14996
	v.	)	
		)	
GERALD F. PLUNK,		)	
		)	
	Respondent.	)	
		)	
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**ORDER DISMISSING APPEAL**

The Administrator has moved to dismiss the notice of appeal in this proceeding because it was not, as required by Section 821.47 of the Board's Rules of Practice (49 CFR Part 821),<sup>1</sup> filed

<sup>1</sup>Section 821.47 provides as follows:

§ 821.47 **Notice of Appeal.**

A party may appeal from a law judge's order or from the initial decision by filing with the Board and serving upon the other parties (pursuant to §821.8) a notice of appeal within 10 days after an oral initial decision or an order has been served.

by the respondent within 10 days after the law judge issued an order on October 22, 1997, granting summary judgment for the Administrator.<sup>2</sup> We will grant the motion, to which respondent has submitted no answer.

Absent a showing of good cause that would provide a basis for excusing the lateness of the notice, respondent's appeal must be dismissed.<sup>3</sup> See Administrator v. Hooper, NTSB Order EA-2781 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

1. The Administrator's motion to dismiss is granted, and
2. The respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above order.

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<sup>2</sup>The law judge's decision affirms an order of the Administrator revoking any and all airman certificates held by respondent (including Airman Certificate No. 267984450) for his alleged violations of section 61.15(a)(2) of the Federal Aviation Regulations, 14 CFR Part 61 and Section 44710(b) of the Federal Aviation Act of 1958, as amended.

<sup>3</sup>Respondent's notice of appeal, due on November 3, 1997, was dated November 5 and postmarked November 7.