



on appeal may be deemed to have been waived. Since respondent did not appeal the law judge's initial decision, the merits of the Administrator's case may not be challenged here. Administrator v. Hamilton, NTSB Order No. EA-3583 at 2 (1992).<sup>1</sup> As the Board noted in Administrator v. Lambert, 4 NTSB 1373 (1984), a respondent may not use a petition for reconsideration as a vehicle for making contentions that should have been, but were not, made on appeal.<sup>2</sup>

To the extent that respondent's petition challenges the basis for the Board's imposition of a 90-day suspension, we have considered his arguments and, in our view, they do not compel any modification of our decision.

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's petition is denied.

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

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<sup>1</sup>Respondent criticizes the Board for not "directly confronting" the provisions of FAR § 91.705(a). The content of the regulations were not in issue, because respondent failed to challenge them.

<sup>2</sup>Nor will we consider the written statement of a witness that was attached to respondent's petition, since he offers no explanation whatsoever why the statement could not be introduced at the time of the hearing.