

SERVED: April 17, 1998

NTSB Order No. EA-4655

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 9th day of April, 1998

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JANE F. GARVEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-14785
v.	)	
	)	
LEONARD P. MILLER,	)	
	)	
Respondent.	)	
	)	

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**ORDER DISMISSING APPEAL**

On November 25, 1997, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Patrick G. Geraghty rendered at the conclusion of an evidentiary hearing held on November 18, 1997.<sup>1</sup> However, respondent did not file an appeal brief by January 7, 1998, that is, within 50 days after

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<sup>1</sup>The law judge affirmed an order of the Administrator suspending any airman certificate held by respondent, including his Airline Transport Pilot Certificate (No. 516566303), for 60 days for his alleged violation of section 91.13(a) of the Federal Aviation Regulations. The allegation on which the charge was predicated asserted that respondent, after landing at Wolf Point International Airport in Montana, left his aircraft, with engines running, unchocked and unattended while he entered the terminal building.

the decision was rendered.<sup>2</sup> His appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice, 49 CFR Part 821.<sup>3</sup> The Board does not accept late-filed appeals or appeal briefs absent a showing of good cause. See, e.g., Administrator v. Hooper, 6 NTSB 559 (1988).

**ACCORDINGLY, IT IS ORDERED THAT:**

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>Respondent did not file an appeal brief until January 12.

<sup>3</sup>Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.