

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

COPY - DEC 20 1971

Petition of

FRANK A. LINDE, JR.

for review of the denial by the
Administrator of the Federal
Aviation Administration of the
issuance of an airman medical
certificate

Docket SM-1453

Mark T. McDermott, Esq. for the Administrator.

Richard A. Morocco, Esq. for the Petitioner.

ORAL DECISION AND ORDER

Fred L. Woodlock, Administrative Law Judge:

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After a hearing this morning on the issues which were raised by the petition for review of the denial of the applicant's medical certificate, I am convinced that the motion for dismissal should be granted and that that order granting that motion should be with prejudice to the petitioner's right to a hearing on the issues which were raised by the Administrator's answer to the petition for review that is the subject of the hearing this date.

Are there any other comments?

MR. MC DERMOTT: I have none, Your Honor.

MR. MOROCCO: I have none, Your Honor.

JUDGE WOODLOCK: Then, thank you, gentlemen.

The motion is granted and so ordered.

The proceeding is terminated.

(Whereupon, at 12:40 p.m., the hearing in the
above-entitled matter was terminated.)

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APPEAL

Any party to this proceeding may appeal this initial decision or order by filing with the Board a notice of appeal within 10 days after this date. Such appeal must be perfected within 40 days after this date by filing with the Board a brief in support of such appeal. Appeals may be dismissed by the Board on its own motion or on motion of a party in cases where a party fails to perfect his appeal by the timely filing of the brief. Your attention is directed to Sections 821.43, 821.47, and 821.48 of the Board's *Rules of Practice in Air Safety Proceedings* for further information regarding appeals. An original and three copies of each document must be filed with the Office of Administrative Law Judges, National Transportation Safety Board, Washington, D. C. 20594, as provided in Section 821.7 of the Board's *Rules*, with copies served upon the other parties.