

SERVED: July 26, 1977

NTSB Order No. EA-1049

4 - JUL - 3  
COPY 0 1977

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 21st day of July 1977.

LANGHORNE M. BOND,  
Administrator, Federal Aviation  
Administrator,

Complainant,

v.

RANDY PAUL JONES,

Respondent.

Docket SE-2710

ORDER DISMISSING PETITION

On March 8, 1977, the United States Court of Appeals for the Sixth Circuit issued an order affirming the decision of the Board in this matter, "but without prejudice to appellant's [respondent's] petitioning for a still further reduction in the penalty assessed." 1/ Respondent thereafter filed a petition for reconsideration of sanction imposed. The Administrator in turn has filed an answer to the petition.

The issues in this proceeding, including sanction, have been litigated before the law judge, the Board and the Court of Appeals. The affirmation of the Board's Order by the Court of Appeals marks the termination of

1/ In the decision affirmed by the Court (Order EA-784, served November 19, 1975), the Board affirmed the initial decision whereby the law judge reduced the sanction from a 6-month suspension (as ordered by the Administrator) to a 30-day suspension of respondent's airline transport pilot certificate.

this litigation and closes the case. In the absence of a specific remand from the Court of Appeals, we fail to see how this Board can reassume jurisdiction of this proceeding. To the extent that the Court's order may be construed to confer on the Board discretionary jurisdiction to further consider the matter of sanction, we deem it appropriate to exercise that discretion to decline jurisdiction to entertain respondent's petition.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration of sanction be and it hereby is dismissed.

TODD, Chairman, BAILEY, Vice Chairman, McADAMS, HOGUE, and HALEY, Members of the Board, concurred in the above order.