



SERVED: October 10, 1980

NTSB Order No. EA-1497

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 26th day of September 1980

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LANGHORNE M. BOND, Administrator,
Federal Aviation Administration,

Complainant,

vs.

GEORGE M. KITCHEN,

Respondent.

Docket No. SE-1449

ORDER DENYING RECONSIDERATION

Respondent has filed a petition for reconsideration of NTSB Order EA-1449, served July 3, 1980, by which the Board dismissed respondent's appeal for failure to file a brief. Respondent states in the petition that it was "our understanding" that, after filing the notice of appeal, "we would receive a letter from you stating whether or not you would accept our appeal". We are at a loss as to how respondent arrived at such an understanding. He was provided, at the commencement of the proceeding, with a copy of the Board's Rules of Practice (49 CFR 821) and, at the conclusion of the hearing, was given a sheet of paper by the law judge containing the appeal procedures (Tr. 39). Respondent should therefore have been aware of the necessity of perfecting his appeal by filing a brief within 40 days of the initial decision and of the consequences of his failure to do so.

In view of the foregoing, the Board can find no circumstances which warrant reconsideration of Order EA-1449.1/

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is denied.

KING, Chairman, DRIVER, Vice Chairman, McADAMS, GOLDMAN, and BURSLEY, Members of the Board, concurred in the above order.

1/ We have nevertheless examined the record and find that it fully supports the law judge's findings.