



SERVED: July 3, 1980

NTSB Order No. EA-1449

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 19th day of June 1980.

Handwritten: Lw US8 Tracy

LANGHORNE M. BOND,
Administrator, Federal Aviation
Administration,

Complainant,

v.

GEORGE M. KITCHEN,

Respondent.

Docket SE-4553

ORDER DISMISSING APPEAL

Respondent filed a notice of appeal, by letter post-marked April 6, 1980, from the initial decision of Administrative Law Judge John E. Faulk, issued orally on March 26, 1980.^{1/} However, an appeal brief, necessary to perfect the appeal, has not been forthcoming, and respondent's appeal is therefore

^{1/} The law judge affirmed the 30-day suspension of respondent's commercial pilot certificate and the air carrier operating certificate held by respondent based on violations of sections 135.293(a) and (b) (or its predecessor section 135.138(a) and (b)) of the FAR.

subject to dismissal under the Board's Rules of Practice.^{2/}

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal be and it hereby is dismissed.

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

^{2/} Section 821.48(a) reads, in pertinent part, as follows:
"Sec. 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 40 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by the filing with the Board and the serving on the other party of 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."

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