

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

Served: NOV 13 1989

FAA Order No. 89-0001

FEDERAL AVIATION ADMINISTRATION, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 HUMBERT L. GRESSANI, )  
 )  
 Respondent. )

Docket No. CP89NE0103

ORDER DISMISSING APPEAL

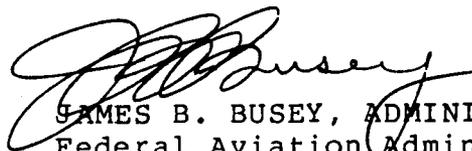
On August 18, 1989, Respondent filed a notice of appeal from an Order Assessing Civil Penalty recited in the oral initial decision of Chief Administrative Law Judge William A. Kane, Jr., at the conclusion of the hearing held on August 9, 1989. Respondent has failed to perfect that appeal by filing an appeal brief within 50 days after the entry of the oral initial decision on the record in accordance with 14 CFR 13.233(c).<sup>1/</sup> Hence, Respondent's appeal is subject to dismissal pursuant to 14 CFR 13.233(d)(2).<sup>2/</sup>

1/ Section 13.233(c) provides in pertinent part:  
Perfecting an appeal. Unless otherwise agreed by the parties, a party shall perfect an appeal, not later than 50 days after entry of the oral initial decision on the record or service of the written initial decision on the party, by filing an appeal brief with the FAA decisionmaker.

2/ Section 13.233(d)(2) provides:  
The FAA decisionmaker may dismiss an appeal, on the FAA decisionmaker's own initiative or upon motion of any other party, where a party has filed a notice of appeal but fails to perfect the appeal by timely filing of an appeal brief with the FAA decisionmaker.

THEREFORE, IT IS ORDERED THAT:

Respondent's appeal is hereby dismissed.



JAMES B. BUSEY, ADMINISTRATOR  
Federal Aviation Administration

Issued this 9<sup>th</sup> day of November 1989.