

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

In the Matter of:

ANTHONY F. COLUMNA

FAA Order No. 94-15

Served: June 15, 1994

Docket No. CP94SO0002

**ORDER**

By motion dated March 22, 1994, Complainant requests a ruling on whether Respondent's notice of appeal served February 19, 1994, will be construed as an appeal brief. Complainant requests an extension of time to file its reply brief if the notice of appeal is construed as an appeal brief.

Respondent has not filed an appeal brief. His appeal brief was due on April 11, 1994. Respondent's appeal may be dismissed for failure to perfect under Section 13.233(d)(2) of the Federal Aviation Regulations, 14 C.F.R. § 13.233(d)(2). Respondent's notice of appeal, however, provides not only notice of his intent to challenge the law judge's decision to cancel his hearing and assess a civil penalty, but also his specific objections to the law judge's decision. Accordingly, Respondent's notice of appeal satisfies the requirements for an appeal brief under Section 13.233(d)(1), 14 C.F.R. § 13.233(d)(1). See, e.g., In the Matter of Beck, FAA Order No. 92-39 (June 15, 1992) (holding that respondent's notice of appeal was sufficiently detailed to meet the requirements for an appeal brief).

Complainant may file a reply brief within 35 days from the service date of this order.

DAVID R. HINSON, ADMINISTRATOR  
Federal Aviation Administration



FRANK J. SAN MARTIN  
Acting Manager  
Adjudications Branch

Issued this 13th day of June, 1994.

\*Issued under authority delegated to the Chief Counsel and the Assistant Chief Counsel for Litigation by Memorandum dated October 27, 1992, under 49 U.S.C. § 322(b) and 14 C.F.R. § 13.202 (see 57 Fed. Reg. 58, 280 (1992)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudications Branch, by Memorandum dated August 6, 1993.