

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

HARRY ALLAN
MERONEK

FAA Order No. 95-2

Served: February 14, 1995

Docket No. CP93SO0240

ORDER DISMISSING APPEAL

On August 2, 1994, Chief Administrative Law Judge John J. Mathias issued an oral initial decision finding that Respondent violated 14 C.F.R. §§ 103.9, 103.11, and 103.13(b). The law judge assessed a civil penalty of \$3,000.

Under the Rules of Practice, Respondent had 10 days to file a notice of appeal. See 14 C.F.R. § 13.233(a), providing that "a party shall file the notice of appeal not later than 10 days after entry of the oral initial decision on the record" The transcript of the proceedings in this case shows that, after the law judge issued his oral initial decision, he specifically advised Respondent that if he wished to appeal, he would need to file a notice of appeal within 10 days. Tr. at 91-92. The law judge also provided Respondent with the address to which he should send his notice of appeal. *Id.*

The deadline for Respondent to file his notice of appeal was August 12, 1994. However, Respondent filed neither a notice of appeal nor a request for extension of time by the deadline.

On September 20, 1994, Respondent filed a document with the Appellate Docket captioned "Motion for Extension," in which Respondent states only, "Need for signing of Affidavit of Witness." Attached to the "Motion for Extension" is a document captioned "Appeal," in which Respondent briefly sets forth his arguments challenging the law judge's decision and supporting his request for a new hearing.

If Respondent's September 20, 1994, filing was intended as either a request for extension of time to file a notice of appeal, or a notice of appeal, or both, it was late. The requirement for filing a timely notice of appeal will be waived only for good cause. In the Matter of Simmons, FAA Order No. 93-27 (August 9, 1993). Respondent has failed to show good cause for his failure to file a timely notice of appeal.

THEREFORE,

Respondent's appeal is dismissed.

DAVID R. HINSON, ADMINISTRATOR
Federal Aviation Administration



VICKI S. LEEMON¹
Manager
Adjudications Branch

Issued this 14th day of February, 1995.

¹ 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.