

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

SANFORD AIR, INC.

FAA Order No. 97-22

Served: May 28, 1997

Docket No. CP95NE0301

ORDER ALLOWING ADDITIONAL ARGUMENT

Respondent Sanford Air, Inc. (Sanford Air) has asked to file an additional brief, arguing that Complainant's reply brief failed to address an issue on appeal¹ and contains numerous factual errors. The Appellate Docket has received no response from Complainant.

The Rules of Practice provide, in pertinent part, as follows:

A party may petition the FAA decisionmaker, in writing, for leave to file an additional brief and shall serve a copy of the petition on each party. The party may not file the additional brief with the petition. The FAA decisionmaker may grant leave to file an additional brief *if the party demonstrates good cause for allowing additional argument* on the appeal. The FAA decisionmaker will allow a reasonable time for the party to file the additional brief.

14 C.F.R. § 13.233(f) (emphasis added). Thus, the issue here is whether Sanford Air has demonstrated good cause for allowing additional argument.

Sanford Air's claim that Complainant's reply brief failed to address the issue of the timeliness of the initial decision is incorrect. Complainant's reply brief contains a section headed, "The ALJ's failure to issue a written decision within 30

¹ Specifically, the law judge's failure to render an initial decision within 30 days of the hearing.

days of the close of the hearing does not mandate reversal of his decision.”

(Complainant's Reply Brief at 7-8.) It is possible, however, that Sanford Air's claim that there are factual errors in Complainant's reply brief has merit. Thus, there is good cause for allowing additional argument.

As a result, this order grants Sanford Air 35 days from the service date on p. 1 of this order to file an additional brief. *The additional brief should be limited to the alleged factual errors contained in Complainant's reply brief, and should specify the alleged factual errors in detail. Sanford Air is reminded that in its additional brief, it should refer specifically to pertinent evidence contained in the hearing transcript, as required by 14 C.F.R. § 13.233(d)(1).* As for Complainant, this order grants Complainant 35 days from the service date of Sanford Air's additional brief to file a reply brief.

BARRY L. VALENTINE
Acting Administrator
Federal Aviation Administration



JAMES S. DILLMAN²
Assistant Chief Counsel

Issued this 28th day of May, 1997.

² 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).