

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

In the Matter of: ABG CAULKING CONTRACTORS, INC.
FAA Order No. 2007-5

Docket No. CP05SO0050
DMS No. FAA-2005-22888¹

Served: April 10, 2007

ORDER DISMISSING APPEAL²

Respondent ABG Caulking Contractors (ABG) filed a notice of appeal from the written initial decision by Administrative Law Judge Isaac D. Benkin served on November 9, 2006. In this decision, the ALJ assessed a \$37,500 civil penalty against ABG for violations of the Hazardous Materials Regulations. ABG was required to perfect its appeal by filing an appeal brief no later than January 3, 2007, under 14 C.F.R. §§ 13.233(c) and 13.211(e). ABG, however, has neither filed an appeal brief nor sought an extension of time. In addition, ABG did not respond to Complainant's Motion to Dismiss Appeal for Failure to Perfect, dated January 25, 2007. Accordingly, ABG's appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).

THEREFORE, IT IS ORDERED THAT: ABG's appeal is dismissed.

MARION C. BLAKEY, ADMINISTRATOR
Federal Aviation Administration

[Original signed by Vicki S. Leemon]

VICKI S. LEEMON³
Manager, Adjudication Branch

¹ Materials filed in the FAA Hearing Docket are also available for viewing through the Department of Transportation's Docket Management System (DMS). Access may be obtained through the following Internet address: <http://dms.dot.gov>. See 14 C.F.R. § 13.210(e)(1).

² The Administrator's civil penalty decisions, along with indexes of the decisions, the rules of practice, and other information, are available on the Internet at the following address: http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty. The decisions are published by Clark Boardman Callaghan in Federal Aviation Decisions. The decisions also are available through LEXIS and WestLaw.

³ 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, Adjudication Branch, by Memorandum dated August 6, 1993.