

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

In the Matter of: RICHARD HAYDEN

FAA Order No. 2008-5

Docket No. CP04AL0007
FDMS No. FAA-2004-19746¹

Served: January 31, 2008

ORDER DISMISSING APPEAL²

On December 20, 2005, Administrative Law Judge Richard C. Goodwin served a written initial decision finding that Respondent Richard Hayden violated 14 C.F.R. §§ 91.7(a), 91.405(a), 91.407(a), and 91.409(a). The ALJ assessed a \$5,000 civil penalty against Hayden for these violations.

Under 14 C.F.R. §§ 13.233(a) and 13.211(e), a party may appeal from a written initial decision by filing a notice of appeal within 15 days after the ALJ served the decision.³ Thus, Hayden was required to file his notice of appeal no later than by January 4, 2006. Hayden, however, did not file his notice of appeal until June 18, 2007, approximately 18 months after Judge Goodwin issued his initial decision.

¹ Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing at <http://www.regulations.gov>. For additional information, see <http://dms.dot.gov>.

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. In addition, Thompson/West publishes Federal Aviation Decisions. Finally, the decisions are available through LEXIS (TRANS library) and WestLaw (FTRAN-FAA database). For additional information, see the Web site.

³ Section 13.233(a) of the Rules of Practice states in pertinent part as follows: "A party shall file the notice of appeal not later than 10 days after entry of the oral initial decision on the record or service of the written initial decision...." 14 C.F.R. § 13.233(a). Section 13.211(e) of the Rules of Practice provides an additional five days "[w]henver a party has a right or a duty of act or make any response within a prescribed period after service by mail, or on a date certain after service by mail.

The Administrator will accept a late-filed notice of appeal only if the appellant shows good cause for his failure to file the notice of appeal on time. Hayden, however, has presented no explanation for his failure to file in a timely fashion.

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

ROBERT A. STURGELL
ACTING ADMINISTRATOR
Federal Aviation Administration

[Original signed by Vicki S. Leemon]

VICKI S. LEEMON⁴
Manager, Adjudication Branch

⁴ 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.