

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

**In the Matter of: SKYWEST AIRLINES, INC.**

FAA Order No. 2012-1

Docket No. CP09NM0012  
FDMS No. FAA-2009-0979<sup>1</sup>

Served: January 19, 2012

**ORDER DISMISSING APPEAL**<sup>2</sup>

On June 24, 2011, Administrative Law Judge Richard C. Goodwin served a written initial decision finding that Respondent SkyWest Airlines, Inc. violated 14 C.F.R. §§ 119.5(g) and 119.5(l) and that Skywest did not violate 14 C.F.R. § 121.629(c). The ALJ assessed a \$40,000 civil penalty for the violations. On July 1, 2011, Complainant Federal Aviation Administration (FAA) filed a notice of appeal.

Under 14 C.F.R. §§ 13.233(c) and 13.211(e), Complainant was required to perfect its notice of appeal by filing an appeal brief no later than 55 days after service of the ALJ's written decision. Thus, Complainant was required to perfect its appeal by filing an appeal brief no later than August 18, 2011. Complainant, however, neither filed an appeal brief nor requested an extension of time in which to file its appeal brief. Accordingly, Complainant's appeal is subject to dismissal under 14 C.F.R. § 13.233(d)(2).<sup>3</sup>

---

<sup>1</sup> Materials filed in the FAA Hearing Docket (except for materials filed in security cases) are also available for viewing at the following Internet address: [www.regulations.gov](http://www.regulations.gov).

<sup>2</sup> 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: [www.faa.gov/about/office\\_org/headquarters\\_offices/agc/pol\\_adjudication/AGC400/Civil\\_Penalty](http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/AGC400/Civil_Penalty). In addition, Thomson Reuters/West Publishing publishes Federal Aviation Decisions. Finally, the decisions are available through LEXIS (TRAN library) and WestLaw (FTRAN-FAA database). For additional information, see the Web site.

<sup>3</sup> 14 C.F.R. § 13.233(d)(2) provides:

The FAA decision maker [the Administrator] may dismiss an appeal, on the FAA decisionmaker's own initiative or upon motion of any other party, where a party has filed a notice of appeal but fails to perfect the appeal by timely filing an appeal brief with the FAA decisionmaker.

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

MICHAEL P. HUERTA  
ACTING ADMINISTRATOR  
Federal Aviation Administration

[Original signed by Sheila Skojec for Vicki  
Leemon.]

VICKI LEEMON<sup>4</sup>  
Manager, Adjudication Branch

---

<sup>4</sup> 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.