

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of: RONALD BURGER

FAA Order No. 2002-21

Docket No. CP01CE0002

Served: August 9, 2002

ORDER DISMISSING PETITION FOR RECONSIDERATION

By FAA Order No. 2002-8, the Administrator dismissed Respondent's appeal of Administrative Law Judge Burton S. Kolko's order assessing a \$15,000 civil penalty. FAA Order No. 2002-8 was served on April 16, 2002.

Respondent sent a letter, dated July 19, 2002, to the ALJ, which the ALJ has forwarded to the Appellate Docket. (*See Order Forwarding Appeal to the Appellate Docket, dated August 6, 2002.*) In this letter, Respondent presents the same arguments that he made in his previous correspondence, and states that the FAA has been sending correspondence to a private box at a Mail Boxes, Etc., that he checks infrequently.

The Rules of Practice in Civil Penalty Proceedings, 14 C.F.R. Part 13, subpart G, do not provide for appeals to the ALJ after the Administrator has dismissed the case. Moreover, contrary to the ALJ's order, this letter cannot be considered to be an appeal from his initial decision in this matter. Respondent's July 19, 2002, letter could be regarded as a petition for reconsideration from FAA Order No. 2002-8. However, if Respondent's letter is construed as a petition for reconsideration, then it is late-filed. Under 14 C.F.R. § 13.234, a party shall file a petition for reconsideration no later than 30 days after the service of the Administrator's final decision and order on appeal. In this case, the Administrator's final decision was served on April 16, 2002, by certified mail. Any petition for reconsideration was due to be filed no later than May 21, 2002.¹ Respondent has shown no good cause for the lateness of any petition for reconsideration, and consequently, no extension shall be granted.

¹ Under 14 C.F.R. § 13.211(e), Respondent would have been entitled to an additional 5 days in which to file any petition for reconsideration because FAA Order No. 2002-8 was served by mail.

Accordingly, Respondent's petition is dismissed as untimely.

MONTE R. BELGER
ACTING ADMINISTRATOR
Federal Aviation Administration

A handwritten signature in cursive script, reading "Vicki S. Leemon".

VICKI S. LEEMON²
Manager, Adjudication Branch

Issued this 8th day of August, 2002.

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)) and redelegated by the Assistant Chief Counsel for Litigation to the Manager, Adjudication Branch, by Memorandum dated August 6, 1993.