

UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC

In the Matter of:

WRA, INC.

FAA Order No. 97-6

Served: February 7, 1997

Docket No. CP95EA0193

ORDER DISMISSING APPEAL

On October 1, 1996, Respondent WRA, Inc. (WRA) filed a timely notice of appeal from Chief Administrative Law Judge John J. Mathias's oral initial decision finding that WRA violated the Federal Aviation Regulations and assessing a \$12,000 civil penalty.¹ Judge Mathias expressly advised WRA (Tr. 258-59) that under the Rules of Practice, a party must perfect its appeal by filing an appeal brief not later than 50 days after entry of the oral initial decision on the record.

14 C.F.R. § 13.233(c). Although the deadline for WRA to file its appeal brief was November 13, 1996, WRA did not file its appeal brief until November 22, 1996, and it did not request an extension of time in which to file the brief.

Untimeliness will not be excused without a showing of good cause. *See* 14 C.F.R. § 13.233(c)(2), which provides that "[t]he FAA decisionmaker may grant an extension of time *if good cause for the extension is shown . . .*" (Emphasis

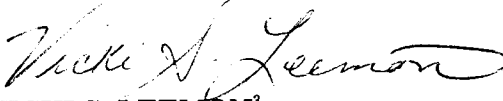
¹ After a hearing, the law judge found violations of 14 C.F.R. §§ 43.12(a)(1) (prohibiting causing or making an intentionally false entry in a record or report); 135.21(a) (requiring carriers to ensure that their maintenance personnel use a manual setting forth policies acceptable to Administrator); and 135.413(a) (requiring carriers to ensure their aircraft are maintained in accordance with the regulations). In the complaint, Complainant Federal Aviation Administration (FAA) had sought a \$30,000 civil penalty.

added.) WRA has not responded to Complainant's motion to dismiss its appeal for untimeliness. WRA has failed to show, or even attempt to show, good cause for its failure to perfect its appeal in a timely manner.

THEREFORE, IT IS ORDERED THAT:

WRA's appeal is dismissed.²

BARRY L. VALENTINE
Acting Administrator
Federal Aviation Administration


VICKI S. LEEMON³
Manager, Adjudication Branch

Issued this 7th day of February, 1997.

² Unless Respondent files a petition for review with a Court of Appeals of the United States within 60 days of service of this decision (under 49 U.S.C. § 46110), this decision shall be considered an order assessing civil penalty. See 14 C.F.R. §§ 13.16(b)(4) and 13.233(j)(2) (1996).

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.