



Appeal Brief Information for Respondents without Lawyers¹

1. **What is an “appeal brief,” and is it the same as my “notice of appeal”?**

An appeal brief is not the same as your notice of appeal. A notice of appeal is usually a short document, filed quickly, that says you *want* to appeal. Afterward, you must also file an appeal brief to finish (the legal term is “perfect”) your obligations in the appeal process. The appeal brief must fully state your legal arguments, factual arguments, and why the FAA Decisionmaker (the FAA Administrator or somebody acting on the Administrator’s behalf) should affirm (agree), reverse (disagree), or modify the Administrative Law Judge’s (“ALJ”) decision. **Your appeal could be dismissed if you do not file an appeal brief with the FAA Hearing Docket and serve it on the attorney representing the FAA.** See 14 CFR § 13.233(d)(1)-(2).

2. **What is in an appeal brief?**

14 CFR § 13.233(d)(1) states what should be in your appeal brief:

- The brief must contain your specific objections, in detail, to the ALJ’s decision.
- It must state the reasons (legal, factual, or both) supporting your appeal and the relief (assistance or action) you want.
- If you rely on evidence in the record (the official documents and transcripts considered by the ALJ), you must refer to that evidence.

3. **When must I file my appeal brief?**

You must file an appeal brief with the FAA Hearing Docket **no later than 50 days** after either (1) an ALJ’s oral initial decision at a hearing or (2) service of the written initial decision on the parties. If you need more time to file your appeal brief, you can ask the other party (FAA counsel) for additional time. If they disagree, you can file a written extension request to the Director of the Office of Adjudication. You must state compelling reasons (the legal term is “good cause”) why you need the extension. You must serve the request on all parties.

4. **Are there other requirements for the appeal brief?**

Yes. It cannot be just an email message. Instead, it must be a separate document, typed or legibly handwritten. See 14 CFR § 13.210(e). It also must be signed. See 14 CFR § 13.207(a). If filed by email, send it as an attached PDF file.

5. **How do I “file” and “serve” my appeal brief?**

“Filing” means sending to the FAA Hearing Docket, and “serving” means sending to other parties. You must follow the requirements of 14 CFR § 13.210 to file the appeal brief and 14 CFR § 13.211 to serve the appeal brief.

Failure to file and serve your appeal brief on time, in the proper format, and as required by the rules, could cause your appeal to be dismissed.

¹ The regulations are found at 14 CFR §§ 13.201 to 13.236. Should there be an unintended difference between this information and the regulations, the regulations govern.