



Federal Aviation Administration

Memorandum

Date: March 30, 2016
To: Director, Office of Adjudication
From: Principal Deputy Chief Counsel
Subject: ACTION: Delegation of Authority under Part 13, Subpart D

In furtherance of an efficient FAA enforcement process, pursuant to 49 U.S.C. §322(b) and 14 C.F.R. Part 13, at subparts C, D, and E, I hereby delegate authority to the Director of the Office of Adjudication as follows:

I. Hearing Officer Appointment and Support for Subpart D Hearings

- a. To appoint personnel of the Office of Adjudication [or other qualified personnel] to serve as hearing officers vested with the powers and duties described in subpart D;
- b. To provide administrative support for informal adjudications conducted under subpart D;
- c. To correct typographical, grammatical and similar errors in the FAA Hearing Officer's decisions and orders, and to make non-substantive editorial changes;
- d. To provide voluntary alternative dispute resolution (ADR) services prior to or during the pendency of hearings, upon request of the parties, in accordance with established Department of Transportation and FAA policies;
- e. To take all other reasonable steps deemed necessary and proper for the management of the hearing process, consistent with 14 C.F.R. Part 13, subpart D, and applicable law.

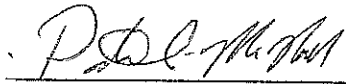
- f. The foregoing authority may be re-delegated, as necessary.

In performing these functions, the Director of the Office of Adjudication and any subsequent delegates, shall take reasonable measures to insure the independence of Hearing Officers. In order to preserve the integrity of the administrative appeal process to the Administrator, the Director of the Office of Adjudication and any subsequent delegates shall not participate in a material manner on the merits in any hearing, decision or order of a Hearing Officer under subpart D.

II. Support for Appeals to the FAA Administrator from a Hearing Officer's Order

The Director of the Office of Adjudication serves as the advisor to the Administrator. In that capacity, the Director has the authority to:

- a. To manage all or portions of individual appeals; and to prepare written decisions and proposed final orders in such appeals;
- b. To issue procedural and other interlocutory orders aimed at proper and efficient appeal management, including, without limitation, scheduling and sanctions orders;
- c. To grant or deny motions to dismiss appeals;
- d. To dismiss appeals upon request of the appellant or by agreement of the parties;
- e. To provide voluntary alternative dispute resolution (ADR) services prior to or during the pendency of appeals, upon request of the parties, in accordance with established Department of Transportation and FAA policies;
- f. To stay decisions and orders of the FAA Administrator, pending judicial review or reconsideration by the FAA Administrator;
- g. To summarily dismiss repetitious or frivolous petitions to reconsider or modify orders;
- h. To correct typographical, grammatical and similar errors in the FAA Administrator's decisions and orders, and to make non-substantive editorial changes;
- i. To take all other reasonable steps deemed necessary and proper for the management of the appeals process, in accordance with 14 C.F.R. Part 13 and applicable law.
- j. The foregoing authority may be re-delegated, as necessary, except that Hearing Officers and others materially involved in the hearing conducted that is the subject of the appeal.



Patricia A. McNall
Principal Deputy Chief Counsel

Issued this **30** day of **March**, 2016