

## National Transportation Safety Board

## § 821.6

*Law judge* means the administrative law judge assigned to hear and preside over the respective proceedings;

*Mechanic* means a person who holds a mechanic certificate issued under part 65 of title 14 of the Code of Federal Regulations.

*Order* means the document (sometimes also called a complaint) in which the Administrator seeks to impose a civil penalty or amend, modify, suspend or revoke a certificate.

*Petition for review* means a petition filed pursuant to 49 U.S.C. 44709 for review of the Administrator's denial of an application for issuance or renewal of an airman certificate;

*Petitioner* means a person who has filed a petition for review;

*Pilot* means a person who holds a pilot certificate issued under part 61 of title 14 of the Code of Federal Regulations.

*Repairman* means a person who holds a repairman certificate issued under part 65 of Title 14 of the Code of Federal Regulations.

*Respondent* means the holder of a certificate who has appealed to the Board from an order of the Administrator imposing a civil penalty or amending, modifying, suspending, or revoking a certificate.

Terms defined in 49 U.S.C. Chapters 11, 447, and 463 are used as so defined.

[40 FR 30243, July 17, 1975, as amended at 58 FR 11380, Feb. 25, 1993; 59 FR 59046, Nov. 15, 1994; 65 FR 42639, July 11, 2000]

### § 821.2 Applicability and description of part.

The provisions of this part govern all air safety proceedings, including proceedings involving airman medical certification, before a law judge on petition for review of the denial of any airman certificate or on appeal from any order of the Administrator amending, modifying, suspending or revoking any certificate. The provisions of this part also govern all proceedings on appeal from an order of the Administrator imposing a civil penalty on a flight engineer, mechanic, pilot, or repairman, or a person acting in that capacity, where the underlying violation occurred on or after August 26, 1992, and all pro-

ceedings on appeal to the Board from any order or decision of a law judge.

[59 FR 59054, Nov. 15, 1994]

### § 821.3 Description of docket numbering system.

In addition to sequential numbering of cases as received, each case formally handled by the Board receives a letter prefix. These letter prefixes reflect the case type: "SE" for the safety enforcement (suspension/revocation) docket; "SM" (safety medical) for an enforcement case involving a medical application; "SR" for a case involving safety registration issues under 49 U.S.C. 44101 *et seq.*; "CD" for certificate denial (see 49 U.S.C. 44703); "CP" for cases in which the Administrator seeks a civil penalty; and "EAJA" for applications seeking Equal Access to Justice Act awards.

[59 FR 59046, Nov. 15, 1994, as amended at 65 FR 42639, July 11, 2000]

## Subpart B—General Rules Applicable to Petitions for Review, Appeals to the Board, and Appeals From Initial Decisions

### § 821.6 Appearances and rights of witnesses.

(a) Any party to a proceeding may appear and be heard in person or by attorney or other representative designated by him or her. No register of persons who may practice before the Board is maintained, and no application for admission to practice is required. Upon hearing, and for good cause shown, the Board may suspend or bar any person from practicing before it.

(b) Any person appearing in person in any proceeding governed by this part, may be accompanied, represented, and advised by counsel and may be examined by his or her own counsel or representative.

(c) Any person who submits data or evidence in a proceeding governed by this part, may by timely request procure a copy of any document submitted by him or her, or a copy of any transcript made of his or her testimony on payment of reasonable costs. Original documents or data or evidence may be retained by a party upon permission of

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the law judge or the Board, upon substitution of a copy therefor.

(d) Any party to a proceeding who is represented by an attorney or party representative shall notify the Board of the name and address of that attorney or representative. In the event of a change in attorney or representative of record, a party shall notify the Board, in the manner provided in § 821.7(a), and the other parties to the proceeding, prior to the attorney or representative participating in any way, including the filing of documents, in any proceeding.

[40 FR 30243, July 17, 1975, as amended at 49 FR 28249, July 11, 1984; 59 FR 59046, Nov. 15, 1994]

### § 821.7 Filing of documents with the Board.

(a) *Filing address, date and method of filing.* Generally, documents are to be filed with the Office of Administrative Law Judges, National Transportation Safety Board, 490 L'Enfant Plaza East, S.W., Washington, DC 20594-2000, and addressed to the assigned law judge, if any. Subsequent to the filing of a notice of appeal from a law judge's initial decision or order terminating the proceeding (written or oral), or a decision permitting an interlocutory appeal, all documents should be directed to the Office of General Counsel, also at the above address. Filing of any document shall be by personal delivery, by U.S. Postal Service first class mail, or by overnight mail delivery service. Except as provided in § 821.57, facsimile filing is permitted as a convenience to the parties only. It does not substitute for filing requirements in this part, and any fax transmission to the Board must be followed, no later than the following business day, by a confirmation copy, clearly marked as such, sent by a method of service authorized in this paragraph. Unless otherwise shown to be inaccurate, documents shall be deemed filed on the date of personal delivery, on the send date shown on the facsimile (provided a confirmation copy is properly served), and, for mail delivery service, on the mailing date shown on the certificate of service, on the date shown on the postmark if there is no certificate of service, or on the mailing date shown by other evi-

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dence if there is no certificate of service and no postmark.

(b) *Number of copies.* An executed original and 3 copies of each document shall be filed with the Board. Copies need not be signed, but the name of the person signing the original shall be shown.

(c) *Form.* Petitions for review or appeals to the Board and appeals from initial decisions may be in the form of a letter to the Board signed by the petitioner or the party appealing and shall be typewritten or in legible handwriting.

(d) *Contents.* Each document shall contain a concise and complete statement of the facts relied upon and the relief sought.

(e) *Subscription.* The original of every document filed shall be signed by the person filing it or his or her duly authorized representative.

(f) *Designation of person to receive service.* The initial document filed shall state on the first page the name and post office address of the person or persons who may be served with documents in the proceeding.

(g) *Motions, requests, and documents.* All motions, requests, and documents in connection with petitions for review and appeals to the Board shall be filed with the chief law judge, until such time as he or she assigns a law judge to preside over the proceeding.

[40 FR 30243, July 17, 1975, as amended at 49 FR 28249, July 11, 1984; 56 FR 56172, Nov. 1, 1991; 59 FR 59046, Nov. 15, 1994]

### § 821.8 Service of documents.

(a) *Who must be served.* (1) Copies of all documents filed with the Board must be served on all parties to the proceeding by the person filing them. A certificate of service shall accompany all documents when they are tendered for filing and shall certify concurrent service on the Board and the parties. Certificates of service shall be in substantially the following form:

I hereby certify that I have this day served the foregoing document(s) on the following parties' counsel or designated representatives [or on the party, if without counsel or representative] at the address indicated by [specify the method of service: first class mail, personal service, etc.] [indicate names and addresses here]