

NTSB Order No.
EM-115

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D. C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D. C.
on the 15th day of November, 1984

JAMES S. GRACEY, Commandant, United States Coast Guard,

v.

STEPHEN J. MINTZ, Appellant.

Docket No. ME-100

ORDER DENYING MOTION

By Order EM-108, served June 8, 1984, the Board dismissed the appeal in this proceeding for appellant's "failure to present an issue subject to Board review under our procedural regulations" (id. at 2). Appellant has filed a motion, dated July 3, 1984, indicating his intent to seek, inter alia, reconsideration of Order EM-108 and requesting, in effect, an extension of time of 90 days within which to do so. The request will be denied.¹

While our rules of procedure for seaman appeals (46 CFR 825) do not expressly authorize requests for reconsideration, we have entertained them as a matter of discretion. See Commandant V. Nelson, 2 NTSB 2694 (1974). Since, however, our rules of practice in aviation proceedings, 46 CFR 821, do provide for reconsideration, we have looked to them for purposes of resolving procedural issues arising in connection with request for reconsideration requests in merchant marine cases. See Commandant v. Rogers, NTSB Order EM-91 (1981). Under those rules, a request for reconsideration must be filed within 30 days after service of the Board's decision on appeal. See 49 CFR 821.50(b). An extension of the 30-day filing period "will be granted only in extraordinary circumstances" (49 CFR 821.11).

In light of the foregoing, appellant's failure to provide any reason for the extension request, much less any "extraordinary circumstances" warranting an extension, dictates denial of his motion.

¹The Coast Guard has filed a reply opposing the extension request.

ACCORDINGLY, IT IS ORDERED THAT:

The motion for a 90-day extension of time contained in appellant's July 3, 1984 pleading is denied.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and BURSLEY, Member of the Board, concurred in the above order.