

NTSB Order No.  
EM-169  
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 19th day of November, 1992  
J. W. KIME, Commandant, United States Coast Guard,  
v.  
TIMOTHY F. DEFORGE, Appellant.  
Docket ME-156  
ORDER DISMISSING APPEAL

The Commandant has moved to dismiss this case because no timely notice of appeal from the Commandant's decision (No. 2542), served on the appellant's counsel on June 22, 1992, was filed with the Board. We will grant the motion, to which no response has been received.

Under the Board's Rules of Procedure for Merchant Marine Appeals, 49 CFR Part 825, the seaman was obligated, in order to obtain review by the Board of a decision of the Commandant, to file (1) a notice of appeal within 10 days of service of the decision and, within 20 days after filing such notice, (2) an appeal brief in support of the appeal. See Sections 825.5(a) and 825.20(a). Although appellant filed an appeal brief on August 21, 1992, he had not previously filed a notice of appeal, and no explanation for that failure accompanied the brief, which was itself filed long after it would have been due and had a notice been timely submitted.

In review of the foregoing, and to the extent the tardy brief could be treated as a notice of appeal, we will dismiss the appeal on the Coast Guard's motion because good cause for accepting an appeal from the appellant out of time has not been shown.

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**ACCORDINGLY, IT IS ORDERED THAT:**

1. The Commandant's motion to dismiss is granted, and
2. The appellant's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.