



Office of Administrative  
Law Judges

## National Transportation Safety Board

Washington, D.C. 20594

Jeffrey A. Talon  
10205 Robinson Avenue  
Garfield Heights, Ohio 44125

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**RECEIVED**  
06-27-07  
REF: DHC 1495

June 26, 2007

Re: Your correspondence of March 23,  
2006 and September 11, 2006

Dear Mr. Talon:

I am writing to you in response to telephone inquiries you have recently made to this office regarding the above-referenced correspondence. The March 23, 2006 correspondence was captioned "NTSB Docket NA-47 Court Documents," and states, "This paragraph provides WRITTEN LEGAL NOTICE of my APPEAL OF FAA AVIATION MEDICAL EXAMINER LOUIS LEONE's (AME #21083) DENIAL OF JEFFREY A. TALON's FIRST CLASS MEDICAL CERTIFICATE. This Appeal has been submitted to the FAA in accordance with the 30 day time limit required by 14 C.F.R. Part 67.409." Attached thereto are a series of documents, including copies of your March 2, 2006 medical certificate application and a March 2, 2006 statement by Louis Leone, D.O., which reads in its entirety, "Your medical certificate was been deferred to the FAA," as well as a CD. The correspondence of September 11, 2006 was captioned "NTSB Docket NA-47 Court Documents," and refers to "75,000+ Court Documents for NA-47." Attached thereto are hundreds of pages of material, none of which disclose any action taken by the FAA on your March 2, 2006 medical certificate application subsequent to Dr. Leone's deferral.

For your information, the NTSB proceeding docketed as NA-47 was based on an "appeal" you transmitted to this office on October 13, 2003, in response to a denial of an application you made for a first-class airman medical certificate on September 20, 2003 by another designated airman medical examiner, Charles R. Hoyt, M.D. On October 20, 2003, I issued an order not accepting that appeal because Dr. Hoyt's action did not, under the Federal Aviation Regulations, constitute a final denial of medical certification by the Federal Aviation Administration ("FAA"), and the NTSB did not, therefore, have jurisdiction to review that action. In that order, I fully detailed why, under the applicable statutes and regulations, the designated medical examiner's action was not a final FAA medical certificate denial and why the NTSB was without legal authority to consider an appeal of that action. You subsequently sought review of that decision by the full Board, which ultimately affirmed my October 20, 2003 order and denied your appeal thereof in NTSB Order EA-5137. That Board Order was served on January 31, 2005, and became final when you did not appeal it to the United States Court of Appeals within the following 60 days (*see* 49 C.F.R. § 821.64(a)). Accordingly, NTSB Docket NA-47 had been closed for approximately one year at the time you sent your March 23, 2006 correspondence to this office. For your convenience, I am enclosing a copy of NTSB Order EA-5137, to which my October 20, 2003 order is attached.

You should be aware that any disagreement you may have with any action taken with respect to your March 2, 2006 medical certificate application is wholly unrelated to NA-47, which applied strictly to your earlier September 20, 2003 application for medical certification. Had it appeared that

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