

U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
Washington, D.C.

In the Matter of:)	
)	
DIANE RIZZO,)	Docket No. 05-TSA-0049
)	
Respondent)	

FINAL DECISION AND ORDER

Introduction

On May 30, 2006, the TSA Decision Maker served Respondent Diane Rizzo and the parties to this case with an Order granting Respondent's Motion for Extension of Time and directing Respondent to file a brief. Respondent was required to file a brief fifty (50) days from the service date of the Order in order to perfect her appeal. 49 C.F.R. § 1503.233(d). As of the date of this Final Decision and Order, Respondent has failed to perfect her appeal.

Discussion

TSA's rules of practice allow the Decision Maker to dismiss an appeal where a party has filed a notice of appeal, but fails to perfect the appeal by timely filing an appeal brief. 49 C.F.R. § 1503.233(d)(2). Despite being granted an extension of time to file an appeal brief, Respondent has failed to perfect her appeal. Therefore, the Respondent's appeal is dismissed and the Initial Decision assessing a civil penalty in the amount of \$1,100.00 for violating 49 C.F.R. §§ 1540.107 and 1540.109 is affirmed.

Petition to Reconsider and Judicial Review

A party may petition the TSA decision maker to reconsider or modify a final decision and order. A party must file the petition with the TSA Enforcement Docket Clerk not later than 30

days after service of the TSA decision maker's final decision and order and must serve a copy of the petition on all parties. 49 C.F.R. § 1503.234 contains the process for filing a petition.

A party may seek judicial review of the final decision and order as provided in 49 U.S.C. 46110.

Dated: 6/28/2007

_____/s/_____
Gale Rossides
Acting Deputy Assistant Secretary