
GACAR PART 13 – COMPLIANCE ENFORCEMENT PROCEDURES, PETITIONS FOR RECONSIDERATION, AND APPEALS

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SUBPART A – GENERAL

§ 13.1 Applicability.

(a) This part prescribes procedures for—

(1) Compliance enforcement of the General Authority of Civil Aviation (GACA) Regulation (GACAR);

(2) Petitions for reconsideration; and

(3) Appeal from certain decisions and actions made by the President in his administration and enforcement of the GACAR.

(b) This part outlines the President’s actions for—

(1) Compliance enforcement including—

(i) Initiating activities,

(ii) Informal actions,

(iii) Remedial actions, and

(iv) Punitive actions.

(2) Preventing aircraft from operating and seizing documents.

(c) This part will be applied in conjunction with the GACAR Enforcement Policy which is published by the Board of Directors of the General Authority of Civil Aviation (GACA).

(d) Crimes described in Article 154 of the Civil Aviation Law are outside the scope of this part and will be addressed under the applicable procedures prescribed in the Civil Aviation Law.

§ 13.3 Legal Authority.

(a) The legal authority for compliance enforcement by the GACA is established in the Civil

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Aviation Law.

(b) For purposes of this part, the following definitions apply:

(1) *Board of Directors* means the Board of Directors of the GACA as established under the Civil Aviation Law.

(2) *Board of Grievances* means the Board of Grievances with judicial jurisdiction under Article 172 of the Civil Aviation Law.

(3) *Committee* means a committee formed under Article 174 of the Civil Aviation Law.

(4) *Certification* and *certificate* include any type of written authorization, including operations specifications or authorizing documents, unless specifically excluded.

§ 13.5 Kingdom of Saudi Arabia Armed Forces Personnel.

If, while performing official duties, a member of the Kingdom of Saudi Arabia (KSA) Armed Forces violates the Civil Aviation Law, or a regulation or order issued under it, the President sends a copy of the report to the appropriate military authority for such disciplinary action as that authority considers appropriate. No further compliance enforcement action under this part is undertaken.

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SUBPART B – INITIATING ACTIONS

§ 13.21 General.

The President may initiate compliance enforcement activities whenever he learns of a violation, or alleged violation through—

- (a) Surveillance (audits and inspections),
- (b) Incident notifications and investigations,
- (c) Accident notifications and investigations,
- (d) Public complaints,
- (e) Evaluations,
- (f) Certification or recertification reviews,
- (g) Law enforcement agencies,
- (h) Self disclosure, or
- (i) Any other means.

§ 13.23 Reports of Violations.

(a) Any person who knows of a violation of the Civil Aviation Law or any rule, regulation, or order issued under it, must report it to the President.

(b) Each report made under this section, together with any other information the GACA may have that is relevant to the matter reported, will be reviewed by GACA personnel to determine the nature and type of any additional investigation or compliance enforcement action the GACA will take.

§ 13.25 Inspections and Investigations.

The President may conduct inspections, reexaminations, investigations, require the production of

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relevant documents, records, and property, and take evidence and depositions.

§ 13.27 Formal Complaints.

(a) Any person may file a complaint with the President with respect to any action or omission by any person in contravention of any provision of the Civil Aviation Law or of any regulation or order issued under it, as to matters within the jurisdiction of the President. This section does not apply to complaints against the President or employees of the GACA Safety and Economic Regulations sector acting within the scope of their employment.

(b) Complaints filed under this section must—

(1) Be submitted in writing and identified as a complaint filed for the purpose of seeking an appropriate order or other compliance enforcement action;

(2) Be submitted to the General Authority of Civil Aviation, P.O. Box 887, Jeddah, 21165, Kingdom of Saudi Arabia;

(3) Set forth the name and address, if known, of each person who is the subject of the complaint and, with respect to each person, the specific provisions of the Civil Aviation Law, GACAR, or order that the complainant believes were violated;

(4) Contain a concise but complete statement of the facts relied upon to substantiate each allegation;

(5) State the name, address, and telephone number of the person filing the complaint; and

(6) Be signed by the person filing the complaint or an authorized representative.

(c) Complaints which do not meet the requirements of paragraph (b) of this section will be considered reports of violations under GACAR § 13.23.

(d) Complaints that meet the requirements of paragraph (b) of this section will be filed and a copy mailed to each person named in the complaint.

(e) Any complaint filed against a member of the Armed Forces acting in the performance of official duties must be referred to the Ministry of Defense for action under GACAR § 13.5.

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(f) The person named in the complaint must file an answer within 20 days after service of a copy of the complaint.

(g) After the complaint is answered or after the allotted time in which to file an answer expires, the President will determine whether reasonable grounds exist for investigating the complaint.

(h) If the President determines that a complaint does not state facts to warrant an investigation or action, the complaint may be dismissed and the reason for the dismissal must be given, in writing, to the person who filed the complaint and the person named in the complaint.

(i) If the President determines that reasonable grounds exist, an investigation may be initiated. Each person named in the complaint will be advised which official has been delegated the responsibility for conducting the investigation.

(j) If the investigation substantiates the allegations set forth in the complaint, the President may take compliance enforcement action under this part.

§ 13.29 Records, Documents, and Reports.

(a) Each record, document, and report that the GACAR requires to be maintained, exhibited, or submitted to the President may be used in any investigation conducted by the President. Except to the extent the use may be specifically limited or prohibited by the section that imposes the requirement, the records, documents, and reports may be used in any punitive action, remedial certificate action, or other legal proceeding.

(b) The President may seize documents and evidence during any investigation conducted under this part.

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**SUBPART C – INFORMAL ACTIONS AND IMMUNITY FROM PUNITIVE
ACTIONS**

§ 13.41 General.

(a) The President may pursue informal compliance enforcement actions via oral counseling to address apparent violations considered to be unintentional and of low safety risk.

(b) All identified noncompliances and safety deficiencies specified under paragraph (a) of this section must be addressed in a timely manner to restore compliance and maintain a safe operation and a safe operating environment. In all cases, failure to resolve identified noncompliances and safety deficiencies in a timely manner will result in a remedial action or other order to prevent or eliminate the unsafe condition or practice.

§ 13.43 Safety Management System: Immunity From Punitive Actions.

(a) Except as provided in GACAR § 13.47 and paragraph (b) of this section, the President will allow a certificate holder operating with a Safety Management System (SMS) under GACAR Part 5 to confront, and resolve internally, certain events involving noncompliance with the GACARs, within the context of its SMS with immunity from punitive actions.

(b) A certificate holder must consult with the President when proposing and implementing an internal resolution under paragraph (a) of this section. If the President deems the corrective measures proposed and implemented appropriate and likely to prevent recurrence and foster future compliance, he will conclude his review of the violation with no additional compliance enforcement action. In cases where the President deems either the corrective measures or the systems in place inappropriate, he will continue to interact with the certificate holder to seek a satisfactory resolution that will prevent compliance enforcement action.

(c) In cases where a certificate holder refuses to address the event and/or provide effective corrective measures, the President may take other compliance enforcement actions including remedial administrative action, remedial certificate action, or punitive action.

§ 13.45 Safety Data Collection and Processing Systems.

Except as provided in GACAR § 13.47, no information derived from the following sources will be used as the basis for punitive action:

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- (a) Safety data collection and processing systems established under GACAR Part 5; or
- (b) Self-reporting of deviations from regulations, where the usual detection methods could not have detected the deviation.

§ 13.47 Exceptions.

(a) Notwithstanding GACAR §§ 13.41, 13.43, and 13.45, the President may deny immunity from punitive action if—

(1) There is evidence of intentional violation of the GACAR or a deliberate effort to conceal noncompliance; or

(2) The regulated person has, in the past 5 years, had the same or closely related violations.

(b) Under the circumstances specified in paragraph (a) of this section, the established enforcement procedures including punitive actions, if applicable, apply.

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SUBPART D – REMEDIAL ADMINISTRATIVE ACTIONS

§ 13.61 General.

(a) **Remedial administrative action.** The President may issue three types of remedial administrative actions:

- (1) Warning notices,
- (2) Inspection and Surveillance Records (ISR) requiring corrective actions, and
- (3) Noncompliance Records (NCR) requiring corrective actions.

(b) **Completion of corrective action.** When corrective action has not been completed at the time remedial administrative action is taken, GACA investigative personnel may perform a followup inspection. When the corrective action is completed, the GACA will provide a written acknowledgment and close the case. GACA enforcement personnel may pursue more severe compliance enforcement action if noncompliance continues after the passing of corrective action deadlines.

§ 13.63 Warning Notice.

The President may issue a warning notice to an apparent violator to bring to that person's attention that the facts and circumstances of the incident appear to be contrary to the regulations, but do not warrant further compliance enforcement action.

§ 13.65 Inspection and Surveillance Record.

The President may issue an ISR to a certificate or authorization holder that brings to that person's attention the facts and circumstances of an observed discrepancy and seeks corrective action from the company, organization, or airman to resolve the observed discrepancy.

§ 13.67 Noncompliance Record.

The President may issue an NCR to inform the violator of an observed noncompliance and seek corrective action from the company, organization, or airman so that corrective action will address the observed noncompliance, the root causes, and preventive measures. All NCRs are closed after verification of corrective actions.

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SUBPART E – REMEDIAL TRAINING

§ 13.81 Applicability and Purpose.

- (a) Remedial training applies to certain violations committed by an individual airman.
- (b) The President considers the following when determining whether airman participation in remedial training is appropriate:
 - (1) Future compliance can reasonably be assured through remedial training;
 - (2) The airman displays a constructive attitude that demonstrates willingness to comply, so noncompliance is less likely in the future;
 - (3) The conduct discloses a lack of qualification or reasonable basis to question the airman’s qualifications;
 - (4) The airman has a record of violations; and
 - (5) The conduct is deliberate, grossly negligent, or constitutes an offense.
- (c) The President may require remedial training when remedial administrative action, remedial certificate action or orders, or punitive action are not necessary or not the most effective compliance enforcement action.
- (d) Remedial training may not be administered if an individual airman is acting for hire or reward at the time of the violation.

§ 13.83 Corrective Action Notice.

- (a) The President issues an airman a written notice advising that the airman may be allowed to participate in the corrective action through a remedial training program.
- (b) Failure of the airman to respond to the corrective action notice in the time specified will preclude participation in the program.
- (c) The airman must express in his response to the corrective action notice an interest in pursuing a prescribed course of remedial education.

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(d) The airman must cooperate with the GACA investigation.

§ 13.85 Remedial Training Agreements.

(a) Remedial training is administered by way of a remedial training agreement between the airman and the President which clearly states the objective of the prescribed remedial training course.

(b) The remedial training agreement may take the form of a letter agreement, and must include—

(1) The date by which the remedial training must be completed,

(2) The method by which the airman will document satisfactory completion of the training,
and

(3) The airman's waiver of the time limitations period applicable to any compliance enforcement action arising from the alleged conduct for which the remedial training is prescribed.

§ 13.87 Termination of Remedial Training Agreement.

(a) Remedial training programs are administered in place of other, more severe compliance enforcement actions when an airman does not contest an alleged violation. If an airman begins a remedial training program and subsequently elects to contest the alleged violation, the remedial training agreement is canceled, and the President may terminate the remedial training process and take other appropriate compliance enforcement action.

(b) If an airman fails to complete a remedial training program by the completion date stated in the remedial training agreement, or fails to make appropriate progress toward the completion of the program before the completion date, the President may notify the airman by letter that participation in the training program has been terminated, and that other appropriate compliance enforcement action will be taken.

§ 13.89 Corrective Action Completion.

When the objective of a remedial training program has been met, the President closes the compliance enforcement action by issuance of written acknowledgment stating that the required remedial training has been satisfactorily accomplished.

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SUBPART F – REMEDIAL CERTIFICATE ACTIONS AND ORDERS

§ 13.101 Applicability and Purpose.

(a) The President will take remedial certificate actions and issue other orders to carry out his obligations to ensure compliance with the GACAR and maintain aviation safety.

(b) For the purposes of this part, remedial certificate action means any action taken by the President against any certificate or any other authorization issued by the President under the GACAR. For the purposes of this part, certificate holder includes the holder of any authorization issued by the President under the GACAR.

§ 13.103 Remedial Certificate Action.

(a) If, as a result of any inspection, reexamination, or other investigation made by the President, the President determines that the public interest and aviation safety require it, he may issue an order amending, suspending, or revoking, all or part of any registration certificate, type certificate, production certificate, airworthiness certificate, airman certificate, air operator or operator certificate, aerodrome certificate, air agency certificate, or any other authorization issued by the President under the GACAR.

(b) Before issuing an order under paragraph (a) of this section, the President will advise the certificate holder of the alleged violations or other facts upon which the President bases the proposed action and, except in an emergency, allow the holder to answer any allegations and be heard as to why the certificate should not be amended, suspended, or revoked. Within 30 days after receipt of notice of the allegations, the holder may—

- (1) Admit the charges and surrender his certificate,
- (2) Answer the charges in writing, or
- (3) Request an opportunity to be heard in an informal conference with the relevant GACA officials.

(c) If the certificate holder fails to respond in the period specified in paragraph (b) of this section, the President may issue the order, or an order modified as the President may deem necessary based on any response submitted after the period specified. A certificate holder failing to respond in the

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period specified waives his right to appeal from any order issued.

(d) If an informal conference is requested, at the close of the conference the President may either—

(1) Dismiss the notice of the allegations or

(2) Issue the order.

(e) If a notice of appeal is not filed in accordance with the appeal procedures prescribed in Subpart I of this part or a petition for reconsideration of an amendment to an operations specifications or authorizing document is not filed in accordance with the procedures prescribed in Subpart H of this part, such order is the President's final order.

§ 13.105 Orders of Compliance, Cease and Desist Orders, Orders of Denial, and Other Orders.

(a) The President may issue orders of compliance, cease and desist orders, orders of denial, and other orders to any person who has engaged, or is about to engage, in any act or practice constituting a violation of the Civil Aviation Law, GACAR, or implementing decisions, instructions, or orders.

(b) Unless the President determines that an emergency exists and aviation safety requires the immediate issuance of an order or other action to prevent aircraft from operating under this section, the President will, before issuance, notify the person subject to the order.

(c) Within 30 days after receipt of the notice, the person subject to the order may reply in writing to answer the notice or request an informal conference.

(d) If the person subject to the order fails to respond in the period specified in paragraph (c) of this section, the President may issue the order, or an order modified as the President may deem necessary based on any response submitted after the period specified. A person failing to respond in the period specified waives his right to appeal from any order issued.

(e) If an informal conference is requested, at the close of the conference the President may either—

(1) Dismiss the notice or

(2) Issue an order.

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(f) If a notice of appeal from the order issued under this subpart is not filed in accordance with the appeal procedures prescribed in Subpart I of this part, such order is the President's final order.

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SUBPART G – PUNITIVE ACTIONS

§ 13.121 Applicability and Purpose.

The Board of Directors may take punitive actions to deter persons from violating the Civil Aviation Law, the GACAR, or implementing decisions, instructions or orders.

§ 13.123 Penalties and Punishments: General.

(a) Penalties and punishments for violations are provided for under Chapter 12 of the Civil Aviation Law.

(b) Payment. A person must pay a fine imposed by an order of the Committee in a manner and timeframe prescribed in the order imposing such fine.

(c) Collection of fines. If an individual does not pay a fine imposed by an order of the Committee, the Board of Directors may take additional action allowed under the Civil Aviation Law to collect the fine or otherwise punish the individual.

§ 13.125 Determining Penalties and Punishments.

Penalties and punishments for each violation are established by the Committee within the limitations prescribed by the Civil Aviation Law, this part, and penalty and punishment schedules established periodically by the President.

§ 13.127 Aircraft Confiscation.

(a) Any person authorized by an Order of Confiscation issued by the Committee, may confiscate an aircraft that is involved in a violation for which a penalty and/or punishment has been imposed on its owner or operator.

(b) Each person confiscating an aircraft under this section must place it in an adequate available public storage facility nearest to where the aircraft was confiscated.

(c) The President will send a written notice and a copy of this section, to the registered owner of the confiscated aircraft, and to each of the other persons shown by GACA records to have an interest in the aircraft, stating the—

(1) Time, date, and place of confiscation;

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- (2) Name and address of the custodian of the aircraft; and
- (3) Reasons for the confiscation, including the violations determined to have been committed.
- (d) The President will institute proceedings to enforce a lien against the aircraft.
- (e) The President will direct the release of a confiscated aircraft whenever the violator pays a fine or an amount agreed upon in a compromise with the Board of Grievances or the Committee, and the costs of confiscating, storing, and maintaining the aircraft.

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SUBPART H – PETITIONS FOR RECONSIDERATION

§ 13.141 Purpose.

(a) This subpart prescribes—

(1) The process for submitting a petition for reconsideration of—

(i) A notice of change to a program or procedure,

(ii) An amendment to operations specifications or authorizing documents, and

(iii) A denial of an applied for amendment to operations specifications or authorizing documents.

(2) The President's disposition of such petitions.

(b) An affected party may appeal under Subpart I of this part a denial of a petition for reconsideration it submitted under this part.

§ 13.143 General.

An affected party may submit a petition for reconsideration when it believes that the changes specified in the notice of change to a program or procedure, amendment to operations specifications or authorizing documents, or denial of an applied for amendment to operations specifications or authorizing documents, as applicable, are incorrect or were made without the benefit of all available relevant information.

§ 13.145 Submission and Timeliness of Petitions for Reconsideration.

An affected party must submit a petition for reconsideration to the President within 15 days after receiving the notice of change, amendment to operations specifications or authorizing documents, or denial of an applied for amendment to operations specifications or authorizing documents.

§ 13.147 Contents of a Petition for Reconsideration.

The petitioner must state its basis for the petition in its petition for reconsideration and present information on errors in fact or present alternatives to the changes.

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§ 13.149 Disposition of a Petition for Reconsideration.

The President will grant or deny the petitioner’s request for reconsideration of a notice of change to a program or procedure, an amendment to operations specifications or authorizing documents, or denial of an applied for amendment to operations specifications or authorizing documents. The GACA will notify the petitioner of the final decision within 15 working days after the President makes his decision.

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SUBPART I – APPEALS

§ 13.161 Purpose.

(a) This subpart prescribes the appeals process, including how to initiate an appeal, and the procedures and standards that the appeals panel will use in its consideration of the appeal, and identifies the parties eligible to appeal.

(b) This subpart does not apply to decisions concerning punitive actions rendered by the Committee. Committee decisions may be appealed before the Board of Grievances as specified in Article 174 of the Civil Aviation Law within 60 days from the date of notification of the parties concerned.

§ 13.163 General.

An affected party may initiate an appeal to reconsider a decision or action made by the President when it believes that the decision or action was made incorrectly, unfairly or without the benefit of all available relevant information.

§ 13.165 Availability of Appeal.

An affected party may appeal—

(a) Any certification or authorization denial, remedial certificate action, or other compliance enforcement action taken by the President.

(b) Any denial of a petition for reconsideration issued under Subpart H of this part.

§ 13.167 Submission and Timeliness of Appeal.

An affected party who is the subject of a certification denial, remedial certificate action, other compliance enforcement action, or denial of petition for reconsideration must submit a written notice of appeal to the President within 15 days after receiving the certification denial, compliance enforcement notice, or denial of petition for reconsideration.

§ 13.169 Contents of the Notice of Appeal.

The appellant must state its basis for the appeal in its notice of appeal. It may submit written material with the notice of appeal, or request a meeting with appropriate GACA officials. At the

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meeting, the appellant may present a written or oral response to the GACA decision. If the appellant does not request a meeting with appropriate GACA officials, the President will base his decision solely on the written material submitted with the notice of appeal.

§ 13.171 Rejection of a Notice of Appeal.

The President may reject outright any frivolous, repetitive, or dilatory appeals.

§ 13.173 Appeals Panel.

An appeals panel chosen by the President will consider the appeal. The appeals panel will consist of at least two managers and one technical specialist not involved in the previous certification denial, compliance enforcement decision, or denial of petition for reconsideration affecting the appellant.

§ 13.175 Meeting With the Appellant.

(a) **Scheduling.** The appeals panel will schedule any requested meeting with the appellant within 15 working days of receipt of the notice of appeal. If the appellant is to be represented by legal counsel, such counsel must be designated in the notice of appeal.

(b) **Participants.** The appellant, and/or his representative(s), may attend the meeting. If the appellant chooses to have legal counsel attend the meeting, the appeals panel may arrange to have GACA legal counsel attend.

(c) **Record.** The GACA will keep a record of the meeting and send a copy of the meeting record to the certificate holder within 15 working days of the meeting. The appellant may reply with comments or proposed corrections within 10 days of receipt of the record.

§ 13.177 Appeals Decision.

(a) **Appeals panel.** The appeals panel will consider the evidence provided by the appellant and the GACA records on the certification denial, remedial certificate action, compliance enforcement decision, or denial of petition for reconsideration. The appeals panel will document its deliberations and the rationale for its recommendation, and deliver the recommendation to the President within 30 working days of the date of appeal.

(b) **Final decision.** The President will make the final decision of the appeal with consideration of the recommendation of the appeals panel. The GACA will notify the appellant of the final decision

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within 15 working days after the President, or his delegate, makes his decision. The notice of decision will contain the following:

- (1) *The decision.* The decision may affirm, modify, or reverse the initial action or decision made by the President.
- (2) *Reasons for the decision.* The notice of decision will state the justification for the decision, including a response to the arguments presented by the appellant. If the certification denial, compliance enforcement decision, or denial of petition for reconsideration is reversed or modified, the notice will state the effective date of the reversal, and any actions required on the appellant's part to resume or commence the performance of authorized functions.
- (3) *Right to further appeal.* The notice of decision will state that the decision is final unless the appellant petitions the Board of Directors in writing, and the board agrees to hear a further appeal.