

SERVED: December 1, 1992

NTSB Order No. EA-3746

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 23rd day of November, 1992

_____	)	
	)	
	)	
Equal Access to Justice Act	)	
Application of:	)	
	)	
	)	Docket 107-EAJA-SE-10997
	)	
JOHN E. EIFF,	)	
	)	
Applicant.	)	
	)	
_____	)	

**ORDER DISMISSING APPEAL**

On August 31, 1992, the Administrator filed a notice of appeal from the written initial decision Administrative Law Judge Joyce Capps served in the proceeding on August 20, 1992, in connection with the respondent's application for attorney fees and other expenses under the Equal Access to Justice Act.<sup>1</sup> However, the Administrator has not filed an appeal brief and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>2</sup> See 49 CFR Part 821.<sup>3</sup>

<sup>1</sup>The law judge granted in part and denied in part the EAJA application, awarding a total of \$7,967.82 in attorney fees and expenses.

<sup>2</sup>Section 821.48(a) provides as follows:

**ACCORDINGLY, IT IS ORDERED THAT:**

The Administrator's appeal is dismissed.

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

(..continued)

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."

<sup>3</sup>Section 821.48(a) is applicable to an appeal from an EAJA decision pursuant to Section 826.38, 49 CFR Part 826.