

SERVED: February 2, 1993

NTSB Order No. EA-3782

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 25th day of January, 1993

_____	)	
THOMAS C. RICHARDS,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket 147-EAJA-SE-12359
v.	)	
	)	
ROBERT K. WILLIAMS,	)	
	)	
Respondent.	)	
	)	
_____	)	

**ORDER DISMISSING APPEAL**

On September 28, 1992, the Administrator filed a notice of appeal from the written initial decision Administrative Law Judge William E. Fowler, Jr., served in the proceeding on September 18, 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

<sup>1</sup>The law judge's decision granted an EAJA award in the amount of \$8939.41.

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

"§ 821.48 Briefs and oral argument.

Part 821.<sup>3</sup>

**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)

(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.