

SERVED: March 10, 1994

NTSB Order No. EA-4107

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 4th day of March, 1994

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RONALD C. CORLEY,	)	
	)	
Applicant,	)	
	)	
	)	
v.	)	Docket 181-EAJA-SE-10968
	)	
DAVID R. HINSON,	)	
ADMINISTRATOR,	)	
Federal Aviation Administration,	)	
	)	
Respondent.	)	

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**ORDER DISMISSING APPEAL**

On September 9, 1993, the respondent filed a notice of appeal from the written initial decision Administrative Law Judge William E. Fowler, Jr., served in the proceeding on August 30, 1993, 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 respondent has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under section 821.48(a) of the Board's Rules of Practice.<sup>2</sup> 49

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<sup>1</sup>The law judge denied the application for attorney fees and expenses, finding the Administrator substantially justified in bringing the charges against the applicant.

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

CFR 821.<sup>3</sup>

**ACCORDINGLY, IT IS ORDERED THAT:**

The applicant's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, 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.