

SERVED: June 16, 1998

NTSB Order No. EA-4672

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 8th day of June, 1998

Application of)
EDWARD A. DeVAUL)
for an award of attorney and) Docket 251-EAJA-SE-14642
expert consultant fees and)
related expenses under the)
Equal Access to Justice Act)
(EAJA).)

ORDER DISMISSING APPEAL

On December 5, 1997, the applicant filed a notice of appeal from the written decision Administrative Law Judge Patrick G. Geraghty served in this proceeding on November 26, 1997.¹ However, applicant 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.² See 49 CFR Part 821.

¹The law judge denied applicant's application for an award of attorney fees and expenses under the Equal Access to Justice Act.

²Section 821.48(a) provides as follows:

§ 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,

ACCORDINGLY, IT IS ORDERED THAT:

Applicant's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, HAMMERSCHMIDT, GOGLIA,
and BLACK, Members of the Board, concurred in the above order.

(..continued)

in cases where a party who has filed a notice of appeal
fails to perfect his appeal by filing a timely brief.