

**Department of Health and Human Services
DEPARTMENTAL APPEALS BOARD
Appellate Division**

Red Brick Liquors Corp. d/b/a Red Brick Liquors
Docket No. A-18-10
Decision No. 2831
November 7, 2017

**DECISION TO DECLINE REVIEW OF
ADMINISTRATIVE LAW JUDGE DECISION**

This case is before the Departmental Appeals Board (DAB) on a notice of appeal filed by Red Brick Liquors Corp. d/b/a Red Brick Liquors (Respondent). Respondent appealed an August 21, 2017 Administrative Law Judge (ALJ) initial decision, *Red Brick Liquors Corp. d/b/a Red Brick Liquors*, DAB TB1823 (2017). In that decision, the ALJ found that Respondent had “failed to comply with [his] Orders requiring it to participate in the discovery process” and respond to “the Order to Show Cause . . . ordering Respondent to advise [the ALJ] whether it wished to proceed to a hearing.” ALJ Decision at 3. Based on that finding, the ALJ sanctioned the Respondent under 21 C.F.R. § 17.35(a) by striking its answer to CTP’s complaint and entered a default judgment in favor of CTP.

We considered each of the contentions made by Respondent in its appeal and examined the record. Based on this review, the Board finds no basis to disturb the ALJ's factual findings or legal conclusions on any issue. We therefore decline review of the ALJ's initial decision.* Thus, the ALJ's initial decision becomes final and binding 30 days after this declination. *See* 21 C.F.R. §17.47(j).

/s/

Christopher S. Randolph

/s/

Constance B. Tobias

/s/

Sheila Ann Hegy
Presiding Board Member

* Respondent attached to its notice of appeal a photocopy of two employees' driver's licenses which it claims it submitted to the FDA. In order to protect the employees' privacy, the Board redacted certain information on that photocopy before including it in the appeal record. The record for the ALJ proceeding does not indicate that Respondent submitted the photocopy or other documents attached to its appeal in response to the ALJ's orders, and they are not material to the Board's decision.