

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

Landover Services, Inc. d/b/a US Fuel  
Docket No. A-18-119  
Decision No. 2900  
October 11, 2018

**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 Landover Services, Inc. d/b/a US Fuel (Respondent). Respondent appealed a July 30, 2018 Administrative Law Judge (ALJ) initial decision, *Landover Services, Inc. d/b/a US Fuel*, DAB TB2942 (2018). In that decision, the ALJ, pursuant to 21 C.F.R. § 17.35(a)(1),(2), and (3), struck Respondent's answer to the complaint for failing to comply with judicial orders, failing to defend the case, and interfering with the speedy, orderly, and fair conduct of the hearing. The ALJ entered default judgment against Respondent, imposing a No-Tobacco-Sale Order for a period of 30 consecutive calendar days for five repeated violations of regulations found at 21 C.F.R. Part 1140 within a 36-month period.

We considered each of the contentions made by Respondent in its appeal and examined the record. Based on this review, we find 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. *See* 21 C.F.R. §17.47(j). Thus, the ALJ's initial decision becomes final and binding 30 days after this declination. *Id.*

\_\_\_\_\_/s/  
Christopher S. Randolph

\_\_\_\_\_/s/  
Constance B. Tobias

\_\_\_\_\_/s/  
Leslie A. Sussan  
Presiding Board Member