

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

La Libertad Market Cafeteria Inc. d/b/a La Libertad Market Cafeteria
Docket No. A-18-123
Decision No. 2901
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 La Libertad Market Cafeteria Inc. d/b/a La Libertad Market Cafeteria (Respondent). Respondent appealed an August 17, 2018 Administrative Law Judge (ALJ) initial decision, *La Libertad Market Cafeteria Inc. d/b/a La Libertad Market Cafeteria*, DAB TB3013 (2018). In that decision, the ALJ sustained the determination of the Center for Tobacco Products of the United States Food and Drug Administration and imposed a \$559 civil money penalty against Respondent for three violations of the regulations found at 21 C.F.R. Part 1140 within a 24-month period.

We considered Respondent's notice of appeal, which does not raise any exception to the ALJ's findings and conclusions in his decision. We also reviewed 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/
Sheila Ann Hegy

_____/s/
Constance B. Tobias

_____/s/
Susan S. Yim
Presiding Board Member