

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

Baba Jawala Singh II, Inc. d/b/a 7-Eleven Store 26065A
Docket No. A-17-66
Decision No. 2817
September 14, 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 Baba Jawala Singh II, Inc. d/b/a 7-Eleven Store 26065A (Respondent), from an Administrative Law Judge (ALJ) Order and Initial Decision. *Baba Jawala Singh II, Inc. d/b/a 7-Eleven Store 26065A*, DAB TB874 (Feb. 23, 2017). The ALJ granted the Center for Tobacco Products' (CTP's) motion to impose sanctions, struck Respondent's Answer to CTP's Complaint, and issued a default judgment decision assessing a \$500 civil money penalty against Respondent. The ALJ issued the Order and Initial Decision pursuant to 21 C.F.R. § 17.35(a) after Respondent failed to produce documents in response to CTP's Requests for Production and failed to comply with the ALJ's subsequent Order to Compel Respondent to produce the requested documents. The ALJ had advised Respondent that a failure to produce the documents sought may result in sanctions including the issuance of an initial decision and default judgment.

A respondent may appeal an ALJ's "initial decision" to the "Departmental Appeals Board (DAB)," which consists of Board Members supported by the Appellate Division. 21 C.F.R. § 17.47(a). A notice of appeal "must identify specific exceptions to the initial decision, must support each exception with citations to the record, and must explain the basis for each exception." 21 C.F.R. § 17.47(c). The DAB may "decline to review the case, affirm the initial decision," or "reverse the initial decision . . . , or increase, reduce, reverse, or remand any civil money penalty determined" by the ALJ. 21 C.F.R. § 17.47(j).

Respondent's notice of appeal does not identify any specific exception to the Order and Initial Decision. After reviewing the record, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the ALJ's Initial Decision. Thus, that decision becomes final and binding on the parties "30 days after the declination." 21 C.F.R. § 17.47(j).

/s/
Christopher S. Randolph

/s/
Constance B. Tobias

/s/
Sheila Ann Hegy
Presiding Board Member