

# CONTRIBUTORY RETIREMENT APPEAL BOARD STANDING ORDER 2008-2

## STANDING ORDER CONDITIONALLY DISMISSING CERTAIN APPEALS FOR LACK OF PROSECUTION

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### 1. Background.

Traditionally, letters transmitting decisions by the Division of Administrative Law Appeals (DALA) have contained a notice that we will not place on our agenda an appeal from a DALA decision until the appellant has submitted three sets of the DALA exhibits to us and served a set on the other party. Standing Order 2008-1 (Concerning Appeals From the Division of Administrative Law Appeals) ¶ 4.a(3) now provides that,

Within forty days of the date of the DALA decision, the appellant shall supplement the notice of objection by filing with the chair three copies each, and serving on each other party one copy, of:

- (a) all exhibits admitted into evidence before DALA, numbered as they were numbered on admission;
- (b) a memorandum of no more than twenty pages . . . ; and
- (c) if the Board's passing on an objection may require a review of oral proceedings before DALA, the transcript of the relevant portion of those proceedings.

Under Standing Order 2008-1 ¶ 2(d), "the chair may, in his or her discretion," extend these time limits.

The purpose of this Order is to deal with cases in which an appellant fails to comply with these time limits.

## **2. Cases Pending at the Date of this Order.**

a. Any case that, as of the date of this Order, has been pending for more than 180 days from the date of the DALA decision without the appellant having filed and served the exhibits, a memorandum, and, if applicable, the transcript, is hereby dismissed, subject to the following conditions.

(1) The dismissal shall be conditionally effective on receipt by the appellant of an order of dismissal signed by a member of the Board.

(2) Within fourteen days of the date of the order of dismissal, an appellant may file with us a statement of reasons, supported by whatever affidavit or affidavits may be required, showing good cause for the delay. Any respondent shall have fourteen days thereafter to submit an opposition.

(3) If the chair, in his or her sole judgment and discretion, does not find the appellant's statement of reasons satisfactory, then the order of dismissal shall become final as of the date notice of the chair's ruling is sent. If the chair, in his or her sole judgment and discretion, finds the appellant's statement of reasons satisfactory, then the appellant shall have fourteen days from the date notice is sent within which to file and serve whatever documents are required to comply with Standing Order 2008-1 ¶ 4.a(3). In all other respects, any conditionally-dismissed appeal that an appellant is authorized by the chair to pursue shall be subject to the requirements of Standing Order 2008-1.

b. Any case that, as of the time of this Order, has been pending for 180 days or less is subject to the provisions of Standing Order 2008-1. The Chair is authorized to issue orders

(1) requiring an appellant who has not done so to comply with the one or more of the requirements of Standing Order 2008-1 ¶ 4.a.(3); and

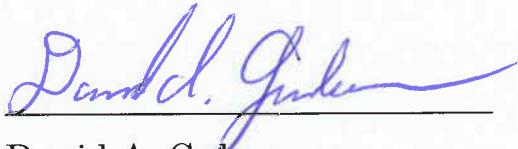
(2) dismissing any appeal in which the appellant fails to comply with an order issued under ¶ 2.b(1), subject to the conditions provided above in ¶ 2.a(1)-(3).

**3. Cases Commenced After the Date of this Order.**

In any appeal from a DALA decision commenced after the date of this Order, if the chair finds that an appellant has not complied with the requirements of Standing Order 2008-1 ¶ 4.a(3), the chair is authorized to issue an order dismissing the appeal, subject to the conditions provided above in ¶ 2.a(1)-(3).

SO ORDERED.

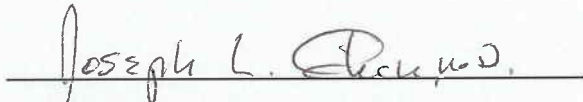
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Date: October 3, 2008