

MICHAEL HORTON v. U.S. General Accounting Office

Docket No. 01-09

Date Issued: December 31, 2003

Cite as: Horton v. GAO, Docket No. 01-09 (12/31/03)

Before: John P. Mahoney, Administrative Judge

Headnotes:

Appeal to the Full Board

Timeliness – General

ORDER

28.21(b). At best, Petitioner's Motion contains only conclusory statements about the case's alleged complexity without providing any specificity to prove such a claim. In addition, Petitioner's Motion provides no explanation as to why the thirty days in which to file a supporting brief that were afforded him by the applicable regulations did not provide him sufficient time.

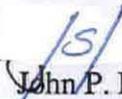
The Board's regulations also require that the parties include a proposed order with "all written motions and responses." *See* 4 C.F.R. § 28.21(b). Petitioner, however, fails to include a proposed order.

Under long-standing Board practice, a party should also include a statement as to the opposing party's position concerning any request for an extension of time.¹ Petitioner did not provide such a statement nor did he explain the absence of such a statement.

However, since the Agency has stated in response to the Board's inquiry that it will not oppose the request for an extension of time, the Motion is **granted in part and denied in part**. Petitioner's original appeal brief, with the required number of copies, must be received by the Board **no later than January 16, 2004 at 4:00 p.m** (Eastern Standard Time). No further extensions will be granted except for the gravest of reasons.

SO ORDERED.

Date: 12-31-03


John P. Mahoney
Administrative Judge

¹ While not a requirement under the Board's current regulations, the inclusion of such a statement is a requirement in the new regulations (4 C.F.R. § 28.21(b)(3), effective January 1, 2004) and is a practice previously recognized by Petitioner's counsel as evidenced by Petitioner's prior motion for extension of time in this case. *See* Petitioner's Motion to Extend Time to File Opposition to Respondent's Motion to Dismiss, dated August 12, 2003.