

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Departmental Appeals Board Appellate Division, MS 6127 Room G-644, Cohen Building 330 Independence Avenue, SW Washington, D.C. 20201

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Ace Pickens Brown McCarroll, L.L.P. 111 Congress Avenue, Suite 1400 Austin, Texas 78701-4043

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Andrea L. Treese Berlin Senior Counsel Office of Counsel to the Inspector General Room 5527, Cohen Building 330 Independence Avenue, S.W. Washington, D.C. 20201

> Re: Sandra Hernandez a/k/a Sandra Meza, v. Inspector General DAB CR1994 App. Div. Docket No. A-09-129 Decision No. 2280 Date: November 6, 2009

DETERMINATION TO DECLINE REVIEW

Counsel:

After reviewing the record to evaluate the issues presented by the exceptions, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the administrative law judge's decision identified above.

Thus, the administrative law judge's decision becomes final and binding 60 days from the date of service of this letter. See 42 C.F.R. § 1005.21(j). The date of service will be deemed to be 5 days from the date of mailing.

Judicial review is available in an appropriate United States district court if a civil action is filed within 60 days after service of this decision. See sections 1128(f)(1) and 205(g) of the Social Security Act (42 U.S.C. §§ 1320a-7(f)(1), 405(g)) and 42 C.F.R. § 1005.21(k)(1).

> /s/ Sheila Ann Hegy

/s/ Constance B. Tobias

/s/

Stephen H. Godek Presiding Board Member

cc: Civil Remedies Division

Robert K. DeConti, OCIG Robin Schneider, OCIG Susan Earp, OCIG