

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

Robert M. Carney
Docket No. A-19-56
Decision No. 2932
March 19, 2019

**DETERMINATION TO DECLINE REVIEW OF
ADMINISTRATIVE LAW JUDGE DECISION**

After reviewing the record in this appeal from the decision of the administrative law judge (ALJ) in *Robert M. Carney*, DAB CR5249 (2019) (ALJ Decision), we have determined that we need not render a separate decision. The ALJ entered summary judgment for the Inspector General of the Department of Health and Human Services (I.G.) upholding the I.G.'s decision to exclude Petitioner from Medicare, Medicaid and other federal health programs under section 1128(a)(3) of the Social Security Act for the statutory minimum period of five years. Petitioner's notice of appeal does not specify any exceptions to the ALJ Decision, as required by 42 C.F.R. § 1005.21(c), but only seeks relief in equity, which the Board has no authority to grant. *Kenneth Schrager*, DAB No. 2366, at 6 (2011). Accordingly, pursuant to 42 C.F.R. § 1005.21(g), we decline review of and summarily affirm the ALJ's decision. That decision becomes final and binding 60 days from the date of service of this determination to decline review. *See* 42 C.F.R. § 1005.21(j).

Judicial review is available in an appropriate United States district court if a civil action is filed within 60 days after service of this determination to decline review. *See* sections 1128(f)(1) and 205(g) of the Social Security Act and 42 C.F.R. § 1005.21(k)(1).

_____/s/
Constance B. Tobias

_____/s/
Susan S. Yim

_____/s/
Sheila Ann Hegy
Presiding Board Member