



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

Steven Buckminster [REDACTED]

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Ellen E. Slavin, Senior Counsel
Office of Counsel to the Inspector General
Room 5527, Cohen Building
330 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Inspector General v. Steven Buckminster
DAB CR2296
App. Div. Docket No. A-11-41
Decision No. 2362
Date: February 16, 2011

DETERMINATION TO DECLINE REVIEW

Mr. Buckminster and Ms. Slavin:

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, adding, as

was implicit in the ALJ Decision, that Petitioner's jurisdictional argument amounts to an impermissible collateral attack on the license revocation action. See e.g., George Iturralde, M.D., DAB No. 1374 (1992); Olufemi Okonuren, M.D., DAB No. 1319 (1992).

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 and 42 C.F.R. § 1005.21(k)(1).

_____/s/_____
Leslie Sussan

_____/s/_____
Constance B. Tobias

_____/s/_____
Sheila Ann Hegy
Presiding Board Member

cc: Civil Remedies Division

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