

Department of Health and Human Services
DEPARTMENTAL APPEALS BOARD
Appellate Division

Leigh-Davis Glass
Docket No. A-15-42
February 24, 2015

RECOMMENDED DECISION DECLINING REVIEW

This case is before the Board on a notice of appeal filed by Leigh-Davis Glass (Respondent). Respondent appealed a December 31, 2014 Order issued by an Administrative Law Judge (ALJ), *Leigh-Davis Glass, Order of Dismissal*, Civil Remedies Docket No. C-14-1322 (December 31, 2014). In that Order, the ALJ dismissed Respondent's appeal because the Inspector General of the Social Security Administration (SSA) withdrew its administrative action seeking a civil money penalty against Respondent.

The regulations governing appeals to the Board in administrative proceedings to enforce section 1129(a)(1) of the Social Security Act (Act) provide that the Board "will limit its review to whether the ALJ's initial decision is supported by substantial evidence on the whole record or contained an error of law." 20 C.F.R. § 498.221(i). The Board may remand a case to the ALJ for further proceedings or may issue to the Commissioner of Social Security (the Commissioner) a recommended decision to decline review or affirm, increase, reduce, or reverse the penalty determined by the ALJ. 20 C.F.R. § 498.221(h).

The Board considered each of the contentions made by Respondent in the brief accompanying her notice of appeal and her supplemental brief and examined the record. Applying the appropriate standard of review, the Board finds no basis to disturb the ALJ's Order dismissing Respondent's appeal. Consequently, the Board issues this recommended decision to decline review of the ALJ's Order dated December 31, 2014.

This recommended decision becomes the final decision of the Commissioner 60 days after the date on which it is served on the parties and the Commissioner, unless the Commissioner reverses or modifies the recommended decision within that 60-day period. 20 C.F.R. § 498.222(a). If the Commissioner does not reverse or modify the recommended decision, the Board will serve a copy of the Commissioner's final decision on the parties. If the Commissioner reverses or modifies the recommended decision, the Commissioner shall serve Respondent with a copy of his final decision.

Appeal Rights

Pursuant to section 1129(d)(1) of the Act, a person adversely affected by a final decision of the Commissioner may appeal that decision by filing a petition for judicial review in the appropriate United States Court of Appeals. 42 U.S.C. § 1320a-8(d)(1). The petition for judicial review must be filed within 60 days after the person is served with a copy of the Commissioner's final decision. 20 C.F.R. § 498.222(c)(1). If a petition for judicial review is filed, a copy of the filed petition must be sent by certified mail, return receipt requested, to SSA's General Counsel at the following address:

Social Security Administration
Office of General Counsel
Altmeyer Building
6401 Security Boulevard, Room 635
Baltimore, MD 21235

See 20 C.F.R. § 498.222(c)(2).

_____/s/
Constance B. Tobias

_____/s/
Susan S. Yim

_____/s/
Stephen M. Godek
Presiding Board Member