

Department of Health and Human Services
DEPARTMENTAL APPEALS BOARD
Appellate Division

Carla Elaine Schick
Docket No. A-15-101
Decision No. 2651
August 26, 2015

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

After reviewing the record to evaluate the issues presented by Petitioner Carla Elaine Schick's exceptions to the decision of the administrative law judge in *Carla Elaine Schick*, Decision No. CR4059 (2015) sustaining her exclusion from participating in Medicare, Medicaid, and all federal health care programs, we have determined that we need not render a separate decision. Petitioner alleges no error in the decision and seeks only to appeal the beginning date of the exclusion. The Board has repeatedly held, however, that the Board and administrative law judges have no authority to adjust the beginning date of an exclusion. *E.g.*, *Johnnelle Johnson Bing*, DAB No. 2251, at 4-5 (2009); *Kevin J. Bowers*, DAB No. 2143, at 6-7 (2008), *aff'd Bowers v. Inspector General of the Dep't of Health & Human Servs.*, No. 1:08-CV-159, 2008 WL 5378338 (S.D. Ohio Dec. 19, 2008). We therefore decline review of and summarily affirm the administrative law judge's decision. Thus, 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/
Leslie A. Sussan

/s/
Susan S. Yim

/s/
Sheila Ann Hegy
Presiding Board Member