



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

S. Derek Bauer  
Powell Goldstein LLP  
One Atlantic Center  
Fourteenth Floor  
1201 West Peachtree Street NW  
Atlanta, Georgia 30309

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

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

Re: Samuel E. Kilgore, R.Ph. v.  
Inspector General  
DAB CR1513  
App. Div. Docket No. A-07-15  
Decision No. 2064  
Date: February 7, 2007

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.

In view of the opportunities that Petitioner had to present arguments and evidence before the administrative law judge, we have also determined to deny his requests for oral argument and the opportunity to submit an additional affidavit and a reply brief.

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/\_\_\_\_\_  
Donald F. Garrett

\_\_\_\_\_/s/\_\_\_\_\_  
Leslie A. Sussan

\_\_\_\_\_/s/\_\_\_\_\_  
Judith A. Ballard  
Presiding Board Member

cc: Civil Remedies Division

Heidi Sorensen, OCIG  
Robin Schneider, OCIG  
Susan Earp, OCIG