

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

Leo Parrino  
Docket No. A-14-99  
Decision No. 2587  
August 4, 2014

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

After reviewing the record to evaluate the issues presented by the exceptions filed by the Petitioner, Leo Parrino, to the Administrative Law Judge (ALJ) decision identified above, we have determined that we need not render a separate decision. We therefore decline review of and summarily affirm the ALJ'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).

We note that Petitioner raised a new argument and included a new proposed exhibit in his appeal before us. Petitioner did not raise the new argument before or submit the proposed exhibit to the ALJ. The regulation at 42 C.F.R. § 1005.21(e) provides that the Board "will not consider any issue not raised in the parties' briefs that could have been raised before the ALJ but was not." Petitioner has not argued before us that there were reasonable grounds for his failure to submit the document to the ALJ. *See* 42 C.F.R. § 1005.21(f). In any event, neither the new argument nor the proposed exhibit are relevant to the ALJ's conclusion that the Inspector General had a basis for excluding Petitioner pursuant to 42 U.S.C. § 1320a-7(a)(1).

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/  
Sheila Ann Hegy

\_\_\_\_\_/s/  
Constance B. Tobias

\_\_\_\_\_/s/  
Stephen M. Godek  
Presiding Board Member