

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

Javier Bonilla
Docket No. A-16-24
April 19, 2016

**RECOMMENDED DECISION DECLINING REVIEW OF
ADMINISTRATIVE LAW JUDGE DECISION**

This case is before the Departmental Appeals Board (DAB) on a notice of appeal filed by Javier Bonilla (Respondent). Respondent appealed a November 17, 2015 Administrative Law Judge (ALJ) decision, *Javier Bonilla*, DAB CR4434 (2015). In that decision, the ALJ found that Respondent had violated section 1129(a)(1) of the Social Security Act and that the \$25,000 civil money penalty proposed by the Inspector General of the Social Security Administration (SSA) for violating the statute was reasonable.

The regulations governing appeals to the DAB in administrative proceedings to enforce section 1129(a)(1) provide that the DAB “will limit its review to whether the ALJ’s initial decision is supported by substantial evidence on the whole record or contained error of law.” 20 C.F.R. § 498.221(i). The DAB may remand a case to the ALJ for further proceedings or may issue to the Commissioner of Social Security (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).

We considered each of the contentions made by Respondent in his notice of appeal and examined the record. Applying the appropriate standard of review, we find no basis to disturb the ALJ’s factual findings or legal conclusions on any issue. Consequently, we issue this recommended decision to decline review of the ALJ’s November 17, 2015 decision.

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 DAB 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 a copy of her final decision on Respondent.

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 the General Counsel
Office of General Law
6401 Security Blvd.
Room 617 Altmeyer Bldg.
Baltimore, MD 21235

See 20 C.F.R. § 498.222(c)(2).

/s/

Constance B. Tobias

/s/

Susan S. Yim

/s/

Sheila Ann Hegy
Presiding Board Member