

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

Sharon Guei a/k/a Sharon Wells
Docket No. A-16-82
Decision No. 2712
June 15, 2016

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

After reviewing the record to evaluate the issues presented by Sharon Guei's exceptions to the decision of the administrative law judge in *Sharon Guei a/k/a Sharon Wells*, Decision No. CR4571 (2016), 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.¹ 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).

Notice of judicial appeal right

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).

¹ One day before Petitioner filed her notice of appeal, the Civil Remedies Division (CRD) received from Petitioner a copy of a May 3, 2016 order issued by the Court of Common Pleas of Cuyahoga County, Ohio granting her petition for a "certificate of qualification for employment." The CRD forwarded the court order to the Board, and we have treated it as a request to admit new evidence on appeal. *See* 42 C.F.R. § 1005.21(f) (providing for the consideration of evidence not presented to the ALJ if the proffering party demonstrates that the evidence "is relevant and material and there were reasonable grounds for the failure to adduce such evidence at [the ALJ] hearing"). Petitioner has made no such showing. The legal issue in this case is whether the Inspector General (I.G.) was authorized to exclude Petitioner from participation in federal health care programs pursuant to section 1128(a)(1) of the Social Security Act. The court order is not relevant or material to the I.G. exclusion authority. Accordingly, the Board has not admitted Petitioner's new evidence to the record.

/s/
Christopher S. Randolph

/s/
Constance B. Tobias

/s/
Sheila Ann Hegy
Presiding Board Member