



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

Bruno Choiniere
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P.O. Box 1000
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and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

David M. Blank
Associate Counsel
Office of Counsel to the Inspector General
Room 5527, Cohen Building
330 Independence Ave., S.W.
Washington, D.C. 20201

Re: Bruno Real Choiniere v.
Inspector General
DAB CR1653
App. Div. Docket No. A-08-12
Decision No. 2149
Date: January 28, 2008

DETERMINATION TO DECLINE REVIEW

Mr. Choiniere and Mr. Blank:

After reviewing the record to evaluate the issues presented by the exceptions, we have determined that we need not render a separate decision. We have also determined that the request in Petitioner's appeal brief for "time to retain counsel" should be denied. The Board Guidelines provided to Petitioner with the administrative law judge's decision (available online at www.hhs.gov/dab/guidelines/procedures.html) advised Petitioner of his right to be represented by an attorney, at his own expense. Petitioner nevertheless filed his appeal

pro se, following a 30-day extension of time granted by the Board. Moreover, under 42 C.F.R.

§ 1005.21, Petitioner is not entitled to any further proceedings before the Board.

We therefore decline review of and summarily affirm the administrative law judge's decision identified above.

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/_____
Judith A. Ballard

_____/s/_____
Constance B. Tobias

_____/s/_____
Sheila Ann Hegy
Presiding Board Member

cc: Civil Remedies Division

Robert K. DeConti, OCIG
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