

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

Brandon Daniel Renner,

Petitioner,

v.

The Inspector General.

Docket No. C-14-793

ALJ Ruling No. 2014-33

Date: May 30, 2014

DISMISSAL

Petitioner, Brandon Daniel Renner was convicted of a felony related to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance. Pursuant to section 1128(a)(4) of the Social Security Act (Act), the Inspector General (I.G.) has excluded him from participating in Medicare, Medicaid, and all federal health care programs for a period of five years. Petitioner appeals, challenging the length and the effective date of the exclusion.

The I.G. has moved to dismiss, arguing that Petitioner fails to raise an issue that may be properly addressed in a hearing. I agree and, for the reasons discussed below, grant the I.G.'s Motion to Dismiss.

Discussion

In a letter dated February 28, 2014, the I.G. advised Petitioner Renner that he was excluded from participating in Medicare, Medicaid, and all federal health care programs, because he had been convicted of a felony related to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance. The letter explained that section 1128(a)(4) of the Act authorizes the exclusion. I.G. Ex. 1 at 1.

