



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

Thomas I. DeVol, Ph.D.  
Colvin Building  
206 Glen Street  
Glenn Falls, New York 12801

Thomas I. DeVol, Ph.D.  
P.O. Box 308  
Pottersville, New York 12860

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Nicole Hall, Esq.  
Office of Counsel to the Inspector General  
U.S. Department of Health & Human Services  
15 West South Temple, Suite 890  
Salt Lake City, Utah 84101

Re: Thomas DeVol, Ph.D. v. Inspector  
General  
CR Docket No. C-07-353  
Appellate Docket No. A-08-13  
Appellate Decision No. 2129  
Dated: November 6, 2007

DETERMINATION TO DECLINE REVIEW

Mr. DeVol and Ms. Hall:

On October 24, 2007, we received from Petitioner Thomas DeVol a copy of Decision No. CR1652, issued by Administrative Law Judge (ALJ) Richard J. Smith on September 18, 2007, as well as a copy of the September 18, 2007 letter transmitting ALJ Smith's decision to counsel and notifying Petitioner of his right to appeal the decision to the Departmental Appeals Board. Petitioner wrote across the top of the ALJ's transmittal letter that he wished to appeal ALJ Smith's decision, and we construe that writing as his Notice of Appeal from the ALJ decision.

Based on our review of the record and our evaluation of the issues raised in the appeal, we have determined that we need not issue a separate decision. We therefore decline review of and summarily affirm the ALJ's September 18, 2007 decision.

The ALJ'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 five 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/  
Leslie A. Sussan

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

\_\_\_\_\_/s/  
Sheila Ann Hegy  
Presiding Board Member

cc: Civil Remedies Division

Robert K. Deconti, OCIG  
Robin Schneider, OCIG  
Susan Earp, OCIG