



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

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

Jose Maria de Leon, Jr.  
33354 Falcon Lane  
San Benito, TX 78586

and

INTER-OFFICE MAIL - RETURN RECEIPT REQUESTED

Kristen Schwendinger  
Associate Counsel  
Office of Counsel to the Inspector General  
Department of Health & Human Services  
Room 5520, Cohen Building  
330 Independence Ave., S.W.  
Washington, D.C. 20201

Re: Jose Maria de Leon, Jr. v. Inspector General  
DAB CR2454  
App. Div. Docket No. A-12-27  
Decision No. 2428  
Date: December 13, 2011

DETERMINATION TO DECLINE REVIEW

Dear Mr. de Leon and Ms. Schwendinger:

After reviewing the record to evaluate the issues presented by the exceptions, 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 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/

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Sheila Ann Hegy

/s/

\_\_\_\_\_  
Constance B. Tobias

/s/

\_\_\_\_\_  
Stephen M. Godek  
Presiding Board Member

Enclosure: Notice of Appeal (for Ms. Schwendinger)

cc: Civil Remedies Division

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