

STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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IN THE MATTER OF THE REQUEST OF

Sullivan Taxi, Inc.  
Provider # 01156743  
Audit # 2012Z31-077D

Administrative Law Judge's  
Default Order

Appellant,

For a Hearing pursuant to Title 18 (Family Assistance) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) to review a Determination under 18 NYCRR Parts 517 and 518 to recover \$6,317.08 in Medicaid Program overpayments.

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Before: James F. Horan  
Administrative Law Judge (ALJ)

Held at: New York State Department of Health  
Bureau of Adjudication  
150 Broadway, Suite 510  
Menands, New York 12204  
March 26, 2019

Parties: New York State Office of the Medicaid Inspector General  
800 North Pearl Street, 2<sup>nd</sup> floor  
Albany, New York 12204  
By: Phillip Hoffman, Esq.

Gary Putter, Provider's Representative  
Sullivan Taxi, Inc.  
75 South Main Street  
Liberty, New York 12754  
By: *No Appearance*

Record Closed: April 12, 2019

The New York State Office of the Medicaid Inspector General (OMIG) is an independent office within the Department of Health responsible for the Department's duties with respect to the recovery of improperly expended Medicaid funds, pursuant to New York Public Health Law (PHL) §§ 30-31 (McKinney's Supp. 2019). The OMIG determined to recover \$6,317.08 in Medicaid Program overpayments from the Appellant transportation provider [Hearing Exhibit 1]. The Appellant requested a hearing pursuant to New York Social Services Law (SSL) § 22 (McKinney Supp. 2019) and Title 18 NYCRR 519.4 to review the overpayment determination [Hearing Exhibit 11].

The OMIG communicated the determination to the Appellant by a final audit report (Audit # 2012Z31-077D) dated September 27, 2018 [Hearing Exhibit 7]. Written notice of hearing, in conformity with the requirements of 18 NYCRR 519.10, went to the Appellant on October 31, 2018, scheduling the hearing to commence on February 12, 2019 at 90 Church Street in New York City [Hearing Exhibit 12].

In response to a request by the Appellant, the ALJ granted an adjournment in the hearing date and a change in the hearing venue [Hearing Transcript page 5] The ALJ moved the hearing venue to Menands, New York, the location the Appellant requested. The parties agreed to March 26, 2019 as the new hearing date.

The OMIG appeared for the hearing as scheduled at 10:00 am on March 26, 2019, but the Appellant's owner, Mr. Putter, failed to appear. Neither Mr. Putter nor any other representative from the Appellant had yet appeared at approximately 10:25 a.m., so the ALJ opened the record. The OMIG presented the file and summarized the case, as required under 18 NYCRR 519.17(a). Witnesses were present to testify for the OMIG and the OMIG offered fourteen exhibits into evidence, which the ALJ received into the record. Mr.

Hoffman, the counsel for the OMIG, indicated that he had spoken by phone to Mr. Putter the day before the hearing and Mr. Putter indicated that he would not be attending the hearing. Support staff from the Bureau of Adjudication also attempted to contact Mr. Putter by telephone and electronic mail, but Mr. Putter failed to respond. The record closed with no appearance by the Appellant. The ALJ rules that the Appellant has abandoned his request for a hearing to challenge the recovery of this Medicaid overpayment, thus concluding this matter pursuant to 18 NYCRR 519.12(a).

DATED:       Menands, New York  
              May 1, 2019

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James F. Horan  
Administrative Law Judge