

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 13, 2023

Lyle W. Cayce
Clerk

No. 22-40298

ANGELITOS HEALTH CARE, INCORPORATED,

Plaintiff—Appellant,

versus

XAVIER BECERRA, *Secretary, U.S. Department of Health and Human Services,*

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 7:20-CV-35

Before KING, JONES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Angelitos Health Care (“Angelitos”) provides home health care services to Medicare beneficiaries. In 2011, a government contractor audited a random sample of Angelitos’ 2008–09 Medicare claims, found that numerous claims were improperly documented, and concluded through statistical extrapolation that Angelitos had been overpaid by over \$1 million.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Angelitos challenged the audit through Medicare’s administrative appeals process, which involves further review by additional contractors, an Administrative Law Judge, and the Medicare Appeals Council. *See Maxmed Healthcare, Inc. v. Price*, 860 F.3d 335, 338 (5th Cir. 2017). This process largely confirmed the initial audit. Angelitos then sought judicial review. With the exception of one claim not relevant here, a magistrate judge recommended upholding the Council’s decision. The district judge adopted the recommendation in full, and Angelitos appealed.

Having carefully reviewed the record, the detailed opinion by the magistrate judge, and the parties’ briefs, and having also heard oral argument, we find no reversible error.

AFFIRMED.