360 F.3d 220 (2004)

UNITED STATES of America ex rel. John C. KARVELAS, Plaintiffs, Appellant,
v.
MELROSE-WAKEFIELD HOSPITAL; Melrose-Wakefield Healthcare Corporation; Hallmark Health System, Inc., Defendants, Appellees.

No. 03-1901.

United States Court of Appeals, First Circuit.

Heard November 3, 2003.
Decided February 23, 2004.

Not all fraudulent conduct gives rise to liability under the FCA. "[T]he statute attaches liability, not to the underlying fraudulent activity or to the government's wrongful payment, but to the `claim for payment.'" *United States v. Rivera,* 55 F.3d 703, 709 (1st Cir.1995). Evidence of an actual false claim is "the *sine qua non* of a False Claims Act violation." *United States ex rel. Clausen v. Lab. Corp. of Am., Inc.,* 290 F.3d 1301, 1311 (11th Cir.2002), *cert. denied,* 537 U.S. 1105, 123 S.Ct. 870, 154 L.Ed.2d 774 (2003). Therefore, a defendant violates the FCA only when he or she has presented to the government a false or fraudulent claim, defined as "any request or demand ... for money or property" where the government provides or will reimburse any part of the money or property requested. 31 U.S.C. § 3729(c); *see also* *Harrison,* 176 F.3d at 785 ("[T]he False Claims Act at least requires the presence of a claim — a call upon the government fisc — for liability to attach.").