

not present. The Presiding Officer waited until 9:30 a.m., but the Respondent never arrived. The Respondent did not contact the Presiding Officer about her attendance or about a rescheduling of the fair hearing.

II. CONCLUSIONS OF LAW

2.1 The Presiding Officer has jurisdiction over the Respondent's request for a fair hearing in this matter.

2.2 The Respondent did not appear for the fair hearing she requested. This failure to appear constitutes grounds for default. RCW 34.05.440(2). This failure to appear also constitutes grounds for dismissal, because the Respondent has the burden of persuasion in this matter, and did not present any information upon which the Presiding Officer could modify the decision of the WIC program.

III. FINAL ORDER

3.1 Based upon the Findings of Fact and Conclusions of Law above, the Presiding Officer hereby orders the above referenced case is DISMISSED.

THE PARTIES ARE FURTHER ADVISED, pursuant to RCW 34.05.461 and RCW 34.05.470, that within ten (10) days of service of this Order you may file a petition for reconsideration with the Adjudicative Clerk Office, Department of Health, P.O. Box 47879, Olympia, Washington 98504-7879. The petition shall state the specific grounds upon which relief is requested. The petition for reconsideration shall not stay the effectiveness of this Final Order. The petition is deemed to have been denied if, within twenty (20) days of the date of its filing, the Department has not

disposed of your petition or has not served you with written notice specifying the date by which action will be taken on your petition.

"Filing" means actual receipt of the document by the Adjudicative Clerk Office. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(18).

Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in Title 34 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after you have been served with this Final Order, as provided by RCW 34.05.542.

DATED THIS __26__ DAY OF MARCH, 1999.

_____/s/_____
Senior Health Law Judge
Presiding Officer

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