

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS

In the Matter of WIC Benefits)
of:)
)
on behalf of her)
)
Respondent.)
_____)

OPS No. 96-05-10-366 WIC
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER

Health Law Judge _____, Presiding Officer for the Department of Health, having reviewed the record in this case, hereby issues the following:

I. FINDINGS OF FACT

1.1 _____ was a participant in the Women Infants and Children Supplemental Food Program (WIC) which is administered by the Department of Health through the _____ WIC Program in Seattle, Washington.

1.2 On May 10, 1996, _____ submitted a Fair Hearing Request, on behalf of her _____ to the Department of Health, Office of Professional Standards.

1.3 On May 14, 1996 a Notice of Hearing was served on _____ and _____ Manager for WIC Local Program Operations. The hearing was scheduled for May 29, 1996, at 2:00 p.m., at the Department of Health in Seattle, Washington.

1.4 On May 28, 1996, _____, submitted a memo to withdraw the hearing request. _____ further stated:

The staff at _____ Children's Clinic have called and discussed with _____ her request for a fair hearing. _____ did not understand that WIC federal regulations do not allow for requesting retroactive benefits. _____ of the _____ staff discussed this information and mailed to _____ a copy of the WIC policy. After reading the policy _____ has requested

that her fair hearing request be withdrawn. She was told the hearings office would be provided with this request.

II. CONCLUSIONS OF LAW

2.1 The Department of Health has jurisdiction over [redacted]'s request for a hearing in this matter.

2.2 [redacted] withdrew her request for a hearing. This withdrawal constitutes grounds for dismissal of the case.

III. FINAL ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Presiding Officer hereby orders this case DISMISSED.

THE PARTIES ARE FURTHER ADVISED, pursuant to RCW 34.05.461 and .470, that within ten (10) days of service of this Order you may file a petition for reconsideration with the Office of Professional Standards, Department of Health, P.O. Box 47872, Olympia, Washington 98504-7872. 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 Office of Professional Standards. 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 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 4th DAY OF JUNE, 1996.

/s/

_____, Health Law Judge
Presiding Officer

I declare that today I served a copy of this document upon the following parties of record:
by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA WASHINGTON THIS _____ DAY OF JUNE, 1996.

Office of Professional Standards