

1.4 In a letter dated November 7, 2006, the WIC Program rescinded the October 10, 2006 letter and demand for repayment. The WIC Program's investigation is ongoing, but at this time the WIC Program is not asking the Appellant for repayment of benefits. Currently there is no longer a basis for Appellant's request for a fair hearing and the Appellant's request is moot.

1.5 On November 8, 2006, the WIC Program filed a Motion Dismiss Without Prejudice and attached four (4) exhibits. The Respondent did not file a response to this motion and the time period for such a response has lapsed.

II. CONCLUSIONS OF LAW

The Presiding Officer shall rule on motions. WAC 246-10-403. In this case, the Presiding Officer concludes that the Department's Motion to Dismiss should be granted. There is no longer a basis for the Appellant's request for a fair hearing and the Appellant's request is moot.

III. ORDER

Based upon the above, the Presiding Officer hereby issues the following ORDERS:

3.1 The WIC Program's letter and demand to Appellant for repayment in the amount of \$4,254.94 issued on October 10, 2006 is hereby RESCINDED.

3.2 The above-referenced appeal, Docket No. 06-10-C-2003WC, is DISMISSED without prejudice.

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ORDER GRANTING
MOTION TO DISMISS

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3.3 The prehearing conference and the hearing set in this matter are STRICKEN.

Dated this 29__ day of November, 2006.

_____/s/_____
Health Law Judge
Presiding Officer

DECLARATION OF SERVICE BY MAIL

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

DATED AT OLYMPIA, WASHINGTON THIS _____ DAY OF NOVEMBER, 2006.

Adjudicative Service Unit

cc: _____