

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Jacobs</i>	DATE <i>4-19-10</i>
---------------------	------------------------

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOC NUMBER <i>1011424</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>Ref Log #414</i> <i>closed 4/23/10 letter</i> <i>attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>4-28-10</i>
	<input type="checkbox"/> FOIA DATE DUE _____
	<input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

From: Shrinia Ballymo

April 14, 2010

Dr. Roy 3051
Amenue, A.C. 29602-3051
To: Mo. Shrinia Ballymo
Deputy Director
Georgetown, D.C. 20202-8206

Ref Log RECEIVED
#414

APR 19 2010

Re: 1) Second letter (April 6, 2010 - 2nd letter)
2) #70091680000177832609 (Page 1 of 1) MEDICAID ELIGIBILITY
& BENEFICIARY SERVICES

This certified letter #70091680000177832609 will
serve as a "SECOND" request to the first letter dated April
6, 2010 you received, and I have not as of this date April
14, 2010 (a.m. hour) when I went to my P.O. Box received a written
response as requested. As of this date I have received
nothing, and I do not know anything. (Please refer to April 12, 2010 letter.)

April 13, 2010 a Mr. Chaui called the I intentionally
interrupted Mr. Chaui immediately during for conversa-
tion when I realized when I realized what she was trying
to do on the telephone; I informed Mr. Chaui I had been
in the hospital on April 12, 2010 I had just gone to the doctor
for a follow up visit. I refused to discuss verbally the April
6, 2010 letter with Mr. Chaui I reminded her more that
once the April 6, 2010 letter request response via "WRITTEN CORRESPON-
DENCE", and now I reiterate the same to you Mr.
Chaui, please acknowledge my request "WRITTEN CORRESPON-
DENCE". Please do not call me I will not discuss this
matter over the telephone; if a "FAIR HEARING" is in
the plan please forward this certified letter (second
request) with the April 6, 2010 letter and documents (3).
I don't appreciate - (1) having to spend my money
to send this certified second

request,
(2) "disregard of my request for
"written correspondence".

I repeat as of this date (a.m. hour) I know nothing
you have I received any correspondence to the April
6, 2010 letter. Thank you.

Shrinia Ballymo

From: Shrinis Bhatta
P.O. Box 3051
Newark, N.J., A.C. 2602-3051

April 14, 2010

To: Mr. Alicia Vazquez
Deputy Director
Education, A.C. 29202-8206

Re: 1) Second letter (April 6, 2010 - 2nd letter)
2) #70091680000177832609 (page 1 of 1)

This certified letter #70091680000177832609 will serve as a SECOND request to the first letter dated April 6, 2010 you received, and I have not as of this date. April 14, 2010 (a.m. hour when I went to my P.O. Box) received a written response as requested. As of this date I have received nothing and I do not know anything. (Please refer to April 13, 2010 letter with Mr. Chavis I reminded her more than once the April 6, 2010 letter request response via "WRITTEN QUESTION" and now I reiterate the same to you Mr. Vazquez, please acknowledge my request "WRITTEN QUESTION" please do not call me I will not discuss this matter over the telephone; if a "FAIR HEARING" is in the plan please forward this certified letter (second request) with the April 6, 2010 letter and documents (3).

I don't appreciate - (1) having to spend my money to send this certified second request.
(2) "disregard of my request for" "written correspondence" I repeat as of this date (a.m. hour) I know nothing. You have I received any correspondence to the April 6, 2010 letter. Thank you.

Shrinis Bhatta

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL

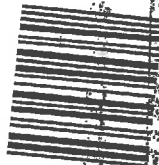


4092 1680 0001 7783 2609

P.O. Box 3051
Greenville, S.C.



1000



29202

U.S. POSTAGE
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GREENVILLE, SC
29606
APR 14 10
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APR 14 2010

Postage
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No. 1000
Greenville, SC

Mr. Maria Jacobs
Deputy Director
Columbia, S.C. 29202-8206

USPS 29606

APR 17 2010

MAY 02 2010

Postnet barcode

Alicia - JYT

RECEIVED

*Betsy
4/27*

APR 27 2011

Central Processing

ACKNOWLEDGMENT RECEIPT

Please sign, date and return this form to the Division of Appeals and Hearings

SENT TO

Betsy Fuller, SCDHHS

TYPE OF DOCUMENT:

(OOD #10-MAO-164, Shiron Bolt, Petitioner)

PERSON RECEIVING DOCUMENT:

Betsy Fuller
(Please return this form only. Keep the attachments for your records)

DATE RECEIVED:

4/27/10

04/16/10 KBB

April 16, 2010

CERTIFIED MAIL

Received

Shiron Bolt
PO Box 3051
Greenville SC 29602-3051

APR 27 2010

Central Processing

RE: Order of Dismissal in the Appeal Matter of Shiron Bolt v. SCDHHS
Appeals' Case # 10-MAO-164 (BCCP)
Household # 101296709

Dear Ms. Bolt:

The Order of Dismissal in the referenced appeal matter is set forth in the enclosure.

Any party has the right to petition for further review of this Decision/Order, as provided in the Administrative Procedures Act [S.C. Code Ann. Section 1-23-310, et seq., (1976, as amended)]. To request an appeal, a Notice of Appeal must be filed with the Administrative Law Court, 1205 Pendleton Street, Brown Building – Suite 224, Columbia, S. C. 29201-3755 within thirty (30) days of receipt of this Decision/Order. A copy of the Notice of Appeal should be provided to the S. C. Department of Health and Human Services' (SCDHHS) Office of General Counsel. The Notice of Appeal must be submitted in accordance with Rule 33 of the Rules of Procedure for the S.C. Administrative Law Court, which establishes specific requirements for the contents of a Notice of Appeal. Rule 35 directs that the party filing the Notice of Appeal is responsible for ordering the transcript and filing a copy of the request with the Notice of Appeal. The original request for transcript should be directed to the SCDHHS' Division of Appeals at the address below. In accordance with the ALC rules, the cost of producing the transcript will be the responsibility of the party requesting appellate review. For a copy of the ALC rules, you may contact the Administrative Law Court at (803) 734-0550.

Also, please see the enclosed Rule 71 of the Rules of Procedure for the ALC, which sets forth the required filing fee for an appeal.

Sincerely,


Yastine G. Crouch

Director, Division of Appeals and Hearings

VGC/sbs
Enclosures (2)

Shiron Bolt
April 16, 2010
Page Two

cc: Office of General Counsel, SCDHHS
Betsy Fuller, Division of Central Eligibility Processing, SCDHHS

Received

APR 27 2010

Central Processing

**ORDER OF DISMISSAL IN THE MATTER OF S.E.B., PETITIONER vs. SCDHHS,
RESPONDENT**

Case #10-MAO-164 (BCCP)

HH# 101296709

Hearing Date: N/A

JURISDICTION

This case is adjudicated under the authority granted by the South Carolina General Assembly to the South Carolina Department of Health and Human Services (SCDHHS) to administer various programs and grants (See e.g., S.C. Code Ann. 44-6-10, et seq.). This appeal has been conducted pursuant to the provisions of the Appeals and Hearings regulations of the South Carolina Department of Health and Human Services (Reg. 126-150, et seq.) and the South Carolina Administrative Procedures Act (S.C. Code Ann. 1-23-310, et seq.).

ISSUE

This matter concerns the disposition of the Petitioner's April 2010 notice of appeal.

FINDINGS OF FACT

Based on the documentary evidence of record, I find the following to be the pertinent facts of this case:

1. The Petitioner has continued coverage effective until June 1, 2010. The appeal in this matter is premature; consequently, jurisdiction cannot be afforded, pending actual termination.

APPLICABLE LAW

1. A Hearing Officer has the authority, among other things, to: direct all procedures, issue interlocutory orders; schedule hearings and conferences; preside at formal proceedings; rule on procedural and evidentiary issues; require the submission of briefs and/or conclusions of law; call witnesses; recess, continue, and conclude any proceedings; **dismiss any appeal for failure to comply with requirements under this sub-article.** South Carolina Code Section 44-6-90 (as amended), Chapter 126, Department of Health and Human Services, Article 1 "Administration" Sub-article 3, "Appeals and Hearings", R.126-154.

2. Every court has the power and duty to determine whether or not it has jurisdiction of a cause presented to it for determination. Bridges v. Wyandotte Worsted Co., 243 S.C. 1, 8, 132 S.E.2d 18, 21 (1962), overruled in part on other grounds by Sabb v. S.C. State Univ., R.126-154.

350 S.C. 416, 567 S.E.2d 231 (2002). Accordingly, the lack of subject matter jurisdiction can be raised at any time, can be raised for the first time on appeal, and can be raised *sua sponte* by the court. Lake v. Reeder Constr. Co., 330 S.C. 242, 248, 498 S.E.2d 650, 653 (Ct. App. 1998).

3. *Sua Sponte*: Of his or its own will or motion; voluntarily without prompting or suggestions. Black's Law Dictionary, 6th Edition (1990).

CONCLUSIONS OF LAW

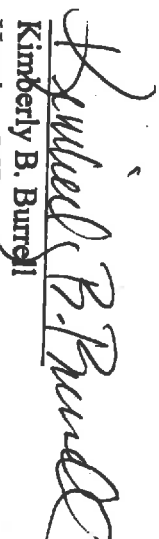
Based upon the Findings of Fact above, I conclude as a matter of law:

1. *The Petitioner's appeal is not ripe for adjudication; consequently, the Petitioner's appeal is properly subject to dismissal by the Hearing Officer, pursuant to authority granted by South Carolina Code Section 44-6-90 (as amended), Chapter 126, Department of Health and Human Services, Article 1 "Administration" Subarticle 3, "Appeals and Hearings", R.126-154, which provides that, a Hearing Officer has the authority, among other things, to: ...dismiss any appeal for failure to comply with requirements under this Subarticle.*

ORDER

Based upon the Statement of the Case/Discussion, Findings of Fact, Applicable Law and Conclusions of Law, the Petitioners' notice of appeal was is not ripe for adjudication. The Petitioner's appeal request is hereby **DISMISSED**, *sua sponte*, pursuant to SCDHHS Regulation 126-154.

AND IT IS SO ORDERED.


Kimberly B. Burrell
Hearing Officer

Dated this 16th day April 2010

1009 0424 ✓

April 23, 2010

Ms. Shiron Bolt
Post Office Box 3051
Greenville, South Carolina 29602-3051

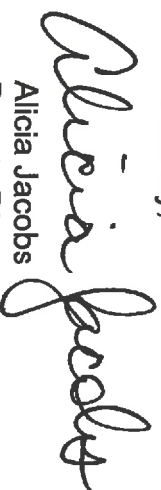
Dear Ms. Bolt:

Thank you for contacting this agency regarding your Medicaid eligibility.

We received your request for a written response to your letter dated April 6, 2010. A letter was mailed to you on April 14, 2010 explaining your Medicaid coverage under our Breast and Cervical Cancer Program. We have enclosed a copy of this letter.

If you have any other questions, please contact Sheila Chavis at (803) 898-2707, and she will be happy to assist you.

Sincerely,


Alicia Jacobs
Deputy Director

AJ/rjlc
Enclosure

April 14, 2010

Ms. Shiron Bolt
Post Office Box 3051
Greenville, South Carolina 29602-3051

Dear Ms. Bolt:

Thank you for contacting this agency regarding the notice you received stating your Medicaid coverage under the Breast and Cervical Cancer Program (BCCP) will end May 1, 2010.

Your BCCP coverage is terminating because your cancer treatments have ended; however, we are extending your coverage until June 1, 2010 in order to determine if you qualify for another Medicaid coverage group. Your eligibility worker, Janelle Lee, previously mailed you a letter requesting additional information in order to determine your eligibility. Since the information was not returned, Ms. Lee has mailed you another request extending the due date to April 30, 2010. Please call Ms. Lee at (803) 898-2966 if you have any questions regarding the required documentation. Once this information is received, you will be notified of an eligibility decision.

Your request for a fair hearing has been forwarded to the Division of Appeals and Hearings. They will contact you about your request. Please keep in mind that your Medicaid benefits are continuing to June 1, 2010 without a break in coverage.

If you have any other questions, please contact Sheila Chavis at (803) 898-2707, and she will be happy to assist you.

Sincerely,

Alicia Jacobs
Deputy Director

AJ/lc

cc: Vastine Crouch, Division of Appeals