

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

**BOARD OF REVIEW
ORDER OF DISMISSAL**

IN RE:

Claimant,

vs.

**BOR Action # 08-BOR-1245
08-BOR-1246**

West Virginia Department of Health & Human Resources,

Respondent.

On January 11, 2008, the Department of Health and Human Resources, Boone County Office, issued a NOTIFICATION OF CASH ASSISTANCE AND/OR SCHOOL CLOTHING ALLOWANCE OVERPAYMENT form advising the Claimant they had determined he was overpaid two hundred twenty dollars \$220.00 cash benefits during the period of October 1, 2007 through October 31, 2007. The Department also issued on January 11, 2008, a NOTIFICATION OF FS OVERISSUANCE form advising the Claimant they had determined he was issued two hundred two dollars \$202.00 more food stamp benefits than entitled for the period of October 1, 2007 through October 31, 2007.

The January 11, 2008 notices included instructions to the Claimant advising him of the right to request a hearing before a state hearing officer provided that he did so within 90 days of the date on the notice.

The Claimant filed a hearing request verbally with the Department on April 11, 2008.

The State and Federal Regulations that govern Agency programs direct that a hearing must be requested by the applicant/recipient or his representative within **90** days of the effective date of the action (42 CFR ' 431.221 & Common Chapter Manual 770,B).

Whereas the Claimant did not file his appeal within the time frame required, the Claimant's appeal is not timely and is therefore **DISMISSED**.

It is hereby **ORDERED** that this hearing is **DISMISSED**.

Entered this 21st day of April, 2008.

Cheryl Henson
State Hearing Officer