

STATE OF SOUTH DAKOTA)
)
COUNTY OF LAWRENCE)

DEPARTMENT OF SOCIAL SERVICES

OFFICE OF ADMINISTRATIVE HEARINGS
OAH # 22-365 case # 001286794

**IN THE MATTER OF THE
ADMINISTRATIVE HEARING
FOR DAVID SCHIED**

FINAL ORDER OF DISMISSAL

WHEREAS by notice of action dated February 23, 2022 the Department of Social Services denied David Schied eligibility for South Dakota Medical Assistance (Medicaid) as an individual. This was a partial/interim denial because the notice stated that he may be eligible due to his (disabling) conditions. The notice further stated that the Department will contact him to obtain additional information to determine whether he may be eligible for Medical Assistance (as a disabled person) under another Medical Assistance program, and

WHEREAS the Department sent a letter dated March 3, 2022 to David Schied that stated it may require additional information to determine his eligibility and that he should receive a final determination by March 24, 2022. The letter further stated that the Department was waiting for his level of care to be determined and that he must cooperate with the assessment process in order for this to occur, and

WHEREAS the Department received David Schied's request for hearing via email on March 17, 2022, and

WHEREAS by notice of action dated March 24, 2022 the Department denied David Schied eligibility for Medical Assistance (as a disabled person) on the basis his level of care could not be determined, and

WHEREAS an in-person hearing concerning the two notices of action mentioned above was scheduled for May 5, 2022 at the Department's local office in Sturgis, South Dakota, and

WHEREAS David Schied appeared at the hearing with two recording devices actively recording, and after the Administrative Law Judge's opening statement informing him of his rights in this matter, the Administrative Law Judge asked him to turn off the recording devices several times, David Schied adamantly refused to turn off the recording devices, and

WHEREAS no audio or video recording may be performed at a non-public administrative hearing without the court's permission under SDCL 16-20-3(a) et al., the Administrative Law Judge terminated the hearing, it is hereby

ORDERED this matter is dismissed.

Dated this 12th day of May, 2022.

Eric H. Monson

Eric H. Monson, Administrative Law Judge
Office of Administrative Hearings
Department of Social Services
700 Governors Drive
Pierre, SD 57501
(605) 773-6851

AN APPEAL MAY RESULT IN A REVERSAL OF THE DECISION. A PERSON WHO IS ADVERSELY AFFECTED BY A FINAL DECISION IS ENTITLED TO JUDICIAL REVIEW UNDER THE REQUIREMENTS OF SDCL CHAPTER 1-26. NOTICE OF APPEAL MUST BE FILED WITH THE STATE CIRCUIT COURT PURSUANT TO SDCL § 1-26-31 WITHIN THIRTY (30) DAYS AFTER THE DATE OF THIS NOTICE.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a true and correct copy of the foregoing Final Order of Dismissal upon the individuals named below at their last known addresses on this 12th day of May, 2022.

Melody Hackett

Melody Hackett, Legal Assistant

David Schied PO Box 321 Spearfish SD 57783 (U.S. Mail, first-class postage prepaid)	Wade Reimers Special Assistant Attorney General Department of Social Services 700 Governors Drive Pierre SD 57501 (U.S. Mail, first-class postage prepaid)
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