

recipient of SSI benefits. On April 12, the Department sent the petitioner a notice implementing the Board's decision as well as other actions affecting the household's benefits that had not been implemented pending the petitioner's prior appeal, but which were never in dispute—i.e., an increase in the petitioner's and her husband's Social Security benefits, effective January 1, 2005.

The petitioner appealed this decision on April 27, 2005. Perhaps gratuitously, the Department continued her Food Stamps pending this appeal. On May 27, 2005 the petitioner appealed a separate Department decision denying a determination of Medicaid disability for her daughter.

Both cases were heard on June 8, 2005. At that time the petitioner and her daughter's psychiatrist made clear that the petitioner's grievance in the matter concerned the fact that her daughter is not considered "disabled" for Food Stamps. The case concerning the Medicaid determination of her daughter's disability (Fair Hearing No. 19,725) was continued, and it remains pending.

However, regarding the petitioner's Food Stamps, the petitioner has made no claim or showing that there is at *present* any issue that was not fully considered by the Board in its March 25 decision in Fair Hearing No. 19,153. Whether

or not her daughter will *eventually* be determined disabled is the issue in pending Fair Hearing No. 19,725. At this time, however, as was the case in Fair Hearing No. 19,153, there is no question that her daughter does not meet the definition of disability for Food Stamps. Therefore, the petitioner's appeal of what-is-essentially the Department's implementation of the Board's order in that fair hearing must be dismissed as *res judicata*.

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