

ALLEGHENY COUNTY HEALTH DEPARTMENT
ADMINISTRATIVE DECISION

In Re: 711 Worthington Avenue, Clairton, PA 15205

AND NOW, this 6th day of December, 2017, it is hereby ORDERED that the Allegheny County Health Department's Motion to Dismiss Appellants' Appeal in this matter filed by Bruce and Patricia Fox (collectively the "Foxes") is **GRANTED**, as the Foxes have failed to comply with the particularity requirements of Article XI, § 1104(B) of the ACHD Rules and Regulations. Specifically:

1) Article XI, § 1104(B) declares that a Notice of Appeal "shall set forth with particularity the manner in which the Appellant is aggrieved by the action of the Department, the extent to which the Appellant has a direct interest in the action and the grounds for his or her appeal."

2) The Foxes do not "set forth with particularity" the manner in which they were aggrieved, nor do they articulate the grounds for their appeal. They merely make a bare-bones statement:

"Kindly consider this as my Appeal to the Administrative Order dated October 27, 2017. I have attached a copy of this order for your reference. Should you have any questions or comments please contact my office."

3) This statement does not say anything about the basis for the Foxes' appeal. It just says that they're appealing the ACHD's Administrative Order.

4) The Foxes' Response to Motion to Dismiss is unpersuasive. The Foxes argue that because they "incorporated by reference the administrative order dated October 27, 2017, and more specifically any and all findings therein," they therefore "disagree with the Administrative Order and findings in its' [sic] entirety."

5) While the "entirety" of the Foxes' disagreement with the Administrative Order is not disputed, there is no specific basis in the Foxes' Response to Motion to Dismiss as to the grounds for their appeal. Therefore, I will **GRANT** the ACHD's Motion to Dismiss Appellants' Appeal.



Max Slater
Administrative Hearing Officer
Allegheny County Health Department

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