

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

In re CMS LCD Complaint: Hepatic/(Liver) Function Panel (L29188).

Docket No. C-10-750

Decision No. CR2263

Date: October 5, 2010

DECISION DISMISSING LCD COMPLAINT

The aggrieved party named in this complaint regarding the Local Coverage Determination (LCD) listed in the title of this case has now filed a request to withdraw her complaint. Pursuant to 42 C.F.R. § 426.444(b)(7), I must dismiss any complaint withdrawn by the aggrieved party. Section 426.423(c) requires that I issue a decision dismissing the complaint.

Accordingly, this LCD complaint is dismissed. Pursuant to 42 C.F.R. § 426.423(a), the aggrieved party may not file another complaint regarding the same LCD during the six-month period following the date of this decision. Because the aggrieved party has withdrawn the complaint, this decision is not subject to appeal. 42 C.F.R. § 426.465(d).

/s/

Richard J. Smith
Administrative Law Judge