

**STATE OF INDIANA  
BUREAU OF MOTOR VEHICLES**

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IN THE MATTER OF:	)	Case No. BMV-2302-000246
M [REDACTED] M [REDACTED]	)	
DLN: [REDACTED]	)	

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FINAL ORDER

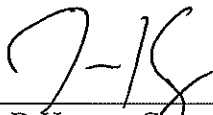
1. On March 14, 2023, M [REDACTED] M [REDACTED] (“Petitioner”), filed an objection to the Non-Final Order of Dismissal by Administrative Law Judge Brian Hahn (“ALJ”) at the Office of Administrative Law Proceedings (“OALP”). Petitioner requests a new hearing be scheduled in this matter.
2. On December 14, 2022, Petitioner requested review of the Indiana Bureau of Motor Vehicles’ (“BMV”) (“Respondent”) decision to deny her request for a driving credential.
3. The matter was referred to ALJ Hahn at OALP for review under Indiana Code § 4-21.5-3-7(a).
4. On December 19, 2022, Petitioner was notified by email that a telephonic pre-hearing conference was scheduled on January 4, 2023, at 11:00 A.M. The notice stated that “failure to appear at the hearing at the scheduled time, without reasonable notice in writing and good cause shown, may result in a default or a dismissal of the case.”
5. On January 4, 2023, a telephonic initial pre-hearing was held. The Petitioner did not appear.
6. On February 28, 2023, the ALJ issued a Notice of Proposed Dismissal (“Notice”). In the Notice the ALJ stated, consistent with I.C. 4-21.5-3-24(b), that “[p]etitioner has seven (7) days to file a motion requesting a final order of dismissal not be imposed and stating the ground relied upon for the request. If no appropriate motion is filed, the ALJ will enter an order of dismissal pursuant to Ind Code 4-21-5-3-24.”
7. I.C. 4-21.5-3-24(c) provides that “[i]f the party has failed to file a written motion under subsection (b), the administrative law judge shall issue the default or dismissal order.”
8. On March 13, 2023, the ALJ issued a Non-final Order of Dismissal, consistent with I.C. 4-21.5-3-24(c), because “more than seven (7) days have passed since the notice of proposed dismissal was entered and no such motion has been filed with the Office of Administrative Law Proceedings.”
9. On March 14, 2023, Petitioner sent an email to BMV hearing email inbox stating that they would like to request a new hearing because they were unable to “open the

attachments in the email that was sent and had no information regarding a pre-trial hearing.”

10. While the Petitioner’s March 14, 2023 email may explain why the Petitioner did not appear at the January 4, 2023 telephonic initial pre-hearing, it does not explain why the Petitioner did not comply with the ALJ’s February 28, 2023 Notice and I.C. 4-21.5-3-24(b) that the petitioner had seven days to request that a final order of dismissal not be imposed and state the ground relied upon for the request.
11. Therefore, consistent with I.C. 4-21.5-3-24(c), the ALJ properly ordered this cause dismissed; therefore, pursuant to I.C. 4-21.5-3-29(b), I hereby AFFRIM the ALJ’s March 13, 2023, Recommended Order.
12. Petitioner is hereby notified that this is a Final Order. Petitioner may seek judicial review of this Final Order pursuant to I.C. 4-21.5-5.

SO ORDERED.

4/10/23  
Date

  
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Joe B Hoage, Commissioner  
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles