

**STATE OF INDIANA
BUREAU OF MOTOR VEHICLES**

| | | |
|---------------------------|---|--------------------------|
| IN THE MATTER OF: |) | Case No. BMV-2301-000161 |
| O [REDACTED] O [REDACTED] |) | |
| DLN: [REDACTED] |) | |

FINAL ORDER

1. On March 25, 2023, O [REDACTED] O [REDACTED] (“Petitioner”), filed an objection to the Non-Final Order of Dismissal by Administrative Law Judge Lakesha Triggs (“ALJ”) at the Office of Administrative Law Proceedings (“OALP”). Petitioner requests a new hearing be scheduled in this matter.
2. On January 21, 2023, Petitioner requested review of the Indiana Bureau of Motor Vehicles’ (“BMV”) (“Respondent”) decision to deny their request for a driving credential.
3. The matter was referred to ALJ Triggs at OALP for review under Indiana Code § 4-21.5-3-7(a).
4. On February 7, 2023, Petitioner was notified by email that a telephonic evidentiary hearing conference was scheduled on March 7, 2023, at 1:00 P.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 February 14, 2023, Petitioner was notified by email that the March 7, 2023 hearing date was vacated and reset to March 15, 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.”
6. On March 15, 2023, a telephonic an initial pre-hearing was held. The Petitioner did not appear.
7. On March 15, 2023, the ALJ issued a notice of proposed dismissal. In the order it stated that “petitioner has seven days to file a motion requesting a final order of dismissal not be imposed and stated 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”
8. On March 23, 2023, the ALJ issued a non-final order of dismissal 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 25, 2023, Petitioner sent an email to BMV hearing email inbox stating that “this letter that I sent is my objection to this order.”
10. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFRIM the ALJ’s March 23, 2023, Recommended Order.
11. 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



Joe B Hoage, Commissioner
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles