STATE OF INDIANA

BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:)	Case No. 18-IL-046	
)		
DLN:)		

FINAL ORDER

- 1. On May 11, 2018, ("Petitioner") requested administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to deny his request for a driving credential.
- 2. The matter was referred to Administrative Law Judge Steven Sams ("ALJ") for review under Indiana Code § 4-21.5-3-7(a). After a number of continuances, the hearing was held on October 31, 2018. The BMV was represented by Attorney Ashley Merritt. Petitioner failed to appear.
- 3. On November 20, 2018, the ALJ issued a written Recommended Order that affirmed BMV's action of denying Petitioner's request for a credential.
- 4. On December 8, 2018, Petitioner requested a reconsideration of the Recommended Order. Petitioner provided that he is able to produce evidence that he is currently has a pending application for adjustment of his lawful status to that of an alien lawfully admitted for permanent residence. Petitioner also noted that he previously requested for a continuance in this matter in prior correspondence with the BMV.
- 5. The issue at hand in this matter that is preventing Petitioner from receiving a driving credential is his inability to verify his lawful status. Petitioner has provided that he has a pending application with the U.S. Citizenship and Immigration Services, which if granted, would adjust his lawful status so as to allow him to receive a driving credential. There is no dispute that Petitioner cannot currently demonstrate his lawful status. If and when Petitioner's application is granted, there is nothing to prevent Petitioner from returning to the BMV and submitting a new application for a driving credential.
- 6. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's November 20, 2018 Recommended Order.
- 7. 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.

Date

Written notice of this order shall be provided to:

Petitioner

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Indiana Bureau of Motor Vehicles