

**STATE OF INDIANA
BUREAU OF MOTOR VEHICLES**

IN THE MATTER OF:)	Case No. BMV-2302-000539
P [REDACTED] G [REDACTED])	
DLN: [REDACTED])	

FINAL ORDER

1. On March 30, 2023, A [REDACTED] D [REDACTED] (“Representative”) the personal representative for P [REDACTED] G [REDACTED] (“Petitioner”), filed an objection to the Non-Final Order of Dismissal by Administrative Law Judge Lakeesha Triggs (“ALJ”) at the Office of Administrative Law Proceedings (“OALP”). Petitioner’s Representative requests a new hearing be scheduled in this matter.
2. On February 21, 2023, Petitioner’s Representative 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 Triggs at OALP for review under Indiana Code § 4-21.5-3-7(a).
4. On February 24, 2023, OALP sent an Order Setting Initial Pre-Hearing Conference (“Notice”) to the Petitioner by mail, and Representative and BMV by email that a telephonic pre-hearing conference was scheduled for March 21, 2023, at 9:00 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. The Notice shows that it was sent by email to the email address that the Representative listed on the Petitioner’s February 21, 2023 request for review.
6. On March 21, 2023, a telephonic initial pre-hearing was held. The Petitioner nor Representative did not appear. However, the attorney for the BMV did appear. The BMV apparently received notice for the pre-hearing by the same Notice sent to the Petitioner and Representative.
7. On March 21, 2023, the ALJ issued a Notice of Proposed Dismissal and sent the Notice of Proposed Dismissal to the same email address that the Representative provided.
8. The Notice of Proposed Dismissal 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.”

9. On March 30, 2023, the ALJ issued a Non-final Order of Dismissal (“Order”) 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.”
10. The Order was sent to the same email address that the Representative provided.
11. On March 30, 2023, Petitioner’s Representative sent an email to BMV hearing email inbox, from the email address that the Representative provided, stating that they would like to request a new hearing claiming that she “received email appointment appear court the same day she was in Dr appointment for 10 minutes.” She stated in her response that she “was not informed early days or weeks email. Mail. Nor voice mail.”
12. The record indicates that OALP did send notice of the February 24, 2023 Initial Pre-Hearing Conference to the parties because BMV did appear. The record also indicates that the Representative has received emails sent from OALP. The Representative provides no explanation for not responding to the March 21, 2023 Notice of Proposed Dismissal within seven days. Therefore, pursuant to I.C. 4-21.5-3-29(b), I hereby AFFRIM the ALJ’s March 30, 2023, Recommended Order.
13. 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.

5/22/23
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