STATE OF INDIANA

BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:)	Case No. BMV-1220-001519
T)	
DLN:)	

FINAL ORDER

- 1. On or about November 25, 2020, The Figure ("Petitioner") requested an administrative review of the Indiana Bureau of Motor Vehicles' ("BMV") decision to deny his request for a driving credential.
- The matter was referred to Office of Administrative Law Proceedings ("OALP") for review under Indiana Code § 4-21.5-3-7(c). The matter was assigned to Administrative Law Judge ("ALJ") Elizabeth Gamboa. A telephonic administrative hearing was originally scheduled on February 18, 2021.
- 3. Petitioner requested a continuance of the hearing, which was granted and rescheduled for April 8, 2021. Petitioner was present on the call when the new hearing date of April 8, 2021, was announced. Petitioner was also served with a copy of the Order of Continuance by United States mail on March 1, 2021.
- 4. The ALJ's Notice of Proposed Dismissal documented that the Order of Continuance provided the hearing time and date, along with instructions on establishing telephonic communication with the ALJ to participate in the hearing. The established conference line remained open for fifteen (15) minutes after the scheduled start time and the Petitioner did not join the call.
- 5. Notice of Proposed Dismissal was entered in this matter on April 9, 2021. The Notice was served upon Petitioner on April 9, 2021, by US Mail and gave Petitioner seven (7) days from the date of the Notice of Proposed Dismissal to file a motion requesting a final order of dismissal not be imposed and stating the ground relied upon for the request. More than seven days passed after the Notice of Proposed Dismissal was entered and no such motion was filed with the Office of Administrative Law Proceedings.
- 6. On April 26, 2021, the ALJ entered a Final Order of Dismissal in this matter. As set forth in that Final Order, any request for reconsideration in this matter was to be filed within fifteen (15) days of the date of that Final Order.

- 7. On August 6, 2021, OALP received a Request for Reconsideration from Petitioner, which was forwarded to BMV. This Request for Reconsideration was submitted well after the fifteen days permitted by 140 IAC 1-1-11. In his Request for Reconsideration, Petitioner provides no explanation for his tardiness or any grounds upon which relief may be granted in this matter.
- 8. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's April 26, 2021, Final Order of Dismissal.
- 9. 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.

29 September 2001

Date

Peter L. Lacy, Commissioner

Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

Petitioner

Indiana Bureau of Motor Vehicles