

**BEFORE THE  
INDIANA BUREAU OF MOTOR VEHICLES**

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IN THE MATTER OF [REDACTED],	)	
	)	
DL# [REDACTED];	)	CASE NO. 14-CD-008
	)	
Petitioner.	)	
	)	

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**FINAL ORDER**

1. This matter comes before me as a result of a Notice of Appeal filed by Petitioner [REDACTED] by letter of January 16, 2015 seeking administrative review of a decision by the Indiana Bureau of Motor Vehicles ("BMV") disqualifying Petitioner [REDACTED]'s Commercial Driver's License ("CDL") privileges for one (1) year, beginning on November 1, 2014.
2. This matter was referred to Administrative Law Judge Nathaniel L. Freeland, Esq. for hearing, review and the issuance of a Recommended Order per Ind. Code § 4-21.5-3-27(a) and 140 IAC 1-1-8, which was scheduled on this matter for December 18, 2014.
3. Petitioner [REDACTED] was notified of the hearing but did not appear. Nevertheless, his initial hearing request was placed into evidence.
4. ALJ Freeland issued his Recommended Order on January 5, 2015, finding that the BMV's disqualification of [REDACTED]'s CDL privileges was proper.
5. Petitioner [REDACTED] objected to the Recommended Order per Ind. Code § 4-21.5-3-29(d) and 140 IAC 1-1-11, and urges me to dissolve the Recommended Order and reinstate his CDL privileges.

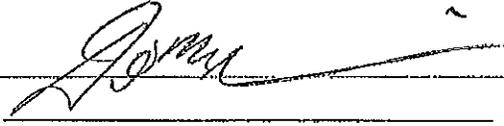
6. [REDACTED] did not contest the validity of the one-year disqualification, which was based on an Ohio conviction for operating a vehicle under the influence of alcohol. Rather, [REDACTED] claims that the start date imposed by the BMV (November 1, 2014) was wrong.
7. The Municipal Court in Portage County, Ohio convicted [REDACTED] of Operating a Vehicle While Intoxicated on October 9, 2014, imposed a one-year suspension of his Ohio driving privileges, and chose June 26, 2014 as the start date of his suspension. [REDACTED] argued that the start date should have been June 26, 2014, which [REDACTED] claims is the date of his offense.
8. With regard to CDLs, the BMV is bound by federal law. When a person is convicted of operating a vehicle under the influence of alcohol as prescribed by State law, 49 CFR 383.51(b) requires the BMV to suspend a person's CDL privileges for one (1) year. Federal law does not permit the BMV to back-date or shorten such suspensions for any reason.
9. The BMV received and processed the Ohio conviction in late October of 2014. Therefore, choosing November 1, 2015 as a starting date for the suspension was reasonable.
10. The Recommended Order is hereby AFFIRMED in all respects, and Petitioner's Notice of Appeal and Objection to the Recommended Order is DENIED in all respects. Petitioner [REDACTED]'s disqualification will remain in place, as required by Indiana and federal law.
11. Petitioner [REDACTED] is hereby notified that this is a FINAL ORDER. Petitioner may seek judicial review of this FINAL ORDER by filing a petition for review with the appropriate court within thirty (30) days after the date that notice of this FINAL ORDER was served, plus three (3) additional days if notice is served through the United States mail. See: Ind. Code §§ 4-21.5-3-2, 4-21.5-5.
12. Pursuant to Ind. Code § 4-21.5-3-32, this FINAL ORDER shall be made available for public inspection and copying. It shall be indexed by name and subject. All identifying details shall be deleted from the public copy of this Order to the extent required by Ind. Code § 5-14-3 or other

law, with written justification for all deletions explained in writing and attached to the public copy of this FINAL ORDER.

SO ORDERED.

1-23-2015

Date



Donald M. Snemis, Commissioner  
Indiana Bureau of Motor Vehicles

Written notice of this order shall be provided to:

██████████

BMV CDL Programs

Nathaniel L. Freeland