

OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS

Administrative Cause No.: DHS-0521-001138
Underlying/State Agency Action No.: FR102310

Maniac Mac's/Mac's Market,
Petitioner,

v.

Indiana Department of Homeland Security,
Respondent.

NON-FINAL ORDER OF DISMISSAL

This matter was set for a telephonic initial prehearing conference on June 21, 2021 and the Petitioner failed to appear for the initial prehearing conference. On the scheduled date and time of the initial prehearing conference, Respondent's counsel, Justin Guedel, appeared via conference call. Mr. Guedel and the undersigned Administrative Law Judge (ALJ) waited on the line from just before 2:00 p.m. (EST) until 2:16 p.m. (EST) for the Petitioner to appear and then went on the record. Once on the record, Mr. Guedel requested the ALJ issue a proposed order of dismissal in accordance with Ind. Code § 4-21.5-3-24(a)(3). Petitioner failed to participate in the initial prehearing conference after proper notice was given to the parties; accordingly, the ALJ agreed that dismissal was appropriate and issued a Proposed Order of Dismissal on June 21, 2021.

The timeline set out in the Proposed Order of Dismissal was seven (7) days to file a response. To date, the Petitioner has not submitted a response. Accordingly, the ALJ issues this Non-Final Order of Dismissal.

Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file the objection with the Commission within fifteen (15) days after the service of this order. The objection must be in writing and must identify the basis for the objection with reasonable particularity.

In the absence of an objection from a party or notice from the Commission of its intent to review any issue related to this order, the Commission shall affirm this order in accordance with Ind. Code § 4-21.5-3-29(c). **The Commission will consider this Non-Final Order of Dismissal at its next regularly scheduled meeting on July 7, 2021 at 9:00 a.m.** at the Indiana State Library, Room 211, 315 W. Ohio Street, Indianapolis, IN 46202.

So Ordered: July 2, 2021



Hon. Chelsea E. Root, Administrative Law Judge
Indiana Office of Administrative Law Proceedings

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