

STATE OF INDIANA
BUREAU OF MOTOR VEHICLES

IN THE MATTER OF:) Case No. 18-OT-01
██████████)
DLN: ██████████)

FINAL ORDER


1. On January 8, 2018, ██████████ (“Petitioner”) requested administrative review of the Indiana Bureau of Motor Vehicles’ (“BMV”) decision to deny his request to amend his driver’s license status, which is currently listed as “Unlicensed.”
2. The matter was referred to Administrative Law Judge Steven Sams (“ALJ”) for review under Indiana Code § 4-21.5-3-7(a). A hearing was held on February 28, 2018. The BMV was represented by Attorney Natalie Huffman.
3. The hearing was recorded. Petitioner failed to appear. The BMV proffered testimony and offered exhibits into evidence.
4. On April 4, 2018, the ALJ issued a written Recommended Order that affirmed BMV’s action of denying Petitioner’s request to amend his driver’s license status.
5. On April 22, 2018, Petitioner requested a reconsideration of the Recommended Order. Petitioner provided that there were communication issues that arose in regards to when the hearing would take place and if he could appear telephonically, all of which resulted in his absence at the February 28, 2018 hearing.
6. On June 8, 2018, a Final Order was issued in this matter that dissolved the ALJ’s April 4, 2018 Recommended Order and remanded the matter back to the ALJ for a hearing on the merits.
7. On July 18, 2018, a hearing was conducted by the ALJ on the merits of Petitioner’s appeal. The BMV was represented by Natalie Huffman. Petitioner appeared telephonically and *pro se*.
8. The hearing was recorded. The BMV and Petitioner proffered testimony and offered exhibits into evidence.
9. On August 9, 2018, the ALJ issued a Recommended Order that affirmed BMV’s action of denying Petitioner’s request to amend his driver’s license status.
10. On August 28, 2018, Petitioner requested a reconsideration of the Recommended Order.

11. Petitioner appeal centers on BMV's designation of his license status as "unlicensed".
12. BMV provided during the hearing that a customer is considered "unlicensed" when he or she has a record with the agency but has never been issued a driver's license. Petitioner holds an Identification Card issued by BMV but does not currently have a driver's license. BMV has no record of Petitioner ever having been issued a driver's license.
13. The relevant retention schedule applicable to this matter provides that BMV has a ten (10) year retention policy.
14. Petitioner claims to have been issued a driver's license in approximately 1973 or 1974 and prior to that, he claims to have been issued a learner's permit. Although Petitioner submitted into evidence a copy of his birth certificate, high school diploma, and social security card, he has failed to submit any written evidence that demonstrates he was ever issued a driver's license.
15. There is sufficient information contained in the record to substantiate the ALJ's Recommended Order.
16. Pursuant to I.C. 4-21.5-3-29(b), I hereby AFFIRM the ALJ's August 9, 2018 Recommended Order.
17. 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.

10/22/2018

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