



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 3, 2017
MAHS Docket No.: 16-019498
Agency No.: [REDACTED]
Petitioner: [REDACTED]
Respondent: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

ORDER DENYING REQUEST TO VACATE
DECISION AND ORDER ON DEFAULT

This matter is before the undersigned Supervising Administrative Law Judge pursuant to the request by Petitioner [REDACTED] received by the Michigan Administrative Hearing System (MAHS) on July 28, 2017 to reschedule the hearing scheduled on June 19, 2017.

The expunction hearing scheduled on June 19, 2017 was held as scheduled, and on July 27, 2017, the assigned Administrative Law Judge (ALJ) issued a Decision and Order granting the Department's motion for a default judgment in its favor after Petitioner failed to appear at the hearing. Therefore, Petitioner's request is deemed a request to vacate the Decision and Order based on the default.

Expunction hearings must be conducted in accordance with the Child Protection Law, 1975 PA 238, as amended, MCL 722.621 to MCL 722.638. Mich Admin Code, R 792.11027. The Child Protection Law provides that hearings must be conducted as prescribed by the Administrative Procedures Act, 1969 PA 306, MCL 24.201 to MCL. 24.328. MCL 722.627(6). The Administrative Procedures Act in turn provides that, if a party fails to appear in a contested case after proper service of notice and no adjournment has been granted, the hearing may proceed and a decision may be made in the party's absence. MCL 24.272; MCL 24.278. Because Petitioner did not appear at the June 19, 2017 hearing, the ALJ was authorized to issue a decision on default.

Under the MAHS administrative hearing rules, a party against whom a default order is entered may file a written motion within 7 days after service of a default order requesting that the default be vacated. If the party demonstrates good cause for failing to attend a hearing or failing to comply with an order, the hearing may be rescheduled, reheard, or otherwise reconsidered as required to serve the interests of justice and the orderly and prompt conduct of proceedings. Mich Admin Code, R 792.10134(2).

In this case, Petitioner explained in her request that she missed her hearing because she got her dates confused. It is found that Petitioner has failed to establish good cause for her failure to attend the hearing. Having found no good cause exists to vacate the decision and order on default,

NOW, THEREFORE, IT IS ORDERED that the request is **DENIED**.

AE/tm



Denise McNulty
Supervising Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System.

Dept. Contact

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent

Genesee County DHHS
Hearings Coordinator
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48501

Petitioner

[REDACTED]
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