



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

IN THE MATTER OF:

MOAHR Docket No.: 20-009069

_____,
Petitioner

Agency Case No.: _____

v

Case Type: Expunction

MDHHS Expunction Unit,

Respondent

_____/

**Issued and entered
this 15th day of September 2021
by:
Marya Nelson-Davis
Administrative Law Judge**

ORDER DENYING MOTION FOR SUMMARY DISPOSITION

Respondent, Michigan Department of Health and Human Services, received from Petitioner, _____ a request for hearing to expunge his name and identifying information from the Michigan Child Abuse and Neglect Central Registry (Central Registry). Respondent placed Petitioner's name on the Central Registry in connection with three Children's Protective Services (CPS) complaints dated: February 2, 2004; June 2, 2006; and April 21, 2017, that resulted in Respondent finding that Petitioner violated the Child Protection Law (CPL), MCL 722.621 *et seq.* On August 12, 2021, Respondent forwarded Petitioner's hearing requests to the Michigan Office of Administrative Hearings and Rules (MOAHR) along with three documents titled *Language for Summary Disposition*, along with Hearing Summaries, requesting that MOAHR enter an order for summary disposition.

Under Rule 129(1) and (2), a party may move for summary disposition, and an administrative law judge may issue a decision granting summary disposition, on all or part of a proceeding, if any of the following exist:²⁰

- (a) There is no genuine issue of material fact.
- (b) There is a failure to state a claim for which relief may be granted.
- (c) There is a lack of jurisdiction or standing.

In the documents titled *Language for Summary Disposition* and in its hearing summaries, Respondent requests that MOAHR grant an order of summary disposition for the following reasons: (1) Petitioner was provided an opportunity for a hearing with regard to the CPS complaint dated February 2, 2004 but failed to appear, and an order affirming Respondent's CPS decision was issued; (2) Petitioner was provided with a hearing with regard to the CPS complaint dated June 2, 2006, and an order affirming Respondent's placement of Petitioner's name on Central Registry was issued on February 23, 2007; and (3) Petitioner's request for hearing with regard to the CPS complaint dated April 21, 2017, was not filed in a timely manner. However, Respondent failed to: (1) properly identify and label the motions for summary disposition to clearly notify Petitioner that a dismissal of his requests for hearing is sought, and a response may be filed; and (2) include citations of supporting authority explaining how the Central Registry listings are impacted as required by Mich Admin Code, R 792.10115.

NOW, THEREFORE, IT IS ORDERED that Respondent's Motion for Summary Disposition is **DENIED WITHOUT PREJUDICE**. Respondent may refile its Motion for Summary Disposition upon remedying the defects identified in this Order.

A handwritten signature in cursive script, reading "Marya A. Nelson-Davis", written over a horizontal line.

Marya Nelson-Davis

Supervising Administrative Law Judge

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 15th day of September 2021.



Tammy L. Feggan, Legal Secretary
**Michigan Office of
Administrative Hearings and Rules**

Electronic Mail Recipients:

Bryank@michigan.gov - Bryan
DHHS Children's Protective Services

MDHHS Expunction Unit
DHHS-Expungement-Unit@michigan.gov

MDHHS-Children's Legal Services Division
CSARequestforLegalResearch@michigan.gov

First-Class Mail Recipient:

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██████████
██████ MI ██████