



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 22, 2023
MOAHR Docket No.: 23-001699
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

ORDER DENYING REQUEST TO VACATE DISMISSAL

On May 26, 2023, the Michigan Office of Administrative Hearings and Rules (MOAHR) received a written request to vacate the Order of Dismissal issued by MOAHR on May 24, 2023, from Petitioner's authorized hearing representative (AHR), after Petitioner and/or his AHR failed to participate in a hearing in the above-captioned matter scheduled on May 24, 2023, at 9:00 AM. Petitioner's AHR alleges that no one appeared on Petitioner's behalf at the telephone prehearing conference scheduled on April 27, 2023, because Petitioner was not notified of the prehearing conference prior to April 27, 2023. Additionally, Petitioner's AHR alleges that no one appeared at the May 24, 2023, hearing on Petitioner's behalf due to scheduling conflicts on behalf of Petitioner's witness and owner of [REDACTED] and scheduling errors on behalf of Petitioner's AHR.

Petitioner failed to establish good cause for failing to participate in the May 24, 2023, hearing. The Notice of Telephone Prehearing Conference was mailed to Petitioner's AHR and Respondent's AHR on April 7, 2023. Respondent's AHR appeared for the prehearing conference; however, no one appeared on behalf of Petitioner. On May 2, 2023, a Prehearing Conference Summary and Order and Notice of Hearing was mailed to Petitioner and Petitioner's AHR and not returned to MOAHR as undeliverable. The Notice of Hearing advised Petitioner and Petitioner's AHR of the date and time of the hearing, provided instructions on how to access the hearing to participate, and clearly stated that: "Failure to comply with orders of MOAHR or to appear at the time set for hearing may result in a decision against the party for failing to comply or appear or in a dismissal of the appeal." Petitioner failed to submit a timely request to reschedule the May 24, 2023, hearing.

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

MN-D/tlf


Marya Nelson-Davis
Administrative Law Judge

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 Office of Administrative Hearings and Rules.

Via-Electronic Mail :

Agency Representative
Emily Piggott
DCH Appeals Section
222 N Washington Square
Suite 100
Lansing, MI 48909

DHHS Department Rep.
M. Carrier
Department Community Health
MDHHS
Appeals Section
PO Box 30807
Lansing, MI 48909

Via-First Class Mail :

Petitioner

_____ MI _____

Authorized Hearing Rep.

_____ MI _____