

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
FROM THE COMMISSIONER OF FAMILY AND COMMUNITY SERVICES**

In the Matter of: )  
 )  
U.Q. ) OAH No. 22-0239-SAN  
 ) Agency No. 988067  
\_\_\_\_\_ )

**DECISION AND ORDER OF DISMISSAL**

U.Q. requested a hearing to contest substantiated findings of child maltreatment issued against him on February 22, 2022, by the Office of Children’s Services (OCS). After filing this administrative appeal, U.Q. participated in an initial telephonic case planning conference in March 2022 from the Correctional Complex, where he was being held on criminal matters related to this appeal. The parties agreed that his criminal issues should be resolved before any substantive proceedings in this matter, so the appeal was temporarily held in abeyance and U.Q. was advised to stay in contact with OCS if he was released from custody.

On October 12, 2022, a status conference was held in this matter. Kimberly Ford from the Office of Children’s Services participated. According to the Department of Corrections Victim Information and Notification Everyday (VINELink) website,<sup>1</sup> which tracks the incarceration status of offenders in Alaska, U.Q. was no longer in custody. U.Q. was contacted at his phone number of record, but there was no answer. Ms. Ford represented that she would make additional attempts to contact U.Q., including reaching out to his probation officer. A reschedule notice was sent to the parties, which included a warning that if U.Q. again failed to participate in the next conference his appeal could be dismissed due to his lack of participation.

On November 30, 2022, another status conference was held in this matter. Ms. Ford participated, but U.Q. could not be reached at either of his two phone numbers of record. A message was left on the voice mail in service reminding him of the status conference, but when he was called back several minutes later the call still went unanswered. Ms. Ford represented that in the weeks following the October 2022 status conference she communicated with U.Q.’s probation officer, explained that U.Q. had a pending appeal before the Office of Administrative Hearings (OAH), and left a packet of information about the appeal and contact information for OAH which she understood would be passed along to U.Q.

---

<sup>1</sup> Victim Information and Notification Everyday, available at <https://vinelink.vineapps.com/search/AK/Person>.

Ms. Ford also represented that she reached out to U.Q. via his email - which at the March 2022 status conference he confirmed he would be checking upon his release from custody - as well as via mail sent to his addresses of record, including the home of his mother. To date, U.Q. has never contacted OCS or OAH since his in-custody participation in the initial March 2022 status conference.

When a party who requested a hearing fails to participate in a proceeding, the administrative law judge may dismiss the case or affirm the decision being contested.<sup>2</sup> Because U.Q. has not participated in this matter or communicated with OAH to explain his unavailability, even after notice that this could lead to the dismissal of his appeal, he is deemed to have abandoned the hearing request. As a result, this matter is dismissed, and OCS's February 22, 2022 substantiated findings of maltreatment remain in effect.

DATED: November 30, 2022.

*Signed*

\_\_\_\_\_  
Danika B. Swanson  
Administrative Law Judge

---

<sup>2</sup> 2 AAC 64.320(a).

## Adoption

The undersigned, by delegation from of the Commissioner of Family and Community Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 27<sup>th</sup> day of December, 2022.

By: Signed  
Name: Danika Swanson  
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]