

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
FROM THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of )  
 )  
B.B. ) OAH No. 18-0825-SAN  
 ) Agency No.  
\_\_\_\_\_ )

**DECISION AND ORDER OF DISMISSAL**

B.B. requested a hearing to contest a substantiated finding of child neglect issued against her in June 2018 by the Office of Children’s Services (OCS). After filing this administrative appeal, Ms. B. has twice failed to appear at scheduled case planning and status conferences. On August 27, 2018, Ms. B. was notified in writing that there would be a case planning conference held on October 8, 2018. After she was not available for that case planning conference, the case planning conference was rescheduled to December 10, 2018. The parties were sent notice of the scheduled proceeding in advance. Ms. B., however, was not available for the December 10, 2018 case planning conference.

The October 8, 2018 order rescheduling the case planning conference to December 10, 2018 expressly warned Ms. B. “if she again fails to be available for the conference, her appeal may be dismissed under 2 AAC 64.310(a).” Nonetheless, Ms. B. could not be reached for the rescheduled case planning 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>1</sup> Because Ms. B. has not participated in this matter or communicated with OAH to explain her unavailability, even after notice that this could lead to dismissal of her appeal, she is deemed to have abandoned the hearing request. As a result, this matter is dismissed, and OCS’s June 25, 2018 substantiated finding(s) of maltreatment remain(s) in effect.

DATED: December 10, 2018.

*Signed* \_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

<sup>1</sup> 2 AAC 64.320(a).

## Adoption

The undersigned, by delegation from of the Commissioner of Health and Social 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 10<sup>th</sup> day of January, 2019.

By: Signed  
Signature  
Lawrence A. Pederson  
Name  
Administrative Law Judge  
Title

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