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

In the Matter of	)	
	)	
D. S.	)	OAH No. 21-1874-SAN
	)	

DECISION AND ORDER OF DISMISSAL

D. S. requested a hearing to contest substantiated findings of neglect and physical abuse issued against her in May 2021 by the Office of Children's Services (OCS). After filing this administrative appeal, Ms. S. has failed to appear at two scheduled status conferences. On both occasions – March 1 and April 6, 2022 – notice of the scheduled proceeding was sent to the parties in advance, but Ms. S. did not answer her phone and did not respond to a voice mail message advising her that the conference was beginning.

The March 1, 2022 order rescheduling the status conference expressly warned Ms. S. that if she failed to participate, a decision regarding her appeal and her possible placement on the Child Protection Registry could be made without her input. Nonetheless, Ms. S. did not participate in the April 6, 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.[1] Because Ms. S. has not participated in this matter or communicated with OAH to explain her unavailability even after being advised that a decision could be made in her absence, she is deemed to have abandoned the hearing request. As a result, this matter is dismissed, and OCS's May 25, 2021 substantiated findings of maltreatment remain in effect.

DATED: April 6, 2022.

SIGNED
Danika B. Swanson
Administrative Law Judge

[1] 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 27th day of April, 2022.

By: SIGNED
Name: Danika B. 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.]