



STATE OF MICHIGAN
 TERRI LYNN LAND, SECRETARY OF STATE
 DEPARTMENT OF STATE
 LANSING

DRIVER LICENSE APPEAL

In the matter of:

Petitioner	License Number:	[REDACTED]
[REDACTED]	Hearing Date:	May 7, 2008
	Case Number:	[REDACTED]
	Hearing Officer:	Higgins

ORDER/AUTHORIZATION

This administrative hearing is held at Petitioner's request pursuant to MCL 257.322 and 1999 MR9 R 257.301 *et seq.*

The following individuals were present for the hearing: Hearing Officer Higgins, [REDACTED] and Attorney Jeffrey J. Randa.

Petitioner has three substance abuse driving convictions in 1997, 2000 and 2003. Petitioner attended a DAAD hearing on 01/03/2007 and was granted a restricted license. Petitioner is now seeking his full license {Case #T320090}.

Petitioner testified that he has been abstinent from alcohol since 06/12/2003, the date of his last substance abuse arrest. Petitioner testified that he has used marijuana in the past and the last time he used it was at least 10-12 years ago. Petitioner said that he has not used any other illegal or illicit drugs in his lifetime. Petitioner testified that he attends AA meetings once or twice per month. He submitted attendance records documenting his attendance from 01/16/2005 until 01/20/2008. Petitioner submitted a substance abuse evaluation performed by Anne Allen dated 02/27/2008. The evaluation provided a diagnosis of alcohol abuse in full sustained remission. The evaluation provides for a good prognosis and did not recommend any additional continuum of care. Petitioner submitted a 10 panel drug and alcohol screen reported on 02/29/2008 which was negative for all substances tested. Petitioner submitted three testimonials which were consistent with Petitioner's testimony particularly regarding Petitioner's period of abstinence from alcohol and monthly attendance to AA meetings.

Petitioner presented the Final Report from the ignition interlock vendor which reports that Petitioner complied with the requirements of the interlock agreement, that Petitioner did report for monitoring on a regular basis and that Petitioner did not have any attempts to start or operate the vehicle where an alcohol level of above .04% was detected by the ignition interlock device.

SCE (11)

After considering the evidence submitted by Petitioner and any legal arguments, and based on the Findings of Fact and Conclusions of Law on the record, the Hearing Officer finds the Petitioner has met the licensing requirements of the Department and satisfactorily rebutted the presumption of habitual violation as mandated by MCL 257.303(7)(b). Further, Petitioner has presented sufficient evidence to establish satisfactory compliance with the minimum one year ignition interlock requirement mandated by MCL 257.322(9).

Therefore, Petitioner's appeal is **GRANTED** with full privileges effective 05/07/2008 and upon payment of the required reinstatement fee.

PETITIONER MUST PRESENT THIS ORDER/AUTHORIZATION TO A SECRETARY OF STATE BRANCH OFFICE TO PAY THE REQUIRED REINSTATEMENT FEE(S) TO BE ISSUED FULL DRIVING PRIVILEGES. FOLLOW BRANCH OFFICE PROCEDURES.

CERTIFICATE OF MAILING

I certify that I am eighteen years of age or older and that on this date, I or my agent, mailed a copy of the original Driver License Appeal Order to each party of record by first-class United States Mail at Lansing, Michigan as provided in the Michigan Vehicle Code (MCL 257.212).

May 13, 2008

Hearing Officer: Higgins