



APR 17 2013

IN THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

DEPARTMENT OF JUVENILE JUSTICE,
Petitioner,

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Docket No.:
OSAH-DJJ-CPR-1334864-67-Baxter

K. Westray
Kevin Westray, Legal Assistant

v.

Agency Reference No.: 1334864

L.E.,
Respondent.

FINAL DECISION

Pursuant to O.C.G.A. § 49-4A-8(i)(1), Petitioner seeks to revoke Respondent's juvenile community placement and Respondent appeals this action. A Final Revocation hearing was held on April 5, 2013, at the Office of State Administrative Hearings. Jeffrey Coleman, Esq., appeared for Petitioner and Respondent appeared *pro se* with his grandmother and guardian,

For the reasons indicated below, Petitioner's decision is **AFFIRMED**.

Findings of Fact

1.

L.E. is a committed youth to the Department of Juvenile Justice ("Department"). (Testimony of Johnson.)

2.

As a condition of living with his grandmother, the Department required L.E. to comply with certain Conditions of Placement. The purpose of these conditions is to help supervise L.E. in the community. Condition Number Nine prohibits L.E. from possessing, selling or using any drugs or alcohol, and requires that he submit to random drug testing. (Testimony of Johnson; Exhibit P-1.)

3.

On February 11, 2013, L.E. and his grandmother signed the Conditions of Placement at the Department's office in Gwinnett County. (Testimony of Johnson; Exhibit P-1.)

4.

On February 27, 2013, L.E.'s case manager, _____, requested a urine sample from L.E. L.E. did not provide a sample because apparently, he did not need to use the restroom. _____ informed L.E. that if he did not take the test within two hours that the test would be presumed positive. L.E. did not wait the allotted two hours because his sister needed to leave to pick up her husband. This incident was the second time L.E. failed to provide a sample and left prior to the two hour limit. (Testimony of Johnson and L.E.)

5.

The February 27, 2013 incident was L.E.'s fifth sanction and thus, triggered an administrative

revocation hearing. (Testimony of _____ ; Testimony of L.E.; Exhibit P-2.)

6.

L.E. feels he was unfairly treated by _____ and has requested a new Department representative. (Testimony of L.E.)

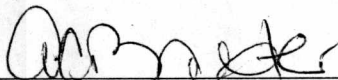
Conclusions of Law

In a Final Revocation Hearing, the undersigned judge must determine based on a preponderance of the evidence whether: (1) the youth has or has not committed the acts as alleged; (2) the acts are substantial violations which justify revocation; and (3) the plan of care is revoked or not revoked. Ga. Comp. R. & Regs. r. 97-2-.04 (2012). Based on the evidence presented at the hearing, the Department has met its burden. Specifically, L.E. failed to provide a urine sample for a random drug test as required by Condition Number Nine of his Conditions of Placement. This incident was the second time L.E. failed to provide a sample and the fifth sanction since his commitment. Accordingly,

Decision

IT IS HEREBY ORDERED THAT the Department's decision to revoke L.E.'s community placement is **AFFIRMED**.

SO ORDERED, this 16th day of April, 2013.



AMANDA BAXTER
Administrative Law Judge