

Service upon the Petitioner was deemed complete on March 11, 2014, the date the Notice of Hearing was mailed to her address of record. Pursuant to O.C.G.A. § 20-2-984.4(d.1), “the mailing by certified mail of any notice, correspondence, or order regarding an investigation or disciplinary action to the last address specified by the educator after receiving written notice of the investigation or, if the commission has not received a change of address from the educator, the address at which the educator received written notification of an investigation, shall constitute proper notice to the educator.” The statute further provides that “[n]otice by certified mail pursuant to this subsection shall be complete upon mailing.” See also Ga. Comp. R. & Regs. r. 505-6-.03.

Here, the Petitioner’s last known address filed with the Commission is P.O. Box 572, Millen, GA 30442. In response to a notice of sanction mailed to Petitioner’s last known address, Petitioner filed an appeal on June 14, 2013. Exhibit “A” All Educators are required to notify the Commission in writing of any change in the educator’s home or employment address until the Commission issues a final order. PSC Rule 505-6-.03; Affidavit of Tanis Miller ¶ 4. Therefore, because the Notice of Hearing was mailed to the Petitioner’s address of record on March 11, 2014, service was deemed complete on that date. O.C.G.A. § 20-2-984.4(d.1); Ga. Comp. R. & Regs. r. 505-6-.03.

The Notice of Hearing informed the Petitioner that she was required to file an Answer within thirty days after service and that failure to file an Answer and/or failure to appear at the call of the case could result in the entry of a default judgment. See O.C.G.A. § 20-2-984.4(d.1); Ga. Comp. R. & Regs. r. 505-6-.04(4). The Petitioner did not file an Answer within thirty days of service, that being March 11 as set forth above, as required. See Court file.

Under the Commission's rules, an applicant's failure to file an Answer and/or to appear for a hearing constitute grounds for a default order.¹ Ga. Comp. R. & Regs. r. 505-6-.04(3)(b), (4)(c). Similarly, OSAH rules provide that "[a] default order may be entered against a party that fails to participate in any stage of a proceeding [or] a party that fails to file any required pleading." Ga. Comp. R. & Regs. r. 616-1-2-.30(1).

Accordingly, based on the foregoing, the Court finds that the Petitioner is in default for failure to participate in the proceeding and for failure to file a required pleading. Ga. Comp. R. & Regs. rr. 505-6-.04(3)(b), (4)(c); 616-1-2-.30(1), (5). The Commission's Motion for Default is therefore **GRANTED**. Because the Petitioner is the party who requested the hearing, her appeal is **DISMISSED**, and the Commission's finding of revocation of certification for the Educator is **AFFIRMED** in accordance with the Commission's probable cause determination. The hearing scheduled for May 13, 2014 is cancelled.

SO ORDERED, this 6th day of May 2014.



Steven W. Teate
Administrative Law Judge

¹ Further, the Commission's rules state that "[a]ll allegations which are not specifically answered are deemed to be admitted." Ga. Comp. R. & Regs. r. 505-6-.04(4)(a).