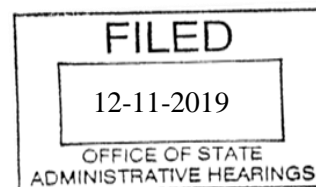


**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**IN RE RA'AKIL ALLAH,
Petitioner.**

*Petition for Direct Appeal to the Georgia
Office of State Administrative Hearings*

**Docket No.: 2017622
2017622-OSAH-DIRECT APPEAL-
PET_CSS-44-Teate**



ORDER

Petitioner Ra'akil Allah has submitted a petition for direct appeal via an OSAH Form 2, seeking permission to file a hearing request directly with this Court pursuant to O.C.G.A. § 50-13-41(a)(1). Petitioner alleges he submitted a hearing request to the Department of Human Services, Division of Child Support Services ("CSS").

Based on the OSAH Form 2 and attached documents, it appears that Petitioner seeks to challenge the following CSS actions:

- **Suspension of Petitioner's driver's license for nonpayment of child support:** In the section of the OSAH Form 2 asking for a description of the agency action prompting the hearing request, Petitioner checked off the following option: "Licensing/Certification . . . Sanction (ex. Fines, suspension, revocation, reprimand, etc.)." The attached documents also include a Notice of Intent to suspend Petitioner's driver's license, issued by CSS on June 7, 2019; a copy of Petitioner's request for a hearing regarding the suspension, dated June 25, 2019 (matching the date listed on the OSAH Form 2 for "Date you submitted your hearing request to the agency"); and a Notice from the Department of Driver Service ("DDS") issued July 15, 2019, stating the suspension would go into effect on July 29, 2019.

- **Lien/levy on Petitioner's financial account for payment of child support arrearage:** On the OSAH Form 2, Petitioner wrote in the following description: "The action of the Agency under dispute is garnishment, and lien." The attached documents include a Notice of Child Support Lien/Levy, dated Oct. 14, 2019, informing Petitioner that his financial account had been frozen due to child support payment arrearages. Petitioner has not provided this Court

with a copy of his written hearing request to challenge this lien, nor does the OSAH Form 2 list the date he submitted such a hearing request to CSS.¹

Having carefully reviewed the OSAH Form 2 and its attachments, this Court concludes that Petitioner failed to show sufficient grounds for a direct appeal.

- Regarding the driver's license suspension, it appears the suspension was retracted before it was scheduled to go into effect on July 29, 2019. The OSAH Form 2 attachments include a copy of a notice issued July 24, 2019, stating that CSS had instructed DDS to issue or reinstate Petitioner's license because he either had settled with CSS or was now in compliance with the child support order. Hence, as there appears to be no suspension, there is no contested case for this Court to adjudicate. See O.C.G.A. §§ 50-13-2(2), 50-13-41(a)(1), 19-11-9.3(h).
- Regarding the financial account lien, Petitioner neglected to provide the date when he submitted his hearing request to CSS. Before direct-appeal petitions may be granted, a party must show that an agency failed to refer the party's hearing request to this Court "within a reasonable time, not to exceed 30 days after receipt of such request." O.C.G.A. § 50-13-41(a)(1); Ga. Comp. R. & Regs. 616-1-2-.03(2). Without the date of the hearing request, the Court cannot make such a determination. Hence, this request for direct appeal is inadequate on its face.

Accordingly, for the reasons stated above, the petition for direct appeal is **DENIED**.

However, Petitioner remains free to submit another OSAH Form 2 to this Court, so he may correct any omissions outlined in this order.

SO ORDERED, this 11th day of December, 2019.



Steven W. Teate
Administrative Law Judge

¹ Petitioner submitted several other documents with his OSAH Form 2. The Court has reviewed these documents and does not find them relevant to the requests at issue.

**Docket No.: 2017622-OSAH-DIRECT APPEAL-PET_CSS-44-
Teate**

RA'AKIL ALLAH
P O BOX 3938
DECATUR, GA 30031

JACOB DAVIS
DHS-OFC OF GEN COUNSEL
2 PEACHTREE ST NW
STE 29.101
ATLANTA, GA 30303

2017622 ALLAH - order on Petition for Direct Appeal

Lisa Boggs

Wed 12/11/2019 1:39 PM

To: rakil13@hotmail.com <rakil13@hotmail.com>; Jacob O. Davis (jacob.davis@dhs.ga.gov) <jacob.davis@dhs.ga.gov>

📎 1 attachments (269 KB)

2017622_DIRECT APPEAL_Final Order.pdf;

ALLAH, RA'AKIL

2017622-DIRECT APPEAL-PET_CSS-44-Teate

Good afternoon:

Attached is a courtesy copy of the Judge's order in the above matter. A paper copy is being mailed out today as well.

Regards,



www.osah.ga.gov

Lisa Boggs

Chief of Staff
General Counsel
Office of State Administrative Hearings

Phone: 404-657-2814

Email: lboggs@osah.ga.gov

225 Peachtree Street NE
Suite 400
Atlanta, GA 30303

The Staff at the Office of State Administrative Hearings is not authorized to provide legal advice.

For your convenience, below is the link to our procedural rules:

https://osah.ga.gov/wp-content/uploads/2019/03/administrative_rules_osah.pdf