

Court of Appeals, State of Michigan

ORDER

Deborah Braddock Reynolds v Secretary of State

Docket No. 269714

LC No. 06-602603-AL

Michael J. Talbot
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

The Court orders that the April 18, 2006, order is VACATED to the extent that it held the application in abeyance.

In lieu of granting the application, the motion for preemptory reversal is GRANTED. The March 31, 2006, order of the Wayne Circuit Court reinstating petitioner's driving privilege is REVERSED. A hearing officer's decision should be affirmed if it is supported by the requisite evidence, even if the reviewing court might have reached a different result. *Kester v Secretary of State*, 152 Mich App 329, 335; 393 NW2d 623 (1986). Based on the evidence presented, the hearing officer's determination that petitioner was required to maintain at least 12 consecutive months of current abstinence or sobriety outside of the controlled environment of imprisonment or parole satisfied the criteria listed in MCL 257.323(4) and therefore could not be set aside as arbitrary and capricious. See *Rodriguez v Secretary of State*, 215 Mich App 481, 484; 546 NW2d 661 (1996). The circuit court thus should have affirmed the hearing officer's decision.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 13 2006

Date

Sandra Schultz Mengel
Chief Clerk