

Circuit Court for Howard County
Case No. C-13-CV-24-000548

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 829

September Term, 2025

IN THE MATTER OF DOREEN SHING

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 25, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Doreen Shing, appellant, appeals from an order issued by the Circuit Court for Howard County dismissing her petition for judicial review. She raises three issues on appeal, which reduce to one: whether the court erred in dismissing her petition. The Maryland Developmental Disabilities Administration, appellee, concedes that the court erred in dismissing the petition. For the reasons that follow, we shall reverse the judgment of the circuit court and remand the case for further proceedings.

Appellant sought review in the Office of Administrative Hearings (OAH) of what she claimed to be an adverse decision by appellee with respect to her request for funding for certain disability-related services. The OAH entered an order dismissing the appeal, finding that appellant had not been denied an application for benefits. Appellant filed a timely petition for judicial review of that decision in the circuit court. The court docket indicates that the OAH was notified the petition had been filed. But appellee claims that it never received that notice and was unaware of the petition.

The court subsequently entered an order directing appellee to show cause as to why the record had not been transmitted. It also scheduled a hearing on that issue for January 17, 2025. Appellee did not appear for that hearing, allegedly because it “did not receive these filings or otherwise learn of the circuit court proceedings.” Appellant did appear. But she had a medical emergency in the courtroom and was taken away by ambulance.

The court then scheduled a new hearing on the show cause order for February 26, 2025, but neither party appeared. It is not clear from the record, however, that appellant received notice of that hearing. Following the February 26 hearing, the court entered an order dismissing the petition for judicial review on the grounds that: (1) appellant had failed

to file a memorandum in support of her petition in accordance with Md. Rule 7-206; (2) appellant had not attended the February 26 hearing; and (3) the OAH had dismissed appellant’s appeal because appellee “did not provide a written denial as no application had been submitted by [appellant] and there were no material facts in dispute.” This appeal followed.

Appellant contends that the court erred in dismissing her petition for judicial review. Appellee agrees, as do we. The court’s primary reason for dismissing the petition was that appellant had not filed a memorandum in support of her petition for judicial review. The time to file a memorandum is governed by Maryland Rule 7-207(a), which provides that a petitioner shall file a memorandum “[w]ithin 30 days after the clerk sends notice of the filing of the [administrative] record[.]” But when the court dismissed appellant’s petition for judicial review, the administrative record had not yet been filed. Thus, the court erred in dismissing appellant’s petition for judicial review based on her failure to file a memorandum.

The court also dismissed the petition because appellant failed to appear at the February 26 hearing. To be sure, dismissal of a petition for judicial review may be an appropriate sanction when the moving party fails to appear at a scheduled hearing. But here the record does not clearly demonstrate that appellant had notice of the hearing. Moreover, the purpose of the hearing was not to address the merits of the petition for judicial review, such that appellant’s absence was potentially prejudicial to the rights of appellee. Rather, the hearing was to inquire into the reasons that appellee had not filed the administrative record. And appellee, the only party that was required to respond, also did

not appear. Under those circumstances, we are persuaded that dismissal of appellant’s petition was not an appropriate remedy for her failure to appear at the February 26 hearing.

Finally, we note that the court briefly discussed the reasons for the OAH’s decision in its order. It is not clear whether, in doing so, the court also intended to dismiss the petition on the merits. But to the extent that it did, such a dismissal would be error as “there is nothing in the Maryland Rules permitting summary reversal of . . . an agency’s decision, without review of the record.” *Montgomery Cnty. v. Post*, 166 Md. App. 381, 390 (2005).

Because there was no basis to dismiss appellant’s petition for judicial review, we shall reverse the judgment of the circuit court and remand the case for further proceedings.

**JUDGMENT OF THE CIRCUIT COURT
FOR HOWARD COUNTY REVERSED.
CASE REMANDED TO THE CIRCUIT
COURT FOR FURTHER PROCEEDINGS
CONSISTENT WITH THIS OPINION.
COSTS TO BE PAID BY HOWARD
COUNTY.**