

SUMMARY STATEMENT

Herrmann v. Idaho Transportation Department

Docket No. 44379

The Idaho Transportation Department (ITD) appeals from the district court's decision to set aside ITD's denial of Jesse Leroy Herrmann's request for an administrative license suspension hearing. On Sunday, December 6, 2015, Herrmann was served with a notice of suspension advising him that ITD would suspend his driving privileges unless Herrmann filed a written request for a hearing within seven calendar days from the date of the notice. Herrmann filed a request for a hearing with ITD by facsimile on Monday, December 14, 2015, eight calendar days from the date of the notice. ITD determined that Herrmann's request for a hearing was untimely and denied the request. Idaho Code § 73-109 provides that "the time in which any act provided by law is to be done is computed by excluding the first day, and including the last unless the last is a holiday and then it is also excluded." Idaho Code § 73-108 provides that Sundays are included in the definition of a holiday. Because the seventh day for Herrmann to file his request was a Sunday and Herrmann filed the following day, this Court affirms the district court's determination that the request was timely.