

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



New Reg. No.: 201331157
Old Reg. No.: 201217981
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: March 29, 2012
County DHS: Macomb (12)

SUPERVISING ADMINISTRATIVE LAW JUDGE: Kathleen H. Svoboda

ORDER GRANTING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Administrative Law Judge pursuant to the Department of Human Services (Department)'s timely Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on March 7, 2012 and continued on March 29, 2012 and mailed on March 30, 2012 in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 400.919, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM), specifically BAM 600, which provide that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the particular program that is the basis for the claimant's benefits application, and **may** be granted so long as the reasons for which the request is made comply with the policy and statutory requirements. MCL 24.287 also provides for rehearing if the hearing record is inadequate for judicial review.

A rehearing is a full hearing which **may** be granted if

- The original hearing record is inadequate for purposes of judicial review;
- There is newly discovered evidence **that existed** at the time of the original hearing that could affect the outcome of the original hearing decision.

A reconsideration is a paper review of the facts, law or legal arguments and any newly discovered evidence **that existed** at the time of the hearing. It **may** be granted when the original hearing record is adequate for purposes of judicial review and a rehearing is **not** necessary, but one of the parties is able to demonstrate that the ALJ failed to accurately address all the relevant issues **raised in the hearing request**. Reconsiderations **may** be granted if requested for one of the following reasons:

- Misapplication of manual policy or law in the hearing decision;
- Typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant

201331157/KHS
201217981/REHD/RECON

- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

In the instant case, the Department has submitted a Request for Rehearing/Reconsideration of the ALJ's Hearing Decision, alleging that the ALJ misapplied information presented at the hearing, which led to an erroneous decision. Specifically, the Department alleges that the ALJ's determination that the Department did not act properly in denying Claimant's October 25, 2010 application for Medical Assistance (MA) benefits for failure to pursue Social Security benefits was contrary to the relevant evidence in the record.

In light of the foregoing, the Request for Reconsideration is **GRANTED** and the Supervising Administrative Law Judge will review the case file, all exhibits, the hearing record, applicable statutory and policy provisions, and a Decision and Order of Reconsideration will be generated.

IT IS SO ORDERED.



Kathleen H. Svoboda
Supervising Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 3, 2014

Date Mailed: April 3, 2014

NOTICE: The law provides that within 30 days of receipt of this decision, the claimant may appeal this decision to the circuit court for the county in which he/she lives.

KHS/las

cc:

