



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 21, 2016
MAHS Docket No.: 15-020186-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE-MANAGER: Jonathan Owens

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Manager pursuant to Petitioner's Request for Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge at the conclusion of the hearing conducted on January 25, 2016, and mailed on January 29, 2016, in the above-captioned matter.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Code, Rule 792.11015, *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 client'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 Administrative Law Judge 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 appellant
- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

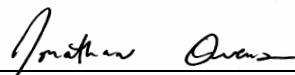
In the instant case, a Hearing Decision was issued in the above-captioned matter. The Administrative Law Judge issued a decision DISMISSING the Petitioner's request for hearing for abandonment. The Petitioner was afforded the opportunity to participate from an alternate location. The Petitioner holds the sole responsibility to ensure the site and phone being utilized for the hearing to proceed will be adequate for the entire proceeding. In the instant case, the Petitioner's cell phone dropped the call prior to the completion of the hearing. The Petitioner acknowledges in his request for rehearing/reconsideration that he was unable to obtain "good reception" on his job site.

The Petitioner, in addition to indicating his cell reception caused the call to be dropped, provides additional documentation that he wishes to have considered. While a rehearing can be granted based on newly discovered evidence, the documents presented cannot be considered newly discovered. The records submitted were all available prior to the hearing date. The Petitioner presented no evidence demonstrating these documents were not his possession prior to the hearing date.

Accordingly, the Request for Rehearing/Reconsideration is DENIED.

IT IS SO ORDERED.

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Jonathan Owens
Supervising Administrative Law Judge-Manager
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System.

DHHS

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