



RICK SNYDER  
GOVERNOR

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

MIKE ZIMMER  
DIRECTOR



Date Mailed: March 3, 2016  
MAHS Docket No.: 15-021297-RECON  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Marya Nelson-Davis

### **ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION**

This matter is before the undersigned Administrative Law Manager pursuant to Petitioner's Request for Rehearing/Reconsideration of the Hearing Decision generated by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on February 4, 2015, and mailed on February 8, 2015, 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 this case, a Hearing Decision was issued in the above-captioned matter. The assigned ALJ concluded based on the competent, material, and substantial evidence on the record that the Department of Health and Human Services (Department) properly determined that Petitioner was approved for MA with an \$ [REDACTED] deductible.


Petitioner filed an appeal of the assigned ALJ's decision. During the administrative hearing, Petitioner testified that based on her age, physical impairments, and work history, she should be eligible for medical coverage.

I have reviewed the entire hearing record and Petitioner's request for Rehearing/Reconsideration, and I find no legal basis upon which to grant the request. The record is adequate for judicial review, and there is no newly discovered evidence that existed at the time of the original hearing decision that would affect the outcome of the assigned ALJ's decision. Furthermore, Petitioner did not allege a misapplication of manual policy or law in the hearing decision which led to a wrong conclusion; a failure to address in the hearing decision relevant issues raised in the hearing request; or a typographical, mathematical or other obvious error in the hearing decision which affected her rights.

Accordingly, the Request for Rehearing/Reconsideration does not meet the aforementioned policy and statutory requirements and must therefore be **DENIED**.

**IT IS SO ORDERED.**

MN-D/las



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**Marya Nelson-Davis**  
Administrative Law Judge  
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 (MAHS).

DHHS

[REDACTED]

Petitioner

[REDACTED]