



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 22, 2016
MAHS Docket No.: 15-021338-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE-MANAGER: Jonathan W. Owens

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge-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 19, 2016, and mailed on March 8, 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 (ALJ) issued a decision AFFIRMING the Department of Health and Human Services' decision denying State Disability Assistance (SDA) benefits. The ALJ issued an Interim Order on January 19, 2016, allowing for the submission of additional medical records. Parties had until February 18, 2016, to provide the additional medical documentation. The Petitioner provided examination reports from his electrophysiologist, orthopedic doctor and primary care physician prior to the record close. The hospital records from October 2015, and MRI of cervical spine completed on December 28, 2015, were not submitted before record close.

The ALJ upon record close reviewed the medical documentation provided. While the medical documents requested for the October 2015 hospital admission and December 2015 MRI results were not received, the ALJ properly made the determination based upon the medical records provided. The medical records reviewed were completed by the physicians who had either ordered the tests and/or were treating the Petitioner for the alleged conditions. These examination reports were completed following both the admission and MRI examination and, therefore, included the treating physicians' findings and recommendations based upon the tests and exams performed.

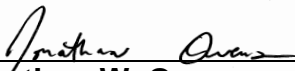
The Petitioner submitted a request for rehearing and reconsideration, simply noting that the medical October 2015 admission and December 2015 MRI, were not considered. The Petitioner failed to articulate how the failure to review the actual admission and MRI results would have affected the outcome of the hearing decision. As noted above, while the reports were requested and the ALJ allowed time for submission, the ALJ ultimately received medical examination reports from the Petitioner's treating physicians that indicated the Petitioner's medical condition and limitations associated with those conditions. The ALJ reviewed these reports and utilized the treating source findings in those exam reports when arriving at the decision to affirm the Department's denial of SDA benefits, based upon the Petitioner retaining the ability to perform basic sedentary employment.

The Petitioner's Request for Rehearing/Reconsideration fails to provide a reason that would warrant the granting of a rehearing/reconsideration.

Accordingly, the Request for Rehearing/Reconsideration is DENIED.

IT IS SO ORDERED.

JWO/tm



Jonathan W. 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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