

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-015511-RECON
Issue No.: 4009
Agency Case No.: [REDACTED]
Hearing Date: November 12, 2015
County: Mecosta

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Administrative Law Manager pursuant to a timely request for rehearing or reconsideration submitted by the Claimant, [REDACTED]. The Claimant requests a rehearing or reconsideration of the Hearing Decision issued by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on November 12, 2015, and mailed on December 11, 2015, in the above-captioned matter.

The rehearing and reconsideration process is governed by the Michigan Administrative Code, Rules 792.10135, 792.10136 and 792.11015, 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; or
- 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 assigned 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; or
- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

Here, the Claimant requested a rehearing/reconsideration of the ALJ's Hearing Decision which affirmed the Department of Health and Human Services' denial of the Claimant's application for State Disability Assistance (SDA) benefits. In large part, the Claimant asserts that a rehearing or reconsideration is warranted because she has been receiving SDA benefits since 2012. However, she has not shown factual error in the decision.¹

To the extent that the Claimant requests a rehearing, she does not assert that the original hearing record is inadequate for purposes of judicial review. Nor does the Claimant contend that there is newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision. This does not meet the above-stated criteria for rehearing.

With regard to reconsideration, the Claimant's request also fails to meet the requisite criteria set forth above. The Claimant does not assert that the ALJ's decision was based on the misapplication of law or policy, but rather essentially insists she is entitled to SDA benefits because she was found to be disabled in a prior administrative proceeding. The Claimant does not articulate that the request for rehearing or reconsideration is based on the ALJ's failure to address other relevant issues presented in the hearing, or that the ALJ failed to consider relevant testimony or evidence. Disagreement with the hearing decision alone does not constitute a basis for rehearing or reconsideration.

For the reasons stated above, the Claimant's request for rehearing or reconsideration is hereby DENIED.

IT IS SO ORDERED.



Lauren G. Van Steel
Administrative Law Manager
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **1/7/2016**

LGV/nr

¹ On page 11 of the Hearing Decision, the references to "May 17, 20135" MRIs should read "May 17, 2013". Dept. Exh. 1, pp 244-245.

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

cc:

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