



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.: 15-018229-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Jonathan Owens

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge 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 December 9, 2015, and mailed on December 14, 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 the instant case, a Hearing Decision was issued in the above-captioned matter. The Administrative Law Judge (ALJ) issued a decision PARTIALLY AFFIRMING the Department of Health and Human Services' decision. The ALJ found the Department properly excluded Petitioner's granddaughter from the FIP group during the time period of April 2015 through August 2015. The ALJ found the Department failed to process the Petitioner's reported change in household members, effective September 2015. The ALJ determined the Petitioner had reported on August 31, 2015 that her son had moved out in July 2015.


The Petitioner submitted a request to appeal the decision issued on December 14, 2015. The Petitioner's request included a complaint regarding the ALJ's conduct, including rude behavior and a delay in the hearing start time. A response to a request for rehearing/reconsideration is not the proper forum to address an issue of ALJ conduct. However, these allegations will be reviewed and if any further action is required, this Supervising Administrative Law Judge will take action according to MAHS standards. All allegations are taken seriously and will be investigated.

The Petitioner then asserted the same argument she presented at hearing regarding the submission of her change report. As noted above, the ALJ addressed this issue and made a finding indicating the change report was not submitted until August 2015. The Petitioner presented no additional evidence to consider with her request. Therefore, upon review of the Petitioner's Request for Rehearing/Reconsideration, this Supervising Administrative Law Judge finds the request 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.

JO/tm



Jonathan Owens
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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]