



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 10, 2016
MAHS Docket No.: 15-018867-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya Nelson-Davis

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Administrative Law Manager pursuant to the 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 December 10, 2015, and mailed on December 17, 2015, in the above-captioned matter. The request for Rehearing/Reconsideration was **NOT** timely filed.

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, ALJ Kevin Scully upheld the Department's closure of Petitioner's Medical Assistance (MA) case for failure to return needed verification at redetermination. Petitioner filed a request for rehearing/reconsideration, alleging that the Department purposely mislead and gave false information during the hearing.

I have reviewed the entire hearing record and the request for Rehearing/Reconsideration, and I find no legal basis upon which to grant the request. In the request, Petitioner generally challenges the assigned ALJ's Hearing Decision and attempts to re-litigate the hearing. Petitioner does not allege: 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 Petitioner; or Failure of the Administrative Law Judge to address other relevant issues in the hearing decision. Additionally, the original hearing record is adequate for purposes of judicial review, and there is no newly discovered evidence presented **that existed** at the time of the original hearing that could affect the outcome of the original hearing decision.

In Conclusion, Petitioner's request for Rehearing/Reconsideration does not meet the aforementioned policy and statutory requirements. Furthermore, the request for Rehearing/Reconsideration is untimely because it was not filed within 30 days of the issuance of the assigned ALJ's Hearing Decision and Order.

Accordingly, the Request for Rehearing/Reconsideration is **DISMISSED**.

MN-D/las



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).

cc:

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DHHS

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Petitioner

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