



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 10, 2016
MAHS Docket No.: 15-021109-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Marya Nelson-Davis

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

On February 1, 2016, the Michigan Administrative Hearing System (MAHS) received a timely Request for Rehearing/Reconsideration of a January 12, 2016, Hearing Decision arising out of a hearing held on January 6, 2016. The Request for Rehearing/Reconsideration was reviewed by the undersigned Supervising Administrative Law Judge. The review included the original hearing case file and the Decision and Order signed by Administrative Law Judge (ALJ) Gary Heisler.

The Rehearing and Reconsideration process is governed by the Michigan Administrative Rule 792.11015, *et seq.*, 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 appellant'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 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
- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

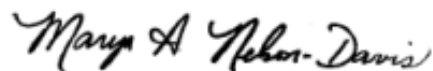
In this case, ALJ Heisler concluded that that the Department properly closed Petitioner's Food Assistance Program (FAP) case effective November 1, 2015 for failure to provide verification of an asset or vehicle ownership. Petitioner stated that his request falls under the typographical, mathematical or other obvious error in the hearing decision that affected his rights, and failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

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. Based on the evidence on the record, Petitioner requested via voicemail a hearing regarding the closure of his FAP case, and the assigned ALJ addressed the issue of whether the Department properly closed Petitioner's FAP case. In the request, Petitioner generally challenges the assigned ALJ's Hearing Decision in an attempt to get another hearing on the substantive issue in this matter.

In conclusion, Petitioner's request does not meet the aforementioned policy and statutory requirements.

IT IS THEREFORE ORDERED THAT:

The Request for Rehearing/Reconsideration is **DENIED**.



Marya Nelson-Davis
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

MN-D/las

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:

[REDACTED]

DHHS

[REDACTED]

Petitioner

[REDACTED]