



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.: 15-021325-RECON  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**SUPERVISING ADMINISTRATIVE LAW JUDGE: Jonathan Owens**

**ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION**

This matter is before the undersigned Administrative Law 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 27, 2016, and mailed on February 25, 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 DISMISSING the Petitioner's hearing request as being untimely. The ALJ found the Petitioner's request filed on November 4, 2015 exceeded the 90 days allowed to appeal the case action dated June 20, 2015. The Petitioner submitted a request for rehearing/reconsideration indicating the ALJ has erred because the Petitioner had filed an earlier request for hearing on her benefits on August 12, 2015. However, the Petitioner fails to note she was granted an opportunity on October 14, 2015, under MAHS Number 15-014987, to address this earlier hearing request. The Petitioner at that hearing withdrew the hearing request dated August 12, 2015, and that request was DISMISSED as withdrawn by Petitioner on October 19, 2015. Once a request for hearing has been dismissed, that request can no longer be utilized to toll the 90 day timeliness rule. The Petitioner made a decision on October 14, 2015 to withdraw her hearing request. She was afforded an opportunity to litigate the matter on October 14, 2015. The only issue before the ALJ on January 27, 2016 was the request for hearing filed on November 4, 2015.

Therefore, based upon the above, the Petitioner has not provided a valid basis for a Request for Rehearing/Reconsideration.

Accordingly, the Request for Rehearing/Reconsideration is DENIED.

**IT IS SO ORDERED.**

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**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

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