



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 10, 2017
MAHS Docket No.: 15-024815-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya Nelson-Davis

ORDER DISMISSING REQUEST FOR REHEARING AND/OR RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge pursuant to Respondent's Request for Rehearing and/or Reconsideration of a Hearing Decision For Intentional Program Violation issued by Administrative Law Judge (ALJ) Carmen G. Fahie at the conclusion of the hearing conducted on [REDACTED], and mailed on [REDACTED], 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 to 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 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 Respondent; or
- Failure of the ALJ to address other relevant issues in the hearing decision.

Department of Health and Human Services (Department) policy regarding timely filing of requests for reconsideration provides:

A request must be received by MAHS within 30 days of the date the hearing decision is mailed. BAM 600

The Michigan Administrative Code indicates the following regarding the acceptance of Requests for Rehearing/Reconsideration:

Rule 1015 (5) A request for rehearing or reconsideration must be submitted directly to the hearing system pursuant to the instructions provided at the conclusion of all hearing decision.

The Hearing Decision and Order issued on [REDACTED], provided the following instruction:

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:


*Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139*

In this case, Respondent's Request for Rehearing and/or Reconsideration was received by MAHS on [REDACTED]. As indicated above, the Hearing Decision and Order was issued or mailed on August 1, 2016. Based upon the above, Respondent has failed to demonstrate that her Request for Rehearing and/or Reconsideration was filed timely or within 30 days after the Decision and Order was mailed.

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

IT IS SO ORDERED.

MND/bb



Marya Nelson-Davis
Supervising 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).

DHHS



Petitioner



Respondent

