



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

**IN THE MATTER OF:**

**MAHS Docket No.: 16-013615-RECON**

██████████,  
**Petitioner**

**Agency Case No.:** ██████████

**v**

**Case Type: Expunction**

██████████ **DHHS,**  
**Respondent**

\_\_\_\_\_ /

**Issued and entered  
this 26<sup>th</sup> day of May 2017  
by: Lauren G. Van Steel  
Supervising Administrative Law Judge**

**ORDER DENYING PETITIONER’S REQUEST FOR  
REHEARING OR RECONSIDERATION**

This matter is before the undersigned Supervising Administrative Law Judge pursuant to a timely request for rehearing or reconsideration submitted on ██████████, by Petitioner, ██████████. Petitioner has requested rehearing or reconsideration of the Decision and Order issued by Administrative Law Judge (ALJ) Aaron McClintic at the conclusion of the hearing conducted on ██████████, and mailed on ██████████.

Pursuant to established Department policy, reconsideration of the ALJ’s Decision and Order may be granted under the following circumstances: if newly discovered evidence is presented that could affect the outcome of the original hearing; if there was a misapplication of policy or law in the hearing decision that led to a wrong conclusion or; if the ALJ failed to address in the decision relevant issues raised in the hearing request. See, Protective Services Manual (PSM) 717-3, pp 8-9 (Eff. 12-1-2016). Further, a rehearing may be granted under the Administrative Procedures Act, MCL 24.201 *et seq.*, if the hearing record is inadequate for judicial review. See, MCL 24.287(1).

The time for submission of a request for rehearing (or reconsideration) is set by Section 87(3) of the APA as “within the time fixed by this act for instituting proceedings for judicial review.” MCL 24.287(3). Pursuant to Section 104(1) of the APA a petition for review shall be filed in a court of proper jurisdiction within 60 days after the date of

mailing notice of the final decision or order of the agency. MCL 24.304(1). The APA does not include a provision for extension of this timeframe. While the Petitioner's request filed on [REDACTED] (seeking a 14-day extension to file a request), may be taken as meeting the APA timeframe for submission of a request for rehearing or reconsideration within 60 days of the mailing date of the decision, there is no basis in the APA, *supra*, the Child Protection Law, MCL 722.621 *et seq.* or Department policy for granting an extension to file a request.

Upon review of Petitioner's request and the record as a whole, the undersigned finds no legal basis upon which to grant a rehearing or reconsideration. Specifically, Petitioner has not shown that there exists newly discovered relevant evidence that could affect the outcome of the original hearing, a misapplication of policy or law, error that affects Petitioner's substantial rights, or a failure by the ALJ to address relevant issues in the hearing decision. Further, Petitioner has not shown that the hearing record is inadequate for judicial review.

**NOW THEREFORE, IT IS ORDERED** that:

Petitioner's request for rehearing or reconsideration submitted on [REDACTED], in the above-captioned matter is hereby DENIED.



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Lauren G. Van Steel  
Supervising Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed below this 26<sup>th</sup> day of May 2017.

*Brianna Beck* \_\_\_\_\_

Brianna Beck

**Michigan Administrative Hearing System**

[REDACTED]

[REDACTED]

[REDACTED]