



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: November 27, 2018
MAHS Docket No.: 18-003555-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

ORDER DENYING REQUEST FOR RECONSIDERATION

On September 28, 2018, the Michigan Administrative Hearing System received a request for reconsideration from Monica Shumaker of a September 12, 2018, Decision and Order arising out of a hearing held on August 16, 2018. The request for reconsideration was timely filed.

The request for reconsideration was reviewed by the Administrative Law Judge. The review included the original hearing case file and the Decision and Order signed by Administrative Law Judge.

A rehearing or reconsideration may be granted only under certain circumstances: if newly discovered, relevant evidence is presented; if there is misapplication of manual policy or law in the hearing decision which led to a wrong conclusion; if the Administrative Law Judge failed to address in the hearing decision relevant issues raised in the hearing request; or if a typographical, mathematical or other obvious error in the hearing decision affected the rights of the Appellant. 1993 AACCS, R 400.919.

I have reviewed the entire hearing record and the request for rehearing, and I find no legal basis upon which to grant a rehearing. 7 CFR 273.18(c)(2) states that for trafficking-related claims, claims arising from trafficking-related offenses will be the value of the trafficked benefits. The Department did not establish that the Respondent trafficked benefits, the Department only established that Respondent attempted to traffick benefits. The section of policy cited by the Department under BAM 720 that allows for a claim/recoupment for attempted trafficking does not comport with 7 CFR 273.18(c)(2).


As such, the request for rehearing did not present newly discovered, relevant evidence; did not establish a misapplication of manual policy or law; a failure to address relevant issues; or a typographical, mathematical or other obvious error in the hearing decision, which affected the rights of Petitioner.

For the reasons stated above, Petitioner did not establish the criteria of rehearing or reconsideration.

IT IS, THEREFORE, ORDERED THAT:

The request for rehearing or reconsideration is DENIED, and the matter is hereby DISMISSED.

AM/nr



Aaron McClintic
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.

DHHS

LaClair Winbush
17455 Grand River
Detroit, MI
48227

Wayne 31 County DHHS- via electronic
mail

Petitioner

OIG
PO Box 30062
Lansing, MI
48909-7562

Respondent


MI