



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: July 18, 2018  
MAHS Docket No.: 18-001757-RECON  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION**

This matter is before the undersigned Supervising Administrative Law Judge pursuant to the request for rehearing and/or reconsideration by Petitioner [REDACTED] of the Hearing Decision issued by the assigned Administrative Law Judge (ALJ), [REDACTED] at the conclusion of the hearing conducted on March 29, 2018, and mailed on May 10, 2018, 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.

A rehearing is a full hearing which may be granted if either of the following applies:

- 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.

MCL 24.287 also provides for rehearing if the hearing record is inadequate for judicial review.

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, which led to the wrong decision;
- Typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the petitioner; or
- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

A request for reconsideration which presents the same issues previously ruled on, either expressly or by reasonable implication, shall not be granted. Mich Admin Code, R 792.10135.

In this case, the ALJ issued a Hearing Decision in the above-captioned matter finding that the Department of Health and Human Services (Department) had properly denied Petitioner's application for State Disability Assistance (SDA) because Petitioner was not disabled. The file in Petitioner's case shows that the ALJ had issued an Interim Order Extending the Record on April 3, 2018 granting Petitioner 14 days from the hearing date to submit treating mental health records since September 1, 2017. No additional medical records were submitted, and the ALJ issued a decision based on the medical evidence provided at the hearing. The Hearing Decision was issued on May 10, 2018. On June 21, 2018, the Michigan Administrative Hearing System (MAHS) received Petitioner's request for rehearing and/or reconsideration.

In order for merits of a request for rehearing and reconsideration of a hearing decision to be reviewed and considered, the request must be timely received. Department policy provides that a written request must be received by MAHS within 30 days of the date the hearing decision is mailed. BAM 600 (January 2018), p. 47. The MAHS Administrative Hearing Rules similarly provide that a party who has received an adverse hearing decision must file a request for rehearing or reconsideration with the hearing system within 30 days after the decision is mailed. Mich Admin Code, R 792.11015(1). Rule 1015(5) provides that the request must be submitted directly to the hearing system pursuant to the instructions provided at the conclusion of the hearing decision. Mich Admin Code, R 792.11015(5). The Hearing Decision provided, in pertinent part, the following instruction on page 13:

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. (Emphasis supplied).

Here, MAHS received Petitioner's request for rehearing or reconsideration on June 21, 2018, which is not within 30 days of the mailing date of the May 10, 2018 Hearing Decision. Therefore, the rehearing and/or reconsideration request was not timely.

Further, in his request for rehearing and/or reconsideration, Petitioner argues that he had additional medical records that his provider failed to provide and provides the contact list for his provider as well as a list of his medication. These records are not

newly discovered evidence. The ALJ extended the record for the purpose of allowing Petitioner to provide those documents from his mental care provider into evidence for consideration in the determination of whether Petitioner was disabled. Because the ALJ made a decision based on the evidence before him when no response was received, Petitioner fails to show that the original hearing record is inadequate for judicial review. Therefore, Petitioner has failed to articulate any basis that would warrant the granting of a rehearing. Furthermore, a full review of Petitioner's request fails to demonstrate that the ALJ misapplied manual policy or law in the Hearing Decision; committed typographical, mathematical, or other obvious errors in the Hearing Decision that affected Petitioner's substantial rights; or failed to address other relevant issues in the Hearing Decision. Therefore, Petitioner has not established a basis for reconsideration.

Accordingly, the request for rehearing and/or reconsideration is **DENIED**.

**IT IS SO ORDERED.**

AE/tm



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**Alice C. Elkin**  
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.

**DHHS**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]