



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 24, 2020  
MOAHR Docket No.: 19-011778  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

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

**SECOND INTERIM ORDER EXTENDING THE RECORD**

Following Petitioner’s request for a hearing, a hearing on this matter was scheduled pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 27, 2019, from Detroit, Michigan before Administrative Law Judge (ALJ) [REDACTED]. Petitioner appeared and represented herself. [REDACTED] Eligibility Specialist, represented the Department of Human Services (Department).

At the hearing, Petitioner agreed to have the Department obtain additional medical evidence for admission into the record, and the parties waived any violation of statutory or policy time standards. An Interim Order Extending the Record was issued on November 27, 2019, ordering the Department to obtain a DHS-49-D and DHS-49E from [REDACTED] at [REDACTED]. No documents were obtained by the expiration of the extended record date of December 27, 2019. At that time, this matter was reassigned to the undersigned ALJ due to ALJ [REDACTED] no longer being employed by the Michigan Office of Administrative Hearings and Rules.

Upon investigation, the undersigned became aware that the Department did not receive and process the November 27, 2019 Interim Order Extending the Record. In order to protect Petitioner’s opportunity to have the additional evidence identified at the November 27, 2019 hearing and in the Interim Order included into evidence, the undersigned has concluded that there is good cause to extend the record in this matter and is issuing this Second Interim Order Extending the Record extending the record an additional 30 days to allow submission of the requested documents.

IT IS HEREBY ORDERED THAT:

1. **The Department** shall have **until February 14, 2020** to submit the following additional evidence as identified on the record:

- a. Form DHS-49-D (psychological evaluation) from:

[REDACTED]

Attn: [REDACTED]

[REDACTED]

[REDACTED]

Form must be completed by licensed psychiatrist/psychologist

- b. Form DHS-49-E (mental residual functional capacity assessment) from:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Form must be completed by licensed psychiatrist/psychologist

2. No additional extensions of time to submit the referenced evidence shall be granted unless good cause is demonstrated.
3. The additional evidence to be admitted as part of the hearing record shall be sent to the following address:

Michigan Office of Administrative Hearings and Rules

Lansing Office

P.O. Box 30639

Lansing, Michigan 48909


**ATTN:** Administrative Law Judge [REDACTED]

4. The party submitting the additional evidence shall also submit a Proof of Service attesting to having provided the same documentation to all parties of record and their authorized representatives. For purposes of serving the Department, a duplicate copy of the additional evidence shall be provided to the Department's local office participating in these proceedings for inclusion into Petitioner's medical file.

IT IS FURTHER ORDERED THAT no additional evidence other than the evidence submitted consistent with this ORDER will be reviewed or considered. If neither party has submitted the additional evidence which is the subject of this Interim Order Extending the Record at the conclusion of this second extension period, the hearing record will close and a decision will be issued based upon the evidence and testimony available at the hearing. Any additional evidence submitted consistent with this ORDER shall be admitted as part of the record and the hearing record will close, and the

evidence will be reviewed after which a Hearing Decision will be issued. Any additional evidence not submitted in accordance with this procedure will not be reviewed or considered by the Administrative Law Judge.

AE/tm



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**Alice C. Elkin**

Administrative Law Judge

for Robert Gordon, Director

Department of Health and Human Services

**DHHS** (via electronic mail)

██████████ (Chippewa DHHS)  
MDHHS-906EUPHearings@michigan.gov

**Petitioner** (via first class mail)

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