



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

**IN THE MATTER OF:**

**MOAHR Docket No.: 19-004071-RECON**

██████████

**Petitioner**

**Agency Case No.:**

██████████

**v**

**Case Type:**

**Expunction**

**MDHHS Expunction Unit,  
Respondent**

\_\_\_\_\_ /

**Issued and entered  
this 8<sup>th</sup> day of January 2020  
by: Zainab A. Baydoun  
Administrative Law Judge**

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

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the request for rehearing and/or reconsideration filed on ██████████ 2019 by Petitioner, ██████████ of the Decision and Order issued by the undersigned at the conclusion of the hearing conducted on July 22, 2019 and mailed on September 20, 2019, in the above-captioned matter.

A rehearing is a full hearing, which is granted when the original hearing record is inadequate for judicial review or there is newly discovered evidence that could affect the outcome of the original hearing. MCL 24.287(2), Protective Services Manual (PSM) 717-3 (June 2018), p.8. A reconsideration is a paper review of the facts, law and any new evidence or legal arguments. Reconsideration of an ALJ's Decision and Order may be granted when the original hearing record is adequate for judicial review and a rehearing is not necessary, but a party believes the ALJ failed to accurately address all the issues. PSM 717-3, pp. 8-9. A reconsideration may be granted only under the following circumstances: if newly discovered, relevant 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 administrative law judge failed to address, in the hearing decision, relevant issues raised in the hearing request. PSM 717-3, pp. 8-9. 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. The Michigan Office of Administrative Hearings and Rules (MOAHR) determines if a rehearing or reconsideration will be granted. PSM 717-3, p. 8.

In the instant case, Petitioner requested an administrative hearing asking to have her name expunged from the Michigan Child Abuse and Neglect Central Registry (Central Registry) for a Children's Protective Services (CPS) complaint date of October 4, 2018. The action concerned Petitioner's alleged violation of the Child Protection Law, 1975 PA 238, as amended, MCL 722.621 *et seq.* (Act).

In the September 20, 2019 Decision and Order, the undersigned found that Respondent, Michigan Department of Health and Human Services CPS (Respondent or Department) had properly placed Petitioner's name on the Central Registry at the conclusion of the October 4, 2018 CPS investigation, as a preponderance of the evidence established mental injury of Child A by Petitioner, the child's adoptive mother.

In her request for rehearing and/or reconsideration, Petitioner disputes the ALJ's finding that the Department properly placed her name on the Central Registry and that she was the perpetrator of mental injury. Petitioner asserted that witness testimony at the hearing indicated that the letter/assessment authored by Ms. Abigail Lyng of The Children's Center was misconstrued by CPS and the assessment did not suggest mental injury by Petitioner. Petitioner made additional arguments in her request for rehearing/reconsideration that were offered during the hearing and considered by the undersigned prior to issuing the Decision and Order.

Petitioner does not allege that the original hearing record is inadequate for purposes of judicial review or that there is newly discovered evidence that could affect the outcome of the original hearing. Therefore, Petitioner has failed to establish a basis for a rehearing. Furthermore, a full review of Petitioner's request fails to demonstrate that there was a misapplication of policy or law in the hearing decision that led to a wrong conclusion; or that the ALJ's Decision and Order fails to address relevant issues raised in the hearing request, as the issue of whether to expunge Petitioner's name from the Central Registry was properly considered and addressed. Petitioner is essentially relitigating the matter presented at the hearing before the undersigned ALJ but fails to articulate any basis described above that would warrant the granting of a rehearing or reconsideration.

NOW THEREFORE, IT IS ORDERED that:

Petitioner's request for rehearing and/or reconsideration is **DENIED** and this matter is hereby **DISMISSED**.



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Zainab A. Baydoun  
Administrative Law Judge  
for Robert Gordon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL**: A party may appeal this Order in circuit court within 60 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System.

**PROOF OF SERVICE**

I certify that I served a copy of the foregoing document upon all parties, to their last-known addresses in the manner specified below, this 8<sup>th</sup> day of January, 2020.



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Tammy Feggan, Legal Secretary  
**Michigan Office of  
Administrative Hearings and Rules**

**Via Email:**

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