



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR



Date Mailed: November 4, 2019  
MOAHR Docket No.: 19-006631-RECON  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 by Petitioner [REDACTED] by and through his attorney, Karen M. Woodside of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on [REDACTED] 2019, and mailed on [REDACTED] 2019, 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 or services at issue and may be granted so long as the reasons for which the request is made comply with the policy and statutory requirements. MCL 24.287 also provides a statutory basis for a rehearing of an administrative hearing.

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. BAM 600 (October 2018), p. 44.

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. BAM 600, pp. 44. 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. BAM 600, p. 45.

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 the instant case, the undersigned issued a Hearing Decision in the above-captioned matter finding that the Department failed to satisfy its burden of proof to show that it reinstated the Petitioner's redetermination for processing and ordered the Department to reinstate the Petitioner's MA case effective April 1, 2019 and process the redetermination. The Petitioner's attorney filed a request for hearing on September 24, 2019 received by the Michigan Office of Administrative Hearings and Rules on September 26, 2019.

In Petitioner's Attorney's request for rehearing and/or reconsideration, Petitioner's attorney has sought review of the hearing decision that was issued in Petitioner's favor on [REDACTED] 2019.

BAM 600 requires that requests for rehearing/reconsideration must be received within 30 days of the date the Order was mailed. BAM 600, (October 2018), p. 47. The Attorney's hearing request filed on behalf of the Petitioner was received on [REDACTED] [REDACTED] 2019 and was untimely and thus the undersigned lacks jurisdiction to hear the matter.

The Petitioner's Attorney also seeks a rehearing/ reconsideration due to a subsequent action by the Department and not the undersigned's Hearing Decision.


Petitioner's attorney does not allege that the original hearing record is inadequate for judicial review, or that there is newly discovered evidence (or evidence that could not have been discovered at the time of the hearing had a reasonable effort been made to do so). Therefore, Petitioner has failed to establish a basis for a rehearing.

Furthermore, a full review of Petitioner's attorney's request fails to demonstrate that the undersigned misapplied manual policy or law in the Hearing Decision; committed typographical, mathematical, or other obvious errors in the Hearing Decision that affected. Therefore, Petitioner has not established a basis for reconsideration. Instead of articulating a basis for rehearing and/or reconsideration, the Petitioner's attorney is generally challenging a subsequent action taken by the Department. Disagreement with a subsequent action by the Department does not support a basis for a rehearing and/or reconsideration of this matter.

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

**IT IS SO ORDERED.**

LMF/tlf



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**Lynn M. Ferris**  
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 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules.

**Via Email:**

MDHHS-Wayne-19-Hearings  
MOAHR

**Petitioner – Via USPS**



MI

**Counsel for Petitioner – Via USPS**

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