



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 17, 2019
MOAHR Docket No.: 19-006671-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned administrative law judge (ALJ) pursuant to a request for rehearing/reconsideration received by the Michigan Office of Administrative Hearings and Rules (MOAHR) on [REDACTED] 2019.¹ The above-named Petitioner submitted the request to dispute a Hearing Decision issued by MOAHR stemming from an administrative hearing conducted on [REDACTED] 2019.

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

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.

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:

¹ Petitioner's request also included a request for a certified record for the purpose of appealing to circuit court.

- 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 ALJ to address other relevant issues in the hearing decision.

In a Hearing Decision dated [REDACTED] 2019, the undersigned ordered MDHHS to issue a [REDACTED] payment to Petitioner for State-issued Supplemental Security Income Payment (SSP) benefit months from [REDACTED] through [REDACTED]. Despite the favorable order, Petitioner submitted a 7-page handwritten request requesting reconsideration and/or rehearing.

Petitioner's rehearing/reconsideration request stated, "My full benefits are not provided to me." Petitioner appears to assert that she is entitled to more than [REDACTED] in SSP every three months. In the original hearing decision, MDHHS was ordered to issue a monthly average of [REDACTED] in SSP to Petitioner. The highest amount of SSP available for an individual is \$14/month. RFT 248 (January 2019) p. 1. Thus, Petitioner has no basis for reconsideration and/or rehearing based on the amount of SSP.

Petitioner's rehearing/reconsideration stated that she "has never been provided a yearly increase of living." Petitioner appears to argue that the stagnant amount of SSP she has received is improper. Again, Petitioner is receiving the maximum amount of SSP for an individual under MDHHS' policy. Petitioner provided no legal basis to receive additional income simply because her SSP benefits have not increased over some unspecified amount of years. Thus, Petitioner's argument is not a valid basis for rehearing or reconsideration.

Petitioner's request complained the actions of MDHHS over the last [REDACTED] years were "illegal, immoral [sic], and incompetent". Petitioner further referenced unspecified "illegal activity" perpetrated by MDHHS staff. Petitioner's complaints are beyond the jurisdiction of the administrative hearing process including the jurisdiction needed for rehearing and/or reconsideration.

Petitioner also seemed to complain that MDHHS failed to comply with the administrative order by not issuing the [REDACTED] SSP payment for [REDACTED] 2019 through [REDACTED] 2019. Following issuance of the Hearing Decision and order dated [REDACTED] 2019, MDHHS provided documentation supporting that MDHHS complied with the order.

A full review of Petitioner's request fails to demonstrate that the undersigned misapplied manual policy or law; committed typographical, mathematical, or other obvious errors in the Hearing Decision that affected Respondent's substantial rights; or failed to address other relevant issues in the Hearing Decision. Therefore, Respondent has not established a basis for reconsideration. Respondent has also not established a basis for rehearing. Accordingly, Respondent's request for rehearing and/or reconsideration dated [REDACTED] 2019, is **DENIED**.

CG/tm



Christian Gardocki
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.

DHHS

Rolando Gomez
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Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI

cc SSI: C. George