



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR



Date Mailed: September 30, 2019  
MOAHR Docket No.: 19-006840-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 deceased Petitioner's Authorized Hearing Representative, [REDACTED] of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on August 8, 2019, and mailed on August 20, 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 (July 2019), 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, p. 44. Reconsiderations may be granted if requested for one of the following reasons:

The Department, the Office of the Attorney General, MDE, client or AHR may file a written request for rehearing/reconsideration. Request a rehearing/reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision.
- Misapplication of manual policy or law in the hearing decision, which led to a wrong conclusion.
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client.
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, the Office of the Attorney General, the client or AHR must specify all reasons for the request. 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 Petitioner, [REDACTED] (deceased at the time of the hearing), had been cremated on [REDACTED] 2019, and that the State Emergency Relief (SER) application for burial assistance filed by the Petitioner's AHR was received by the Department on June 10, 2019. The Hearing Decision upheld the Department's SER Decision Notice dated June 11, 2019, which denied the application for burial assistance because the application was filed more than 10 business days after the Petitioner's cremation. The Hearing Decision ruling was based upon Department policy found in ERM 306 (June 2019), p. 1.

In the AHR's request for rehearing and/or reconsideration, he argues that the 10-business-day filing requirement for the filing of burial assistance application is unfair, and that neither he nor the funeral home were aware of such policy. Furthermore, a full review of AHR'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 Petitioner's; or failed to address other relevant issues in the Hearing Decision. Therefore, the AHR has not established a basis for reconsideration.

The AHR 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, the AHR has failed to establish a basis for a rehearing.

Instead of articulating a basis for rehearing and/or reconsideration, the AHR is generally challenging the undersigned decision as unfair because the Department policy is unfair because it has a 10-business-day filing deadline for burial relief assistance in an attempt to relitigate the hearing. Additionally, the Petitioner's relatives had a right to apply for burial assistance on his behalf as well as the AHR and the Department was not required to notify anyone other than the person applying for benefits. See ERM 306, p. 1. Mere disagreement with the Hearing Decision does not warrant a rehearing and/or reconsideration of this matter.

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

**IT IS SO ORDERED.**

LF/jaf



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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 (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**  
(via electronic mail)

Joan King  
MDHHS-Delta-Hearings

**Petitioner**  
(via first class mail)

[REDACTED]  
MI [REDACTED]

**Authorized Hearing Rep.**  
(via first class mail)

[REDACTED]  
MI [REDACTED]