



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

IN THE MATTER OF:

MOAHR Docket No.: 19-013886

██████████
Petitioner

Agency Case No.: ██████████

v

Case Type: Expunction

**MDHHS Expunction Unit,
Respondent**

_____/

**Issued and entered
this 17th day of September 2021
by: Alice C. Elkin
Supervising Administrative Law Judge**

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

On ██████████ 2021, the Michigan Office of Administrative Hearings and Rules received from Petitioner ██████████ a request for rehearing and/or reconsideration of the Decision and Order issued in the above-captioned matter by Administrative Law Judge (ALJ) Lynn Ferris on ██████████ 2021. The decision followed the hearing conducted on ██████████ 27, 2021. ALJ Ferris is no longer employed by MOAHR, and the undersigned, in her capacity as a supervisor of the ALJs in the benefit services division of MOAHR, has reviewed Respondent's request and the hearing decision in this matter. Mich Admin Code, R 792.10106(7).

Reconsideration of the decision in an expunction case may be granted only under the following circumstances: if newly discovered, relevant evidence is presented which could affect the outcome of the original hearing; if there was a misapplication of policy or law in the hearing decision which 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. See Protective Services Manual (PSM) 717-3 (June 2018), p. 8. 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. A rehearing may be granted if the hearing record is inadequate for judicial review. See MCL 24.287(1), PSM 717-3, p. 8.

In the instant case, ALJ Ferris affirmed Respondent Michigan Department of Health and Human Services' (MDHHS's) placement of Petitioner's name and identifying information

on the Michigan Child Abuse and Neglect Central Registry (Central Registry) in connection with a Child Protective Services (CPS) investigation for complaint dated [REDACTED] 2019.

Petitioner requests to appeal ALJ Ferris' decision, but he does not identify any basis for rehearing or reconsideration of the decision: he 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); or that ALJ Ferris misapplied policy or law in the hearing decision which led to a wrong conclusion; or that ALJ Ferris had failed to address, in the hearing decision, relevant issues raised in the hearing request. Therefore, Respondent has not established a basis for reconsideration or rehearing.

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

IT IS SO ORDERED.

ACE/tlf



Alice C. Elkin

Supervising Administrative Law Judge

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 Office of Administrative Hearings and Rules.

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 17th day of [REDACTED] 2021.



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

Via Email:

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