



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: June 4, 2020
MOAHR Docket No.: 20-000916-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the [REDACTED] 2020, request for rehearing and/or reconsideration, by Petitioner of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on [REDACTED] 2020, and mailed on [REDACTED] 2020 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 (January 2020), 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 (ALJ) failed to accurately address all the relevant issues raised in the hearing request. BAM 600, pp. 44-45.

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 Affirming the Department's actions with respect to the denial of Petitioner's [REDACTED] 2019 application for State Disability Assistance (SDA) and finding that Petitioner was not disabled for purposes of the SDA program. It was specifically found that although Petitioner does have limitations due to his physical exertional and non-exertional impairments, the limitations identified would not preclude Petitioner from engaging in sedentary or light work activities on a sustained basis. As such, it was determined that Petitioner was capable of performing past relevant work and thus, did not meet the criteria to be considered disabled and eligible for SDA.

In Petitioner's request for rehearing and/or reconsideration, Petitioner presents similar arguments to those offered during the administrative hearing with respect to his impairments and the limitations he has as a result. Petitioner indicated he has worked nearly [REDACTED] years, that he will be taking medications for the rest of his life, and that his medications have side effects that warn against operating a vehicle, vessel, or machine. He further indicated that he has around nine months of consistent medical evidence and will undergo additional imaging services, blood test results, prescription refills and vaccinations. Petitioner further asserted that he has been exempted from the work requirements of the Food Assistance Program (FAP) because he is medically frail. Petitioner also identified the impairments that he has been diagnosed with and the medications he takes for treatment. Upon review, documentation regarding these impairments and Petitioner's testimony as to his own abilities and limitations were considered by the undersigned ALJ prior to the issuance of the Hearing Decision. No additional medical documentation was presented with Petitioner's request for rehearing and/or reconsideration.

Petitioner 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 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 substantial rights; or failed to address other relevant issues in the Hearing Decision. Therefore, Petitioner has not established a basis for reconsideration. Instead of articulating a basis for rehearing and/or reconsideration, Petitioner is

generally challenging the decision in an attempt to relitigate the hearing, as all arguments raised by Petitioner in his request were considered by the undersigned during the administrative hearing and referenced in the Hearing Decision. 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** this matter is hereby **DISMISSED**.

IT IS SO ORDERED.

ZB/tlf



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 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 First-Class Mail:



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