



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: August 23, 2021  
MOAHR Docket No.: 20-008027-RECON  
Agency No.: [REDACTED]  
Petitioner: OIG  
Respondent: [REDACTED]

**SUPERVISING ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION**

On [REDACTED] 2021, the Michigan Office of Administrative Hearings and Rules received from Respondent, [REDACTED] a request for rehearing and/or reconsideration of the Hearing Decision for Intentional Program Violation (Hearing Decision) issued by Administrative Law Judge (ALJ) Lynn Ferris at the conclusion of the hearing conducted on [REDACTED] 2021, and mailed on [REDACTED] 2021, in the above-captioned matter. 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).

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 (March 2021), 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 ALJ 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:

- 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, ALJ Ferris concluded that Respondent had committed an intentional program violation (IPV) when she failed to report to the Michigan Department of Health and Human Services (MDHHS) the Retirement, Survivors and Disability Insurance (RSDI) benefits her daughter, a member of her Food Assistance Program (FAP) household group, received and as a result received FAP benefits she was ineligible to receive. ALJ Ferris ordered that, because of the IPV, Respondent be disqualified from receiving food benefits for a twelve-month period. The Hearing Decision did not address the amount of overissued FAP benefits because MDHHS asserted that it had separately established the overissuance and did not need a decision on that issue.

In her request for rehearing and/or reconsideration, Respondent expresses concerns about the amount of benefits MDHHS has recouped in connection with the incident and explains that she believed MDHHS was aware of the death of her child's biological father, which presumably led to the child's receipt of RSDI benefits. She also included documentation involving attempts to contact her MDHHS caseworker and the Office of Inspector General and referencing the use of her FAP benefits.

Respondent 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). Respondent's argument that she thought that MDHHS was aware of the biological father's death does not counter the evidence presented at the hearing that she failed to identify the RSDI income on the redetermination she submitted to MDHHS during the time her child was receiving the benefits and which ALJ Ferris identified as the basis of the IPV. Therefore, she has failed to establish a basis for a rehearing.

Furthermore, a full review of Respondent's request fails to demonstrate that ALJ Ferris misapplied manual policy or law in the Hearing Decision; committed typographical, mathematical, or other obvious errors in the Hearing Decision that affected her substantial rights; or failed to address other relevant issues in the Hearing Decision. Therefore, Respondent has not established a basis for reconsideration.

Respondent's concern that MDHHS has recouped more FAP benefits than were overissued to her presents a new issue and she is advised to request a hearing on this issue if she wishes to have the matter reviewed at an administrative hearing.

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

**IT IS SO ORDERED.**

ACE/tlf



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**Alice C. Elkin**  
Supervising Administrative Law Judge

**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.

**Email Recipients:**

MDHHS-Lapeer-Hearings  
OIG Hearing Decisions  
Recoupment  
MOAHR

**Respondent -via First-Class Mail:**

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