



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: April 5, 2023  
MOAHR Docket No.: 21-002660-RECON  
Agency No.: [REDACTED]  
Petitioner: OIG  
Respondent: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle Nuccio**

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

On March 6, 2023, the Michigan Office of Administrative Hearings and Rules (MOAHR) received from Respondent [REDACTED] a request for rehearing and/or reconsideration of the Hearing Decision for an Intentional Program Violation (Hearing Decision) issued on September 24, 2021, by the undersigned administrative law judge (ALJ) at the conclusion of the hearing conducted on September 15, 2021 in the above-captioned matter.

The rehearing and reconsideration process is governed by the Michigan Administrative Code, Rule 792.11015, *et seq.*, and Bridges Administrative Manual (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 a statutory basis for a rehearing of an administrative hearing.

Respondent filed a request for rehearing and/or reconsideration on March 6, 2023. Before the merits of a request for rehearing and reconsideration of a hearing decision are reviewed, it must be established that the request was timely received by MOAHR. MDHHS policy provides that a written request must be received by MOAHR within 30 days of the date the hearing decision is mailed. BAM 600 (March 2021), p. 47. The MOAHR Administrative Hearing Rules similarly provide that a party who has received an adverse hearing decision must file a request for rehearing or reconsideration with the hearing system within 30 days after the decision is mailed. Mich Admin Code, R 792.11015(1). Rule 792.11015(5) provides that the request must be submitted directly to the hearing system pursuant to the instructions provided at the conclusion of the hearing decision.

The Hearing Decision in this case provided in pertinent part the following instruction on page 7:

**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.

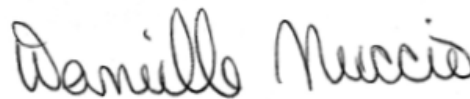
A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

In this case, the Hearing Decision was issued on September 24, 2021. MOAHR received the rehearing and/or reconsideration request on March 6, 2023. Because the request was not timely received by MOAHR within 30 days of the Hearing Decision, Respondent's rehearing and/or reconsideration request is dismissed as untimely.

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

**IT IS SO ORDERED.**

DN/tlf



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**Danielle Nuccio**  
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.

**Via-Electronic Mail :**

**Petitioner**  
OIG  
PO Box 30062  
Lansing, MI 48909-7562  
**MDHHS-OIG-  
HEARINGS@michigan.gov**

**DHHS**  
Linda Gooden  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-  
Hearings@michigan.gov**

**Via-First Class Mail :**

**Respondent**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]