



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: December 21, 2021
MOAHR Docket No.: 21-004478-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

On [REDACTED] 2021, the Michigan Office of Administrative Hearings and Rules (MOAHR) received from Petitioner a request for rehearing and/or reconsideration of the Hearing Decision issued on [REDACTED] 2021 by the undersigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on [REDACTED] 2021 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 in the 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 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 presiding 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 ALJ 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 ALJ issued a Hearing Decision in the above-captioned matter in Petitioner's favor finding that MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it calculated Petitioner's self-employment income for the Food Assistance Program (FAP). MDHHS was ordered to recalculate Petitioner's FAP budget for [REDACTED] 2021 ongoing and issue supplements to Petitioner for any FAP benefits she was eligible for but did not receive.

In Petitioner's request for rehearing or reconsideration, Petitioner asserted that she was unaware of how to properly submit evidence to MOAHR and indicated that she wanted to submit more documents in support of her case. However, Petitioner did submit three separate exhibits at the hearing, which were entered as Petitioner's Exhibits 1-3. Combined, the exhibits included 197 pages of documents. Petitioner had an opportunity to present her evidence at the hearing and took advantage of that opportunity.

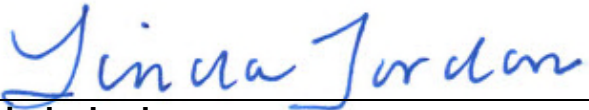
Petitioner's request for rehearing or reconsideration also references activity that occurred after the hearing, including that MDHHS sought verification of self-employment income and expenses. Petitioner can request a hearing based on MDHHS's action (or inaction) in response to that information, but activity that occurred after the hearing is not a valid basis for granting a request for rehearing or reconsideration.

Petitioner did 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 ALJ 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.

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

IT IS SO ORDERED.

LJ/tm



Linda Jordan
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.

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