



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: October 3, 2022
MOAHR Docket No.: 21-005065-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

ORDER DISMISSING REQUEST FOR REHEARING AND/OR RECONSIDERATION

On [REDACTED] 2022, the Michigan Office of Administrative Hearings and Rules (MOAHR) received from Respondent [REDACTED] a request for rehearing and/or reconsideration of the Hearing Decision issued on [REDACTED] 2022 by the undersigned administrative law judge (ALJ) at the conclusion of the hearing conducted on [REDACTED] 2022 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.

Before the merits of a request for rehearing and reconsideration of a hearing decision are reviewed, it must be established that the request was received timely 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 ([REDACTED] 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.

In this case, MOAHR sent a Notice of Hearing to Respondent's address of record on [REDACTED] 2022. MOAHR did not receive any returned mail. A hearing was held on [REDACTED] 2022. Respondent did not appear. On [REDACTED] 2022, the undersigned ALJ issued a Hearing Decision, which was sent to Respondent at her address of record.

MOAHR did not receive any returned mail. The Hearing Decision provided, in pertinent part:

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).

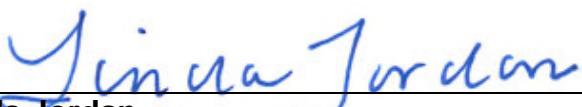
A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request.

On [REDACTED] 2022, MOAHR received Respondent's request for rehearing and/or reconsideration. Because MOAHR received the request after the 30-day deadline, the request was untimely. The record does not indicate that Respondent did not receive the Hearing Decision or that MOAHR sent the Hearing Decision to the wrong address.

Accordingly, Respondent's request for rehearing and/or reconsideration is **DISMISSED** because it was filed untimely.

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 Administrative Hearings and Rules.

Via-Electronic Mail :

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

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
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Via-First Class Mail :

Respondent

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