



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

IN THE MATTER OF:

MOAHR Docket No.: 20-007301-RECON

██████████
Petitioner

Agency Case No.: ██████████

v

Case Type: Expunction

**MDHHS Expunction Unit,
Respondent**

_____ /

**Issued and entered
this 14th day of July 2021
by: Alice C. Elkin
Supervising Administrative Law Judge**

**ORDER DENYING PETITIONER'S REQUEST FOR
REHEARING/RECONSIDERATION**

This matter is before the undersigned Supervising Administrative Law Judge (ALJ) pursuant to the request for rehearing and/or reconsideration submitted by Petitioner ██████████ and received by the Michigan Office of Administrative Hearings and Rules (MOAHR) on ██████████ 2021. Petitioner's request concerns the Order of Dismissal issued by administrative law judge (ALJ) Lynn Ferris on ██████████ 2021, in the above-captioned matter. As ALJ Ferris is unavailable to review this matter, the undersigned, as her manager, has reviewed Petitioner's request and the record in this matter. Mich Admin Code, R 792.10106(7).

Reconsideration of the decision in an expunction case may be granted only under the following circumstances: if newly discovered, relevant evidence is presented which could affect the outcome of the original hearing; if there was a misapplication of policy or law in the hearing decision which led to a wrong conclusion; or if the Administrative Law Judge failed to address, in the hearing decision, relevant issues raised in the hearing request. See Protective Services Manual (PSM) 717-3 (June 2018), p. 8. 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. A rehearing may be granted if the hearing record is inadequate for judicial review. See MCL 24.287(1), PSM 717-3, p. 8.

In this case, Petitioner sought to have Respondent Michigan Department of Health and Human Services (MDHHS) expunge her name from the Michigan Child Abuse and Neglect Central Registry (Central Registry). Petitioner's name and identifying information was placed on the Central Registry twice: the first in connection with a Children Protective Services (CPS) complaint dated [REDACTED] 2019, and the second in connection with a CPS complaint dated [REDACTED] 2019. ALJ Ferris issued an Order of Dismissal dismissing Petitioner's hearing request with respect to both listings.

In the Order of Dismissal, the ALJ concluded that MDHHS was required by the Child Protection Law (CPL), MCL 722.621 *et seq.*, to maintain Petitioner's name and identifying information on the Central Registry with respect to both CPS complaints dated [REDACTED] 2019 and [REDACTED] 2019. The ALJ found that, through an Order of Adjudication dated [REDACTED] 2020, the circuit court took Petitioner's children into its custody and care under MCL 712A.2(b) based on Petitioner's admissions and pleas to allegations in a petition MDHHS filed with the court arising from incidents underlying both CPS complaints. Because the CPL mandates that MDHHS maintain Petitioner's name on the Central Registry when the circuit court takes a child into its jurisdiction and the petitioner is a party to the proceedings, the ALJ dismissed Petitioner's hearing request concerning both placements.

In her request for rehearing and/or reconsideration, Petitioner fails to present any basis for finding that the original hearing record is inadequate for judicial review. She also fails to present any newly discovered evidence (or evidence that could not have been discovered at the time of the hearing had a reasonable effort been made) that could affect the outcome of the hearing. Therefore, she has failed to establish a basis for a rehearing. Furthermore, a full review of Petitioner's request and the Hearing Decision fails to demonstrate that the 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. Therefore, there is no basis for reconsideration. While Petitioner's improvements to her situation due to her commitment and hard work are commendable, because there was a circuit court adjudication, MDHHS cannot remove her name from the Central Registry at this time.

NOW THEREFORE, IT IS ORDERED that:

Petitioner's request for rehearing or reconsideration is hereby DENIED and this matter is hereby **DISMISSED**.




Alice C. Elkin
Supervising Administrative Law Judge

APPEAL NOTICE: You may appeal this Order to the circuit court within 60 days of the date of receipt.

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 14th day of [REDACTED] 2021.



Tammy Feggan, Legal Secretary
**Michigan Office of
Administrative Hearings and Rules**

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