



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 13, 2022
MOAHR Docket No.: 22-000913-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

ORDER DENYING 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 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 and/or respondent; 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 finding that MDHHS established by clear and convincing evidence that Respondent committed an Intentional Program Violation (IPV) of the Food Assistance Program (FAP) by misrepresenting her circumstances of eligibility and received duplicate food assistance benefits from two states at the same time. The Hearing Decision also found that Respondent was subject to an IPV disqualification and was personally disqualified from receiving FAP benefits for a 12-month period. In addition, MDHHS was entitled to repayment of overissued FAP benefits.

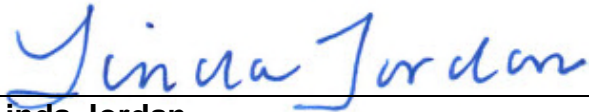
The Hearing Decision was based on evidence presented by MDHHS which showed that Respondent reported on a FAP application that she had not received food assistance benefits from another state in the last 30 days. This was an inaccurate statement because the record also demonstrated that Respondent was receiving food assistance benefits from the State of ██████ when she submitted the FAP application in ██████. Respondent appeared at the hearing and provided testimony regarding the situation. The undersigned ALJ assessed the credibility of Respondent's testimony and determined that MDHHS had established by clear and convincing evidence that Respondent intentionally misrepresented her circumstances when she reported that she had not received food assistance from another state in the last 30 days. This misrepresentation caused Respondent to receive duplicate food assistance benefits.

In Respondent's request for rehearing and/or reconsideration, Respondent restated the arguments that she made during the hearing. Respondent did not indicate that the undersigned ALJ had misapplied law or policy, made a typographical or mathematical error, or failed to address all relevant issues raised in the Request for Hearing. Nor did Respondent allege that there was newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the Hearing Decision. Given these circumstances, Respondent is not entitled to a rehearing or reconsideration. Respondent merely presents the same issues that were previously adjudicated, and therefore, Respondent's request shall not be granted.

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 Administrative Hearings and Rules.


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