



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: February 10, 2023  
MOAHR Docket No.: 22-002799-RECON  
Agency No.: ██████████  
Petitioner: OIG  
Respondent: ██████████

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

**ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION**

This matter is before the undersigned Administrative Law Judge pursuant to the Request for Rehearing/Reconsideration, by the Petitioner, of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on November 2, 2022, and mailed on November 14, 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 provisions articulated in the Bridges Administrative Manual (BAM), specifically 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 for rehearing if the hearing record is inadequate for judicial review.

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.

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 Administrative Law Judge failed to accurately address all the relevant issues raised in the hearing request. 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 Administrative Law Judge to address other relevant issues in the hearing decision.

In the instant case, the undersigned issued a Hearing Decision in the above-captioned matter affirming the Department of Health and Human Services' decision of the finding that the Respondent had committed an Intentional Program Violation (IPV) for trafficking Food Assistance Program (FAP) benefits with her phone number associated with the FAP balance inquiries made to FAP case in question and the Respondent's [REDACTED] card reward program benefited from the FAP case in question purchases, resulting in a recoupment of [REDACTED] and a one year disqualification sanction from receiving FAP benefits.

In the December 12, 2022, Request for Rehearing/Reconsideration, Respondent argues that she is 100% innocent, but fails to articulate any basis that would warrant the granting of a rehearing/reconsideration. During the hearing, she stated that her boyfriend was the one who used the card, but he was not at the hearing. She stated that she would get a written statement from him and that he would pay the recouped amount, but no letter or payment in full was ever made by the Respondent's boyfriend.

Accordingly, the Request for Rehearing/Reconsideration is DENIED.

**IT IS SO ORDERED.**

CF/tlf



**Carmen G. Fahie**

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**  
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**Via-First Class Mail :**

**Respondent**  
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