



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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██████████ MI ██████████

Date Mailed: February 17, 2023
MOAHR Docket No.: 22-003204-RECON
Agency No.: ██████████
Petitioner: OIG
Respondent: ██████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

ORDER GRANTING REQUEST FOR REHEARING

This matter is before the undersigned Administrative Law Judge pursuant to the Request for Rehearing by ██████████ of the Hearing Decision for Intentional Program Violation (Hearing Decision) issued by the undersigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on ██████████ 2022, and mailed on December 20, 2022, in the above-captioned matter.

The rehearing 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 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.

In the instant case, the ALJ issued a Hearing Decision in the above-captioned matter affirming the Department of Health and Human Services' decision.


On December 20, 2022, Request for Rehearing, Respondent alleges that he failed to receive the Notice of Hearing in a timely manner because it was given to him by his neighbor after the hearing date. In the instant case, the Respondent requests reconsideration due to his failing to timely receive the hearing notice. However, he did not provide an alternate mailing address for MOAHR or the Department to use. This Administrative Law Judge takes judicial notice that it is not the responsibility of the OIG Agent to call the Respondent and inform him of the hearing

date. This hearing will not be rescheduled again if the Respondent does not receive the notice.

Accordingly, Respondent's request for rehearing is **GRANTED** and the Hearing Decision issued on December 6, 2022, is hereby VACATED. The case will be scheduled for rehearing and a Notice of Hearing will be mailed as soon as possible. The rehearing shall be conducted by the undersigned, who shall issue a Hearing Decision on Rehearing in the matter following the rehearing.

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
OIG
PO Box 30062
Lansing, MI 48909-7562

DHHS
Caryn Jackson
Wayne-Hamtramck-DHHS
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Hamtramck, MI 48212

Via-First Class Mail :

Respondent
[REDACTED]
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