



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: March 10, 2023
MOAHR Docket No.: 22-003332-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ, undersigned) pursuant to the Request for Rehearing/Reconsideration by Respondent, Michigan Department of Health and Human Services (MDHHS, Department), of the Hearing Decision for Intentional Program Violation (Hearing Decision) issued by the undersigned at the conclusion of the hearing conducted on December 14, 2022, and mailed on December 28, 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's decision.

In the December 28, 2022, Request for Rehearing/Reconsideration, the Department argues a typographical error due the Department being represented by Ryan Sevenski, while the Hearing Decision cited Ryan Smith as the Office of Inspector General (OIG) Agent in error. However, the Department fails to articulate any basis that would warrant the granting of a rehearing/reconsideration. The undersigned will issue an amended decision to correct the error in the Hearing Decision.

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
OIG
PO Box 30062
Lansing, MI 48909-7562

DHHS
Heidi Ward
Eaton County DHHS
1050 Independence Blvd
Charlotte, MI 48813

Via-First Class Mail :

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