



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: October 4, 2022
MOAHR Docket No.: 22-003586-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned administrative law judge (ALJ) pursuant to a request for rehearing/reconsideration submitted by Petitioner to the Michigan Office of Administrative Hearings and Rules (MOAHR) on [REDACTED] 2022. Petitioner's request was in response to a hearing decision issued by MOAHR on [REDACTED] 2022, from an administrative hearing conducted on [REDACTED] 2022.

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 provides 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 ALJ to address other relevant issues in the hearing decision.

Petitioner disputes a Hearing Decision in which the undersigned affirmed MDHHS's termination of Petitioner's Family Independence (FIP) eligibility beginning [REDACTED] 2022 due to employment-related noncompliance. The underlying noncompliance was Petitioner's spouse's failure to meet participation requirements with Partnership, Accountability, Training, Hope (PATH) by verifying legitimate job search logs. A [REDACTED]-month employment-related disqualification was also affirmed.

Petitioner's request claimed a rehearing was proper due to the failure of the undersigned to consider Petitioner's evidence. In support of her claim, Petitioner rehashed statements and claims from the hearing which included the following:

- Her assigned PATH worker was biased against her and should have participated in the hearing
- Petitioner's failure to participate with PATH for several months is an example of the incompetence of her assigned PATH worker
- Petitioner's daughter's mental health was good cause for Petitioner's spouse's lack of PATH participation
- Petitioner's husband "works" [REDACTED] unpaid hours per week learning employment skills
- Job search logs for [REDACTED] and [REDACTED] 2022 should have been deemed acceptable because job logs from 2021 were acceptable

Petitioner's claim of bias by her PATH worker was not consistent with the evidence. Petitioner's failure to participate with PATH for several months is not persuasive evidence that she was later unfairly found uncooperative. The texts Petitioner submitted concerning her daughter's mental health failed to excuse submitting six weeks of authentic job search logs. Petitioner's spouse's unpaid "work" was properly rejected by PATH.¹ Petitioner's apparently legitimate job search logs submitted in 2021 have no bearing on the legitimacy of job searches submitted in 2022.

¹ Working 40 hours for at least the Michigan minimum wage is good cause for noncompliance (see BEM 233A). Petitioner's spouse's unpaid activities cannot be good cause. However, PATH may approve activities to count towards a client's participation. In the present case, PATH rejected Petitioner's spouse's time. Also notable, Petitioner's testimony changed from her spouse worked full-time for her landlord in exchange for a small rent decrease, to her spouse worked a few hours on-call for the landlord, to her spouse spent 40 hours per week learning skills.

A full review of Petitioner's request fails to demonstrate that the undersigned misapplied manual policy or law; 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, Petitioner has not established a basis for reconsideration. Petitioner has also not established a basis for rehearing. Petitioner's request for rehearing and/or reconsideration dated [REDACTED] 2022, is **DENIED**.

CG/nr



Christian Gardocki
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 :

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