



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: November 28, 2022
MOAHR Docket No.: 22-003781-RECON
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the request for rehearing and/or reconsideration by Petitioner, ██████████ of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on ██████████ 2022, and mailed on September 23, 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 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 Administrative Law Judge failed to accurately address all the relevant issues raised in the hearing request. *Id.* 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.

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 issued a Hearing Decision in the above-captioned matter finding that the Department had properly closed Petitioner's (SSP) benefits.

In Petitioner's request for rehearing and/or reconsideration, Petitioner argues that no explanation was provided for "why [Petitioner's] checks were stopped, only that he was no longer eligible."

Petitioner does not allege that the original hearing record is inadequate for judicial review or that there is newly discovered evidence (or evidence that could not have been discovered at the time of the hearing had a reasonable effort been made to do so). Therefore, Petitioner has failed to establish a basis for a rehearing.

Furthermore, a full review of Petitioner's request fails to demonstrate that the undersigned misapplied manual policy or law in the Hearing Decision; 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. Instead of articulating a basis for rehearing and/or reconsideration, Petitioner is generally challenging the undersigned's decision in an attempt to relitigate the hearing. Mere disagreement with the Hearing Decision does not warrant a rehearing and/or reconsideration of this matter. Furthermore, Petitioner was provided an explanation in the hearing decision for the closure of his SSP benefits.

Petitioner's SSP was closed because the SSA indicated that he was no longer eligible for SSI... Policy provides that "payments are made for only those months the recipient received a regular first of the month federal benefit." *Id.* Since Petitioner did not receive a regular first-of-the-month SSI payment, the Department acted in accordance with policy in closing Petitioner's SSP case.

Hearing Decision, MOAHR Docket No: 22-003781, p. 2 (September 23, 2022). Petitioner's SSP benefit, issued by the State of Michigan, stopped because his

Supplemental Security Income (SSI) benefit issued by the Social Security Administration (SSA) stopped. Petitioner **must contact the Social Security Administration (SSA) to dispute his disability benefit or obtain additional information.** Neither MOAHR nor MDHHS has any information pertaining to Petitioner's federal SSI benefit nor does MOAHR or MDHHS have the ability to change Petitioner's SSI benefit.

Accordingly, the request for rehearing and/or reconsideration is **DENIED.**

IT IS SO ORDERED.

AM/tlf



Amanda M. T. Marler
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 :

DHHS
Jeanenne Broadnax
Wayne-Taylor-DHHS
25637 Ecorse Rd.
Taylor, MI 48180
**MDHHS-Wayne-18-
Hearings@michigan.gov**

Via-First Class Mail :

Authorized Hearing Rep.

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Petitioner

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