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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: December 16, 2022  
MOAHR Docket No.: 22-003860-RECON  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

**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 on October 19, 2022, of the Order of Dismissal (Dismissal) issued by the undersigned following the Petitioner's failure to appear at the scheduled hearing on October 6, 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 Department of Health and Human Services (Department) 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 (July 2019), pp. 44-45.

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.

BAM 600, p. 44. 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 Dismissal in the above-captioned matter after Petitioner failed to appear at the scheduled time.

Petitioner's request for rehearing and/or reconsideration states that she was confused about who the hearing was for because the notice was addressed to her authorized representative [REDACTED]. However, the notice clearly states Petitioner's name as the Petitioner on the notice and the notice was sent to Petitioner at her address of record. Petitioner failed to give an adequate explanation regarding why she failed to appear at the scheduled time.

Petitioner has not presented anything that convinces the undersigned ALJ that the legal analysis in the Dismissal was erroneous. Accordingly, a full review of Petitioner's request fails to demonstrate that the undersigned misapplied manual policy or law in the Dismissal; committed typographical, mathematical, or other obvious errors in the Dismissal that affected any parties' substantial rights; or failed to address other relevant issues in the Dismissal. Therefore, Petitioner has not established a basis for reconsideration.

Furthermore, the original hearing record is adequate for judicial review and there is no 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). Petitioner was given opportunity to present her case, and the legal conclusions were compelled by the findings of fact. Therefore, Petitioner has failed to establish a basis for a rehearing.

Therefore,

IT IS ORDERED that Petitioner's request for rehearing and/or reconsideration is DENIED.

AM/tlf



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**Aaron McClintic**

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 (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30763  
Lansing, Michigan 48909-8139

**Via-Electronic And First Class Mail:**

**DHHS -Dept Contact**  
Michelle Martin  
Capitol Commons  
Lansing, MI 48909  
**MDHHS-Home-Help-  
Policy@michigan.gov**

**DHHS-Location Contact**  
Sherry Reid  
MDHHS  
MDHHS-Greenview Adult Services  
District Wayne County, BSC-4  
Detroit, MI 48219  
**MDHHS-WC-  
MAHSHearing@michigan.gov**

**Via-Electronic Mail:**

**DHHS Department Rep.**  
M. Carrier  
Department Community Health  
MDHHS  
Lansing, MI 48909  
**MDHHS-Appeals@michigan.gov**

**Via First Class Mail:**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

**Petitioner's Authorized Rep.**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]