



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] MI [REDACTED]

Date Mailed: April 19, 2023
MOAHR Docket No.: 22-003895-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the January 18, 2023, request for rehearing and/or reconsideration, by Petitioner of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on December 8, 2022, mailed on December 16, 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.

Petitioner's Authorized Hearing Representative (AHR) filed a request for rehearing and/or reconsideration on January 18, 2023. Before the merits of a request for rehearing and reconsideration of a hearing decision are reviewed, it must be established that the request was timely received by the Michigan Office of Administrative Hearings and Rules (MOAHR). Department policy provides that a written request must be received by MOAHR within 30 days of the date the hearing decision is mailed. BAM 600 (March 2021), p. 47. The MOAHR Administrative Hearing Rules similarly provide that a party who has received an adverse hearing decision must file a request for rehearing or reconsideration with the hearing system within 30 days after the decision is mailed. Mich Admin Code, R 792.11015(1). Rule 792.11015(5) provides that the request must be submitted directly to the hearing system pursuant to the instructions provided at the conclusion of the hearing decision. The Hearing Decision in this case provided in pertinent part the following instruction on page 4:

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.

In this case, the Hearing Decision was issued on December 16, 2022. MOAHR received the rehearing and/or reconsideration requests on January 18, 2023. Because the request was not timely received by MOAHR within 30 days of the Hearing Decision, Petitioner's rehearing and/or reconsideration requests is dismissed as untimely.


With respect to the request for hearing recording and transcript identified in the request for rehearing and/or reconsideration, it is noted that the hearing recording was provided to Petitioner's AHR by email via FOIA on January 13, 2023, and at that time, Petitioner's AHR was notified that MOAHR does not provide transcripts of hearings and she would have to make her own arrangements to have the recording transcribed.

Furthermore, the arguments identified in Petitioner's request for rehearing and/or reconsideration were already considered by the undersigned ALJ prior to the issuance of the Hearing Decision. Petitioner has not established an adequate basis for a rehearing or reconsideration. Instead of articulating a basis for rehearing and/or reconsideration, Petitioner is generally challenging the Hearing Decision in an attempt to relitigate the hearing, as all arguments raised by Petitioner's AHR in her request were considered by the undersigned during the administrative hearing and referenced in the Hearing Decision. Mere disagreement with the Hearing Decision does not warrant a rehearing and/or reconsideration of this matter. See BAM 600; Mich Admin Code, R 792.10135.

Accordingly, the request for rehearing and/or reconsideration is **DENIED** this matter is hereby **DISMISSED**.

IT IS SO ORDERED

ZB/tlf



Zainab A. Baydoun
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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Via-First Class Mail :

Petitioner
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