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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: January 13, 2023
MOAHR Docket No.: 22-004183-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 [REDACTED] 2022, request for rehearing and/or reconsideration, by Petitioner of the Hearing Decision issued by the undersigned at the conclusion of the hearing conducted on [REDACTED] 2022, and mailed on [REDACTED] 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 (ALJ) failed to accurately address all the relevant issues raised in the hearing request. BAM 600, pp. 44-45.

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 this case, Petitioner requested a hearing asserting that the Department of Health and Human Services (Department) failed to comply with a Hearing Decision issued by ALJ Jordan in a prior case under MOAHR Docket No. 22-002946. Petitioner argued that she only received a prorated amount of FAP benefits for the month of ██████████ 2022 and asserted that ALJ Jordan ordered the Department to recalculate her FAP benefits beginning ██████████ 26, 2022. Petitioner also disputed the amount of her recalculated FAP benefits for ██████████ 2022, ongoing. The undersigned issued a Hearing Decision in the above captioned matter affirming the Department, as the Department presented sufficient evidence that in accordance with the Hearing Decision issued by ALJ Jordan, Petitioner's FAP case was reinstated, her FAP budget was properly recalculated for the period of ██████████ 2022 ongoing, and that Petitioner was approved for the correct monthly benefit amount. Additionally, the Department established that it properly calculated the amount of Petitioner's FAP benefits for the disputed months of ██████████ 2022 and ██████████ 2022, and furthermore, it was established through a Benefit Summary Inquiry that Petitioner received the maximum amount of FAP supplements based on her household size.

In Petitioner's request for rehearing and/or reconsideration, Petitioner presents similar arguments to those offered during the administrative hearing, again disputing the Department's failure to properly process her FAP benefits and calculate the amount of her FAP allotment as ordered by ALJ Jordan. Petitioner also argued that she disagreed with the Department's issuance of a prorated amount of FAP benefits for the month of ██████████ 2022. However, upon review, 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. No additional documentation was presented with Petitioner's request for rehearing and/or reconsideration.

As explained by the undersigned in the original Hearing Decision, Petitioner received the full benefits for her ██████████ person FAP group for ██████████ 2022, regardless of whether her original allotment was for the full month of ██████████ 2022, to ██████████ 30, 2022, or prorated for ██████████ 4, 2022, to ██████████ 30, 2022. Because of the Covid-19 emergency allotments (EA), FAP recipients with a ██████████ person FAP-group size in August 2022 who were eligible for up to ██████████ in FAP benefits received the maximum FAP

allotment of [REDACTED] for their group size. Therefore, regardless of the original FAP allotment Petitioner was eligible to receive, whether it was [REDACTED], as she asserts she was issued for [REDACTED] 2022, to [REDACTED] 2022, or [REDACTED], as she argues she was eligible to receive for [REDACTED] 2022, to [REDACTED] 2022, the EA allotment would have been adjusted so that Petitioner would receive no more than [REDACTED] for the month of [REDACTED] 2022. Petitioner did not dispute receiving [REDACTED] for [REDACTED] 2022 and the Benefit Summary Inquiry supports the Department's position that Petitioner received the maximum amount of FAP benefits of [REDACTED]. Because Petitioner received [REDACTED] in [REDACTED] 2022 and was not eligible for any further FAP supplements for the month, she did not experience a loss of benefits that month.


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 an adequate basis for reconsideration. Instead of articulating a basis for rehearing and/or reconsideration, Petitioner is generally challenging the decision in an attempt to relitigate the hearing, as all arguments raised by Petitioner 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.

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.

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