



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 19, 2023
MOAHR Docket No.: 22-005504-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] 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 [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 ([REDACTED] 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.

In this case, Petitioner requested a hearing disputing the Department of Health and Human Services' (Department) determination that he received a client error and agency

error overissuance (OI) of Food Assistance Program (FAP) benefits that the Department was entitled to recoup. The undersigned issued a Hearing Decision in the above captioned matter affirming the Department's actions, as sufficient evidence was presented that Petitioner received a client error OI of FAP benefits in the amount of [REDACTED] from [REDACTED] 2022 to [REDACTED] 2022 and an agency error OI of FAP benefits in the amount of [REDACTED] from [REDACTED] 2022 to [REDACTED] 2022.

In Petitioner's request for rehearing and/or reconsideration, Petitioner presents similar arguments to those offered during the administrative hearing, again indicating that he notified the Department of his employment and income after his [REDACTED] day probationary period was completed and that he made numerous attempts to contact the Department regarding employment status. 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.

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 Hearing Decision in an attempt to relitigate the hearing, as all arguments raised by Petitioner in his 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.

Additionally, the Hearing Decision was issued on [REDACTED] 2022. MOAHR received the rehearing and/or reconsideration request on [REDACTED] 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 untimely. 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.

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Petitioner


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