



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: May 30, 2023
MOAHR Docket No.: 23-001578-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

ORDER DENYING REQUEST FOR REHEARING

This matter is before the undersigned administrative law judge (ALJ) pursuant to a request for rehearing submitted by Timothy McClure, Petitioner's authorized hearing representative (AHR), to the Michigan Office of Administrative Hearings and Rules (MOAHR) on [REDACTED] 2023. Petitioner's AHR's request was in response to an Order of Dismissal mailed by the Michigan Office of Administrative Hearings and Rules (MOAHR) on [REDACTED] 2023.

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 provides 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 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 for rehearing if the hearing record is inadequate for judicial review. 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.

Petitioner's AHR requests a rehearing after Petitioner's hearing request was dismissed after Petitioner and Petitioner's AHR failed to participate in a hearing scheduled for [REDACTED] 2023.¹ Petitioner's AHR's request for rehearing stated that MOAHR was called approximately three hours before the hearing. Petitioner's AHR also stated that he was unable to participate in the hearing due to a conflicting work obligation. With the rehearing request, Petitioner's AHR submitted a phone record listing a call to MOAHR on Friday, April 17. Notably, the submitted phone record did not include the year. The date of the hearing missed by Petitioner was [REDACTED] 2023, a Monday. Petitioner's

¹ Before requesting a rehearing, Petitioner's AHR requested to vacate the dismissal order. MOAHR denied Petitioner's request to vacate citing proper notice of the hearing and the absence of evidence that Petitioner's AHR called MOAHR before the hearing.

AHR's phone record lacking a year and correct day is insufficient to verify communication by Petitioner's AHR with MOAHR before the hearing.

Furthermore, Petitioner's pursuit of a rehearing appears wholly superfluous. Petitioner's AHR requested a hearing to dispute an alleged failure by MDHHS to timely process Petitioner's Food Assistance Program (FAP) application dated [REDACTED] 2023. MDHHS's hearing packet included notice that Petitioner was approved for FAP benefits beginning with Petitioner's date of application.² Assuming the notice approving FAP benefits is genuine, Petitioner's AHR inexplicably persists in seeking an administrative hearing for a favorably resolved dispute.

A full review of Petitioner's AHR's request fails to establish a basis for rehearing. Petitioner's AHR's request for rehearing dated [REDACTED] 2023, is **DENIED**.

CG/tlf



Christian Gardocki
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.

² If Petitioner's AHR disputes the amount of Petitioner's FAP eligibility, a separate hearing request would have to be filed.

Via-Electronic Mail :

DHHS

Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
MI [REDACTED]

Authorized Hearing Rep.

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