



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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Date Mailed: May 31, 2024
MOAHR Docket No.: 23-007023
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

PROTECTIVE ORDER

This contested case arises from the Michigan Department of Health and Human Services' (Department) October 13, 2023, hearing request alleging that Respondent intentionally trafficked FAP benefits.

In accordance with the Administrative Procedures Act (APA), MCL 24.201 *et seq.*, and the Administrative Hearing Rules, Mich Admin Code, R 792.10101, *et seq.*, a hearing was held before the undersigned administrative law judge of the Michigan Office of Administrative Hearings and Rules (MOAHR) on May 21, 2024. Craig Baylis, Regulation Agent of the Office of Inspector General, represented the Department. Respondent did not appear at the hearing, and it was held in Respondent's absence pursuant to 7 CFR 276.16(e)(4). At the hearing, Agent Baylis presented evidence, including sworn witness testimony, that has been made a part of the record. MCL 24.276; MCL 24.274.

A request for an electronic copy of the audio recording of the proceedings has now been received from a party to the proceeding.

Section 86(2) of the APA, MCL 24.286(2), applies to contested case hearings and provides, in relevant part, as follows:

Oral proceedings at which evidence is presented shall be recorded, but need not be transcribed unless requested by a party who shall pay for the transcription of the portion requested except as otherwise provided by law.

While parties to a case may request copies of the recordings of their administrative hearings from MOAHR and may under MCL 24.286(2), as well as Mich Admin Code, R 792.10120, have those audio recordings transcribed, MCR 1.109(D)(9) prohibits disclosure of certain personal identifying information (PII).

MCR 1.109(D)(9) provides, in relevant part, as follows:

(9) Personal Identifying Information.

(a) The following personal identifying information is protected and shall not be included in any public document or attachment filed with the court except as provided by these rules:

- (i) date of birth,
- (ii) social security number or national identification number,
- (iii) driver's license number or state issued personal identification card number,
- (iv) passport number, and
- (v) financial account numbers.

Rule 109(7) of the Administrative Hearing Rules requires the parties in an administrative hearing to redact PII from all documents or physical evidence used at the hearing. Mich Admin Code, R 792.10109(7). Therefore, in the event a transcript of the oral proceedings in this contested case is prepared, a Protective Order is appropriate to require the transcriptionist to redact protected information described under MCR 1.109(D)(9) as well as other PII of a personal nature where disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

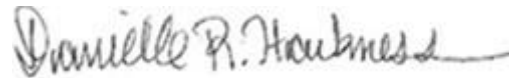
ACCORDINGLY, IT IS ORDERED THAT:

1. All transcripts prepared in this contested case shall redact or otherwise conceal, for any individual in the record, any information that is listed as protected under MCR 1.109(D)(9)(a), as described above. Where such information is identified on the audio recording, the court reporter/transcriptionist should substitute an appropriate designation for the protected information, such as "SSN" for an individual's social security number, "DOB" for an individual's date of birth, "Child A" for a minor child's name, or "bank#" for financial accounts.

2. All transcripts prepared in this contested case shall also redact or otherwise conceal the following information, which is deemed to be of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of an individual's privacy rights and which information is not material to a determination of the issues before this tribunal:

- Telephone Numbers
- Email Addresses
- Children's names
- Protected health information

DH/pt



Danielle R. Harkness
Administrative Law Judge

PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, the 31st day of May, 2024.

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**Michigan Office of Administrative
Hearings and Rules**

Via-Electronic Mail:

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Respondent

____ MI _____