



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]  
[REDACTED] MI [REDACTED]

Date Mailed: May 4, 2023  
MOAHR Docket No.: 22-003251-RECON  
Agency No.: [REDACTED]  
Petitioner: OIG  
Respondent: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION**

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the request for rehearing and/or reconsideration by Respondent of the Hearing Decision for Intentional Program Violation (Hearing Decision) issued by the undersigned at the conclusion of the hearing conducted on January 19, 2023, and mailed on February 16, 2023, 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 1, 2021), p. 44.]

A reconsideration is a paper review of the facts, law and any new evidence or legal arguments. 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 failed to accurately address all the relevant issues raised in the hearing request. BAM 600, p. 44.

Rehearing/Reconsideration may be requested for one of the following reasons:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision.
- Misapplication of manual policy or law in the hearing decision, which led to a wrong conclusion.
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client.
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request. [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 the instant case, the undersigned issued a Hearing Decision for Intentional Program Violation (IPV) in the above-captioned matter finding that the Department had established by clear and convincing evidence that Respondent committed an IPV; Respondent was subject to a 12-month disqualification from Food Assistance Program (FAP); and Respondent had received an overissuance of FAP benefits in the amount of [REDACTED]

In the request for rehearing and/or reconsideration, Respondent asserted that he did not receive unemployment benefits from April 24, 2021 through September 4, 2021. Rather, he received one lump sum payment around October 13, 2021.

The verification the Department received showed Respondent received unemployment compensation benefits for the weeks ending April 24, 2021 through September 4, 2021. Further, specific pay dates between May 8, 2021 and September 11, 2021 were documented. (Exhibit A, pp. 28-29). Respondent has not provided any documentation to support his assertion that he was not receiving unemployment benefits during the fraud period and instead received one lump sum payment around October 13, 2021.

Respondent has not established that the original hearing record is inadequate for judicial review or that there is newly discovered relevant 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, Respondent has failed to establish a basis for a rehearing.

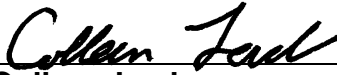
Furthermore, a full review of Respondent's request fails to demonstrate that the undersigned misapplied manual policy or law in the Hearing Decision; committed typographical, mathematical, or other obvious errors in the Hearing Decision that affected Respondent's substantial rights; or failed to address other relevant issues in

the Hearing Decision. Therefore, Respondent has not established a basis for reconsideration.

Accordingly, the request for rehearing and/or reconsideration is **DENIED**.

**IT IS SO ORDERED.**

CL/tlf

  
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**Colleen Lack**  
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 (MOAHR).

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**Respondent**

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