



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 20, 2023
MOAHR Docket No.: 22-005306-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

ORDER DENYING REQUEST FOR REHEARING AND/OR RECONSIDERATION

On January 5, 2023, Petitioner filed a timely request for rehearing and/or reconsideration of the Order of Dismissal for Lack of Jurisdiction issued by Administrative Law Judge Kevin Scully following a hearing conducted on December 13, 2022, and the decision was mailed on December 16, 2022.

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. There is also a statutory basis provided in MCL 24.287 for a rehearing of an administrative hearing.

Subpart A of Part 10 of the Michigan Office of Administrative Hearing System (MOAHR) Hearing Rules provides in pertinent part:

Rule 1015.

(1) A party who has received an adverse hearing decision shall file a request for rehearing or reconsideration with the hearing system in writing within 30 days after the decision has been mailed.

(2) A rehearing is a full de novo hearing which may be granted when either of the following occurs:

(a) There is newly discovered evidence that existed at the time of the original hearing and that could affect the outcome of the original hearing decision.

(b) The original hearing record is inadequate for purposes of judicial review.

(3) If a rehearing is granted, the order granting rehearing shall vacate the hearing decision and order, and order that a de novo hearing be scheduled by the hearing system.

(4) A reconsideration is a paper review of the facts, law, and any new evidence or legal arguments and may be granted when the original hearing record is adequate for purposes of judicial review and a rehearing is not necessary, however, or more of the following exists:

(a) Misapplication of manual policy or law in the hearing decision, which led to the wrong conclusion.

(b) Typographical, mathematical, or other obvious error in the hearing decision that affects the substantial rights of the claimant or petitioner.

(c) The failure of the administrative law judge to address in the hearing decision relevant issues raised in the request for hearing.

(5) A request for rehearing or reconsideration must be submitted directly to the hearing system pursuant to the instructions provided at the conclusion of all hearing decision.

(6) The party requesting the rehearing or reconsideration must specify all reasons for the request.

(7) If reconsideration is granted, the decision may be modified without further proceedings.

If a rehearing is granted, the hearing shall be noticed and conducted in the same manner as an original hearing.

(8) A party is provided the opportunity for request for rehearing or reconsideration of the hearing decision of the administrative law judge. Recourse for subsequent review shall be to the appropriate court as identified at the end of the hearing decision.

Mich Admin Code, R 792.11015.

Petitioner argues that she is entitled to an administration hearing to dispute whether she should be deferred from the Partnership. Accountability. Training. Hope. (PATH) program.

Petitioner does not allege that there is newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision, or that the original hearing record is inadequate for purposes of judicial review.

Petitioner's appeal fails to demonstrate or allege a misapplication of manual policy or law in the hearing decision which led to the wrong conclusion, a typographical, mathematical, or other obvious error in the hearing decision that affects the substantial rights of the claimant or petitioner, or the failure of the administrative law judge to address in the hearing decision relevant issues raised in the request for hearing.

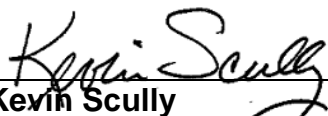
Therefore, Petitioner has not established a basis for rehearing or reconsideration.

At the time Petitioner filed her request for a hearing, cash assistance had not been denied. Petitioner alleges that she is not capable of participating in the PATH program and disputes her referral to any self-help programming. Petitioner's dispute concerning her referral to the PATH program and the denial of a deferral from that program does not entitle Petitioner to an administrative hearing as outlined in BAM 600.

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

IT IS SO ORDERED.

KS/tlf



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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 Administrative Hearing System.

Via-Electronic Mail :

DHHS
Melissa Brandt
920 East Lincoln St.
Ionia, MI 48846
**MDHHS-IONIA-
Hearings@michigan.gov**

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]