



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: December 16, 2022
MOAHR Docket No.: 22-002270-RECON
Agency No.: ██████████
Petitioner: OIG
Respondent: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

ORDER GRANTING PETITIONER'S REQUEST FOR REHEARING

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the request for rehearing and/or reconsideration by Petitioner, Jeffrey Render, of the Hearing Decision for Intentional Program Violation (Hearing Decision) issued by the undersigned at the conclusion of the hearing conducted on September 14, 2022, and mailed on October 3, 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]

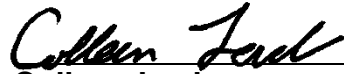
In the instant case, the undersigned issued a Hearing Decision in the above-captioned matter finding that the Department established by clear and convincing evidence that Respondent committed an Intentional program violation (IPV) regarding Food Assistance Program (FAP) benefits, Respondent was subject to a 12-month disqualification from FAP, and Respondent received an overissuance of FAP benefits in the amount of ██████████

In the request for rehearing and/or reconsideration, Respondent indicated he missed the prior hearing and had called to request that the hearing be rescheduled.

Respondent's request for rehearing is **GRANTED** and the Hearing Decision issued on October 3, 2022, is hereby VACATED. The case has been scheduled for rehearing and a Notice of Hearing was mailed to the parties on December 8, 2022, which includes information to access the telephone hearing. The rehearing shall be conducted by the undersigned, who shall issue a hearing decision on rehearing in the matter following the rehearing.

IT IS SO ORDERED.

CL/tlf



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.

Via-Electronic Mail :

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