



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] MI [REDACTED]

Date Mailed: November 28, 2022
MOAHR Docket No.: 22-002834-RECON2
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the Reconsideration/Rehearing request filed by Petitioner regarding the Order of Dismissal for Lack of Jurisdiction issued by the undersigned at the conclusion of the telephone prehearing conference conducted on July 27, 2022, and mailed on August 2, 2022, in the above-captioned matter, and the Order Denying Request for Rehearing and/or Reconsideration mailed on August 23, 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. 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.

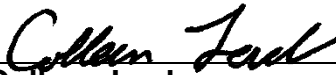
In the instant case, the undersigned issued an Order of Dismissal for Lack of Jurisdiction in the above-captioned matter finding that Petitioner's hearing request would be dismissed because there is no hearable issue to review for Petitioner's June 30, 2022, hearing request. Petitioner filed an Appeal of Denial of Food Assistance, which was considered as a request for rehearing and/or reconsideration. An Order Denying Request for Rehearing and/or Reconsideration was issued on August 23, 2022.

Petitioner subsequently filed another request for rehearing/reconsideration. However, Petitioner has exhausted his appeal rights with MOAHR. There is no jurisdiction for a second rehearing/reconsideration request. As stated in the notice of appeal section at the bottom of the August 23, 2022 Order Denying Request for Rehearing and/or Reconsideration, a party could appeal that Order in circuit court within 30 days of the receipt date.

Accordingly, Petitioner's Request for Rehearing and/or Reconsideration, is **DENIED**.

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 (MOAHR).

Via-Electronic Mail :

DHHS
Jodi O'Neal
Antrim County DHS
205 E. Cayuga St
Bellaire, MI 49615
MDHHS-Antrim-
Hearings@michigan.gov

Via-First Class Mail :

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