

(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.

Respondent's representative argues that the Hearing Decision is a misapplication of manual policy, which led to the wrong conclusion.

Respondent'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.

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.

