



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] GA [REDACTED]

Date Mailed: September 22, 2022  
MOAHR Docket No.: 21-006105-RECON  
Agency No.: [REDACTED]  
Petitioner: OIG  
Respondent: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION**

This matter is before the undersigned administrative law judge (ALJ) pursuant to a request for rehearing/reconsideration submitted by Respondent to the Michigan Office of Administrative Hearings and Rules (MOAHR) on September 7, 2022. Respondent's request was in response to a Hearing Decision issued by MOAHR from an administrative hearing conducted on July 13, 2022.

In a Hearing Decision dated July 27, 2022, the undersigned approved MDHHS's requests to establish against Respondent claims for over-issued Food Assistance Program and Medical Assistance benefits. Additionally, a one-year intentional program violation disqualification period against Respondent was approved.<sup>1</sup> Respondent sought a rehearing and/or reconsideration based on alleged factual errors.

The rehearing and reconsideration process is governed by Michigan Administrative Code, Rule 792.11015, *et seq.*, and applicable policy provisions articulated in the Bridges Administrative Manual (BAM). BAM 600 specifically provides that a rehearing or reconsideration must be filed in a timely manner consistent with the statutory requirements of the disputed program 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.

Respondent filed a request for rehearing on September 7, 2022. A written request for reconsideration or rehearing must be received by MOAHR within 30 days of the date that the hearing decision is mailed. BAM 600 (January 2020) p. 47. Mich Admin Code, R 792.11015(1) also provides that a party who received an adverse hearing decision must file a request for rehearing or reconsideration with MOAHR within 30 days after the decision is mailed. Respondent should have been aware of the time limit because the disputed Hearing Decision stated, "A party may request a rehearing or


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<sup>1</sup> MDHHS had sought a 10-year disqualification period.

reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued.”

MOAHR mailed Respondent’s Hearing Decision on July 27, 2022. The decision included proper language advising Respondent of the 30-day deadline for filing a request for rehearing and/or reconsideration. MOAHR received Respondent’s written rehearing/reconsideration request 42 days later. Thus, Respondent’s request for rehearing/reconsideration was untimely. Accordingly, Respondent’s request for rehearing and/or reconsideration is appropriately **DISMISSED**.

CG

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**Christian Gardocki**  
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 :**

**Petitioner**  
OIG  
PO Box 30062  
Lansing, MI 48909-7562

**DHHS**  
Denise McCoggle  
Wayne-Greydale-DHHS  
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Redford, MI 48239

**Via-First Class Mail :**

**Respondent**  
[REDACTED]  
[REDACTED]  
[REDACTED] GA [REDACTED]