



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: October 27, 2023
MOAHR Docket No.: 23-002077-RECON
Agency No.: [REDACTED]
Petitioner: OIG
Respondent: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

ORDER DENYING REQUEST FOR REHEARING/RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge pursuant to the request for rehearing and/or reconsideration by [REDACTED] (Respondent) of the Hearing Decision for Intentional Program Violation issued by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on August 30, 2023, and mailed on September 28, 2023, 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 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 for rehearing if the hearing record is inadequate for judicial review.

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.

A reconsideration is a paper review of the facts, law or legal arguments and any newly discovered evidence that existed at the time of the hearing. 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. Reconsiderations **may** be granted if requested for one of the following reasons:

- Misapplication of manual policy or law in the hearing decision, which led to the wrong decision;

- Typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the petitioner; or
- Failure of the Administrative Law Judge to address other relevant issues in the hearing decision.

In this case, the assigned ALJ issued a Hearing Decision for Intentional Program Violation in the above-captioned matter, concluding that the Department of Health and Human Services (Petitioner) established by clear and convincing evidence that Respondent committed and intentional program violation (IPV) and is subject to a 12-month disqualification from the Food Assistance Program (FAP). Respondent stated in her request for rehearing and/or reconsideration that she would just like to have “a second chance at explaining my side of things so that it’s better understood.”

A full review of Respondent’s request for rehearing and/or reconsideration fails to demonstrate that it is based on a misapplication of manual policy or law in the hearing decision; typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of Respondent; or a failure of the assigned ALJ to address other relevant issues in the Hearing Decision for Intentional Program Violation. Furthermore, the original hearing record is adequate for purposes of judicial review, and there is no newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original Hearing Decision for Intentional Program Violation. Instead of articulating a basis for granting a rehearing and/or reconsideration, Respondent is generally challenging the assigned ALJ’s decision in an attempt to relitigate the hearing. Mere disagreement with the assigned ALJ’s decision does not warrant a rehearing or a reconsideration in this matter.

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

IT IS SO ORDERED.

MN-D/tlf


Marya Nelson-Davis
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

Interested Parties

Policy-recoupment
N. Stebbins

DHHS

Matt Zofchak
Shiawassee County DHHS
1720 East Main Street
Owosso, MI 48867

Via-First Class Mail :

Respondent

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