



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 26, 2023  
MOAHR Docket No.: 23-003589-RECON  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis**

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

This matter is before the undersigned Supervising Administrative Law Judge pursuant to the request for rehearing and/or reconsideration by Petitioner's mother/authorized hearing representative (AHR) of the Decision and Order issued by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on August 1, 2023, and mailed on August 22, 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 Department of Health and Human Services (Respondent) denied Petitioner's request for a power wheelchair and accessories. The assigned ALJ issued a Decision and Order in the above-captioned matter upholding Respondent's denial on the basis that Petitioner did not meet the eligibility criteria for the wheelchair she requested. Petitioner's AHR stated in her request for rehearing and/or reconsideration that she faxed new information for Petitioner to get the power wheelchair she requested.

A full review of Petitioner'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 Petitioner; or a failure of the assigned ALJ to address other relevant issues in the hearing decision. Furthermore, the original hearing record is adequate for purposes of judicial review. Although Petitioner provided new evidence with her request, this evidence is not newly discovered evidence that, with reasonable diligence, could not have been discovered prior to the assigned ALJ's Decision and Order. As stated in the assigned ALJ's hearing decision, Petitioner has the option of submitting additional information with a new prior authorization request for a power wheelchair.

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

**IT IS SO ORDERED.**

MN-D/tlf

  
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**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 :**

**DHHS Department Rep.**  
MDHHS Appeals Section  
PO Box 30807  
Lansing, MI 48909

**DHHS -Dept Contact**  
MDHHS  
400 S. Pine, 6th Floor  
PO Box 30479  
Lansing, MI 48909

**Via-First Class Mail :**

**Authorized Hearing Rep.**

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

**Petitioner**

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