



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

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[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: October 26, 2023
MOAHR Docket No.: 23-003596-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya 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 of the Decision and Order issued by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on August 9, 2023, and mailed on August 15, 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 Decision and Order in the above-captioned matter, upholding Senior Care Partners-a Program of All-inclusive Care for the Elderly (PACE) Organization's, (Respondent) denial of Petitioner's request to transfer from a skilled nursing facility to her home while on a ventilator. In the request for rehearing and/or reconsideration, Petitioner's authorized hearing representative, her spouse, stated that he wants Petitioner home, and he feels that some of the things PACE said are inaccurate.

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, 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. Instead of articulating a basis for granting a rehearing and/or reconsideration, Petitioner 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 :

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Petitioner

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