



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]
[REDACTED] MI [REDACTED]

Date Mailed: December 18, 2023
MOAHR Docket No.: 23-005906-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

SUPERVISING ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis

ORDER DENYING REQUEST FOR RECONSIDERATION

This matter is before the undersigned Supervising Administrative Law Judge pursuant to the request for reconsideration by Petitioner [REDACTED] of the Hearing Decision issued by the assigned Administrative Law Judge (ALJ) at the conclusion of the hearing conducted on October 18, 2023, and mailed on October 20, 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 in the above-captioned matter, upholding the Department of Health and Human Services' (Respondent) denial of Petitioner's application for Food Assistance Program (FAP) benefits due to excess net income received by Petitioner and her 13-year-old granddaughter. Based on the evidence on the record, Petitioner was the legal guardian of her granddaughter at all times relevant to this matter. The assigned ALJ concluded that although Petitioner only wanted FAP benefits for her 13-year-old granddaughter, the FAP group must include both Petitioner and her granddaughter because the granddaughter is under Petitioner's parental control, and they live together. The assigned ALJ also concluded that a child under the age of 18 who lives with and is under the parental control of a household member other than his or her parent must be considered as customarily purchasing and preparing food together with others in the household, even if they do not do so, and must be included in the same FAP group. 7 CFR 273.1(b)(iii). In her request for reconsideration, Petitioner argued that her home was not set up financially for her granddaughter who is 5 foot 9 and weighs 150 pounds and eats a lot. Petitioner stated that if the state does not want to help her feed her granddaughter because they believe she has an obligation as a grandmother, then she is not the grandmother. Petitioner alleged that she does not purchase and eat food with her granddaughter.

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 errors, or other obvious errors in 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 reconsideration of the assigned ALJ's decision in this matter, 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 reconsideration or rehearing in this matter.

Accordingly, the request for reconsideration is DENIED.

IT IS SO ORDERED.

MN-D/tlf


Marya Nelson-Davis
Supervising 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

Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502

Via-First Class Mail :

Petitioner

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