



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

GRETCHEN WHITMER
GOVERNOR

HEIDI E. WASHINGTON
DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2021 - 13

EFFECTIVE: January 1, 2021

DATE: December 16, 2020

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Administrative Rules Regarding Administrative Hearings

SUPERSEDES: DOM 2020 - 16 (effective 01/01/2020)

The Department of Licensing and Regulatory Affairs (LARA) is responsible for conducting identified administrative hearings on behalf of most state agencies. For the Michigan Department of Corrections (MDOC), this includes all hearings involving Class I misconducts, visitor restrictions, excess legal property, risk classification, and notices of intent to classify to segregation. LARA is also responsible for promulgating administrative rules regarding the process for conducting such hearings.

On January 15, 2015, various rules promulgated by LARA regarding the hearing process took effect. Similar rules previously promulgated by the MDOC were rescinded at the same time. Although the content of the rules promulgated by LARA does not differ significantly from the prior MDOC rules, the numbering has been changed as indicated below:

LARA Administrative Rule 792.11902 Administrative law judges; designation; powers.
Rescinded MDOC Administrative Rule 791.3301 Hearing officer; designation; powers.

LARA Administrative Rule 792.11903 Hearings and decisions.
Rescinded MDOC Administrative Rule 791.3315 Formal hearing; notice; evidence; staff investigator; decisions; posting.

Also rescinded was MDOC Administrative Rule 791.3305 Administrative hearings; types; phases.

All references in MDOC policy and procedure to rescinded Administrative Rule 791.3301 or 791.3315 are corrected by this Director's Office Memorandum to reflect the current administrative rule number as promulgated by LARA. MDOC Administrative Rule 791.3310 remains in effect without change.