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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

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### **Administrative Hearing Standard No. 2022-1**

#### **Administrative Law Judges, Hearing Officers, and Tax Tribunal Members to Continue to Conduct Proceedings Remotely with Limited Exceptions**

The Michigan Office of Administrative Hearings and Rules (MOAHR) remains committed to MOAHR's organizational mission – the provision of a timely, professional, sound, impartial and respectful administrative hearing process consistent with all legal requirements.

Rules 106, 114, and 121 of the Michigan Administrative Hearing System Administrative Hearing Rules (MAHS Rules) authorize administrative law judges, hearing officers, and Tax Tribunal Members to issue orders to regulate the course of hearings and set the time and place for hearing, to promote and regulate the orderly and prompt conduct of the hearing, and to conduct prehearing conferences and hearings “by telephone, by videoconference, or other electronic means”.<sup>1</sup> Rule 121 of the MAHS Rules further provides that “[a]ll substantive and procedural rights apply to all hearings under this rule.”<sup>2</sup>

MOAHR's successful transition to the use of remote technology for most proceedings throughout 2020 and 2021, while still maintaining the tenets of procedural fairness, has resulted in numerous benefits, including: increased accessibility, convenience, and time management for all parties and hearing attendees, including persons with disabilities who may have difficulty appearing in person; elimination of the need to take time off from work, arrange for child care and secure transportation; reduced costs of travel and parking, and the related reduced negative impact to the environment; and greater efficiencies for MOAHR and all parties in the increased number of hearings held and decisions issued – and a corresponding marked reduction in dismissals and defaults as a result of parties failing to appear for their hearings.

MOAHR's successful transition to the use of remote technology for most proceedings has demonstrated that many proceedings can and should continue to be conducted remotely except in specific circumstances where remote proceedings may not be possible or workable due to accessibility limitations, specific evidentiary issues, or other unique circumstances that preclude the effective use of remote proceedings.

Therefore, in accordance with this information and consistent with my authority under Executive Orders 2019-06 and 2011-4 to manage the operations of MOAHR, develop standards for the conduct of administrative hearings, increase efficiency and assure the effective delivery of

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<sup>1</sup> R 792.10106(1)(c) and (i); 792.10114(2)(n), (4) and (6); R 792.10121(1).

<sup>2</sup> R 792.10121(2).

adjudicative services, the following administrative hearing standard is established and is to be applied by MOAHR's administrative law judges, hearing officers, and Tax Tribunal Members:


Proceedings, including prehearing conferences and hearings, will by default be scheduled to be conducted remotely, unless: (i) an administrative law judge, hearing officer, or Tax Tribunal Member determines in their discretion that all or part of a proceeding should be in person or (ii) a party submits a written request demonstrating good cause for why all or part of the proceeding should be in person and the administrative law judge, hearing officer, or Tax Tribunal Member finds the request should be granted because of accessibility limitations, specific evidentiary issues, or other unique circumstances.

To ensure a safe, orderly, respectful and fair process for all in-person hearing participants, all persons appearing before MOAHR's administrative law judges, hearing officers, and Tax Tribunal Members are expected to adhere to MOAHR's In-Person Hearing Protocols, attached and incorporated herein, and available on MOAHR's website.

Unless already authorized for electronic filing using an electronic filing system, or specifically authorized by an administrative law judge, hearing officer, or Tax Tribunal Member, all documents filed with MOAHR will be accepted by e-mail filing for all administrative hearing case types. An e-mail filing shall contain in the subject line the case docket number, and be copied to all other parties, attorneys and representatives to the matter and be sent to an approved MOAHR group e-mail box, as specified in the notice of hearing, unless a specific area of MOAHR has designated an individual staff person to receive the e-mail filings.

This Administrative Hearing Standard No. 2022-1 rescinds MOAHR Administrative Hearing Standard No. 2021-1 and is effective immediately.

April 26, 2022



Suzanne D. Sonneborn  
Executive Director and Chief Regulatory Officer  
Michigan Office of Administrative Hearings and Rules



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### **In-Person Hearing Protocols at MOAHR's Offices**

All in-person hearings at MOAHR's offices will adhere to the following protocols:

1. To facilitate in-person hearings as necessary, MOAHR will determine the capacity for each hearing room, attorney/client room and waiting area based on the size of the room or space and available seating. MOAHR will limit access to these spaces accordingly.
2. All persons (including parties, attorneys, authorized representatives, witnesses, court reporters, agency employees, family members, media reporters and public observers) who wish to attend in-person hearings at MOAHR's offices must present valid government or school issued photo identification such as current driver's license, state identification card, school identification card, or national passport at the first-floor security desk.
3. All persons who wish to attend in-person hearings at MOAHR's offices shall comply with applicable federal, state, and/or local health-related orders, mandates, statutes, and directives, and are encouraged to comply with all applicable federal, state, and/or local health-related guidance, including guidance related to exposure, symptoms, mitigation, and/or diagnoses related to COVID-19. Should the administrative law judge, hearing officer, or Tax Tribunal Member have a good faith reason to believe that a person in attendance is in violation of an applicable federal, state, and/or local health-related order, they may cancel or adjourn the in-person hearing or make other arrangements as necessary.
4. Any person, including a subpoenaed witness, who is required by law or regulation to attend a hearing and who is diagnosed with or experiences symptoms of COVID-19 prior to the in-person hearing date is expected to notify MOAHR by telephone at (517) 335-2484, except that for persons attending a hearing with the Tax Tribunal, notification shall be by email to this address: [taxtrib@michigan.gov](mailto:taxtrib@michigan.gov), or by telephone at 517-335-9760.
5. All persons granted access to the hearing office shall report first to a MOAHR receptionist and provide their names and associated cases before being directed to the assigned hearing room, except that all persons attending a hearing with the Tax Tribunal will be escorted from the 1<sup>st</sup> floor to the hearing room.
6. Any proposed exhibits shall be submitted in advance of hearing to MOAHR and the opposing party or parties by fax, regular mail or in electronic format (preferred) no later than 7 days in advance of hearing, except as otherwise permitted or ordered by the presiding administrative law judge, hearing officer, or Tax Tribunal Member. For proposed exhibits submitted in electronic format, the following requirements are preferred: (i) file attachments are limited to 25mb or smaller per email; and (ii) PDF files are the preferred file type.

7. Any person who becomes aware of a dangerous, unsanitary or unsafe condition in the hearing office must immediately notify the administrative law judge or the MOAHR front desk receptionist.

8. Any person who is diagnosed with a known serious communicable disease or illness within 14 days after attending a hearing is requested to immediately notify MOAHR by contacting MOAHR's Lansing office at 517-335-2484 and MOAHR shall maintain confidentiality of health information consistent with applicable law.