



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

Administrative Hearing Standard No. 2024-1

Administrative Law Judges and Hearing Officers 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 MOAHR Administrative Hearing Rules (MOAHR Rules) authorize administrative law judges and hearing officers 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”.¹ Rule 121 of the MOAHR Rules further provides that “[a]ll substantive and procedural rights apply to all hearings under this rule.”²

MOAHR's successful transition to the use of remote technology for most proceedings, 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 efficiencies and assure the effective delivery of

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

² R 792.10121(2).

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

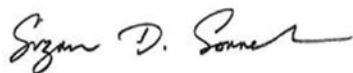
Proceedings, including prehearing conferences and hearings, will by default be scheduled to be conducted remotely, unless: (i) an administrative law judge or hearing officer determines in their discretion that all or part of a proceeding should be in person or (ii) a party submits a written request demonstrating good cause for why all or part of the proceeding should be in person and the administrative law judge or hearing officer 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 and hearing officers 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 or hearing officer, 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. 2024-1 rescinds MOAHR Administrative Hearing Standard No. 2023-1 and is effective immediately.

March 18, 2024

A handwritten signature in cursive script, appearing to read "Suzanne D. Sonneborn".

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

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. Should the administrative law judge or hearing officer 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. 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.
5. 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 or hearing officer. 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.
6. 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.
7. 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.