

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.254 Rehearing; order; request; conduct; evidence; amending or vacating decision or order; rules.

Sec. 54.

(1) The department shall provide for a rehearing of a matter that was subject to a hearing, pursuant to this section. A rehearing may be ordered by the hearings administrator after a review of the record of the hearing. A rehearing may be held upon the request of a party or upon the department's own motion.

(2) A rehearing shall be ordered if any of the following occurs:

(a) The record of testimony made at the hearing is inadequate for purposes of judicial review.

(b) The hearing was not conducted pursuant to applicable statutes or policies and rules of the department and the departure from the statute, rule, or policy resulted in material prejudice to either party.

(c) The prisoner's due process rights were violated.

(d) The decision of the hearings officer is not supported by competent, material, and substantial evidence on the record as a whole.

(e) It is determined, based on fact, that the hearings officer conducting the hearing was personally biased in favor of 1 of the parties.

(3) A request for a rehearing shall be filed within 30 days after the final decision or order is issued after the initial hearing. A rehearing shall be conducted in the same manner as an original hearing. The evidence received at the rehearing shall be included in the record for department reconsideration and for judicial review. A decision or order may be amended or vacated after the rehearing.

(4) Pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws, the department shall promulgate the rules necessary to implement this chapter.

History: Add. 1979, Act 140, Eff. Feb. 1, 1980 ;-- Am. 1983, Act 155, Eff. Oct. 1, 1983

Popular Name: Department of Corrections Act