



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: July 2, 2019
MOAHR Docket No.: 19-005859
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 1, 2019, from [REDACTED] Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Pamela Bruce, Family Independence Manager.

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefit rate based upon the replacement of his Electronic Benefit Transfer (EBT) card?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 13, 2018, Petitioner reported that his FAP card was lost.
2. On the same day, a new EBT card was issued to Petitioner.
3. On December 13, 2018, Petitioner reported that he had never received the EBT card from November.
4. On the same day, a new EBT card was issued to Petitioner and \$3.03 was charged to Petitioner's EBT card for the replacement fee.
5. On January 13, 2019, Petitioner visited the local office and reported that he had not received the December card.

6. On the same day, the local office issued Petitioner an EBT card and charged \$3.72 to Petitioner's EBT card for the replacement fee.
7. On May 10, 2019, the Department received Petitioner's hearing request disputing the charges to his EBT card for the replacement by mail and replacement in person at the local office.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner disputes the charges to his EBT card after he reported his card lost in November 2018, December 2018, and January 2019. Petitioner was charged for the December 2018 replacement in the amount of \$3.03 based upon a mailed EBT card, and \$3.72 in January 2019 for a local office EBT card issuance.

Policy provides that if a Bridge card is lost, stolen, or damaged, the client must immediately notify [REDACTED] (the service provider) by calling the Interactive Voice Response Unit. BAM 401E (July 2018), p. 8. Replacement cards are mailed in an active status, retain their original PIN, and should arrive within two to five calendar days. *Id.* The Head of Household's and Authorized Representative's cards are mailed to the Head of Household's address. *Id.* Bridge cards can also be replaced by the local office. BAM 401E, p. 9. Clients may receive only one free Bridge card replacement during their lifetime. *Id.* Client's available benefits will be reduced to cover the cost of all subsequent replacement cards with no exceptions granted. Even if an error is made in the spelling of a name and it is discovered later, there is no way to reverse the charge or reimburse the client. *Id.* The available benefit reduction based upon a replacement by the EBT vendor is \$3.02 and if done by the local office is \$3.72. *Id.*

The EBT company charged Petitioner \$3.03 and \$3.72. Therefore, there was an error in the charge of \$0.01 for the first processing fee. Policy provides that the EBT contractor can initiate an adjustment after a client complaint to resolve a transaction error. BAM 401E, p. 4. Therefore, while the Department and the undersigned have no ability to correct the charge from \$3.03 to \$3.02, if Petitioner wishes to pursue the \$0.01

difference, he may file a complaint with the EBT vendor. Otherwise, the charges for replacement EBT cards were in accordance with Department policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when Petitioner's benefits were reduced for the replacement card fees from December 2018 and January 2019.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AMTM/jaf



Amanda M. T. Marler

Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

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 (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Kimberly Myers
MDHHS-Marquette-Hearings

Petitioner

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BSC4
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