



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2024
MOAHR Docket No.: 24-009437
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on September 18, 2024. Petitioner appeared and was unrepresented.¹ The Michigan Department of Health and Human Services (MDHHS) was represented by Amy Pilto, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for the Michigan Summer Electronic Benefit Transfer (SEBT) Program.

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 [REDACTED] [REDACTED] 2024, Petitioner applied for SEBT benefits and reported a household including two children aged 6-18 years. Petitioner also reported working 40 hours per week for [REDACTED] hourly and receipt of monthly child support totaling \$690.
2. On August 21, 2024, MDHHS denied Petitioner's application for SEBT benefits due to excess income.
3. On August 21, 2024, Petitioner requested a hearing to dispute the denial of SEBT benefits.

¹ Petitioner's participation within the hearing abruptly ended during Petitioner's case presentation.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The SEBT program is a federally funded program that provides grocery-buying benefits to low-income families with school-age children when schools are closed for summer as a supplement to summer meal sites. BEM 619 (June 2024) p. 1. The SEBT program is also known federally as Sun Bucks. *Id.* SEBT policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT). *Id.*

Petitioner requested a hearing to dispute a denial of SEBT benefits. Exhibit A, pp. 11-12. Petitioner applied for SEBT on [REDACTED] [REDACTED] 2024.² Exhibit A, pp. 6-10. A denial notice dated August 21, 2024 stated that Petitioner's SEBT application was denied on August 21, 2024 due to excess income. Exhibit A, p. 4

A child is eligible for SEBT if they are any of the following:

- Aged 6-18 years and either FAP recipients, Temporary Assistance for Needy Families (TANF), Food Distribution Program on Indian reservations (FDPIR), or eligible Medical Assistance (MA) households at or below 185% of the federal poverty level (FPL)³;
- Students of any age receiving free or reduced priced lunch through the National School Lunch Program (NSLP)/School Breakfast Program (SBP)
- Approved via SEBT application (MDHHS-6138). BAM 619 (June 2024) p. 1.

Petitioner testified that she did not need to apply for SEBT because her children's school told her that each was eligible based on receiving free lunches. Petitioner's testimony implies that her children should be eligible for SEBT due to past eligibility for NSLP/SBP. The hearsay statement from an unknown individual from Petitioner's children's school is not persuasive evidence of NSLP/SBP eligibility. Also, Petitioner provided no corroborating evidence that her children were NSLP/SBP. MDHHS credibly responded that Petitioner's children were eligible for free lunches under a program offered to all children during the 2023 school year, but not NSLP/SBP. Given the evidence, it is found that Petitioner's children were not eligible for SEBT based on status as NSLP/SBP recipients.

² MDHHS testified that Petitioner's initial application was incomplete, and that the information needed for a completed application was received on August 14, 2024.

³ For the year 2024, a child would need to be active on one of the programs for one month during the period of July 1st, 2023, to August 31st, 2024. BEM 619 (June 2024) p. 3.

MDHHS testified that Petitioner's children were neither recipients of FAP, TANF, and/or NSLP/SBP, nor Medicaid under a household under the 185% FPL threshold. Thus, Petitioner's children's only path to eligibility is through the SEBT application.

Presumably, Petitioner's children were Medicaid recipients. Thus, Petitioner's children would be eligible if household income fell under 185% of the FPL. Petitioner's application reported a household of three persons. For a household of three residing in Michigan, the FPL is \$25,820.⁴ Multiplying the FPL by 1.85 results in an income limit of \$47,767. Petitioner's SEBT application reported an hourly wage of \$[REDACTED] and 40 hours per week of employment. Multiplying Petitioner's hourly wage by 40 hours per week and 52 weeks per year results in an annual income of \$[REDACTED]. Petitioner additionally reported \$690 in gross monthly child support. Multiplying the income by 12 results in an annual income of \$8,280. Adding Petitioner's wages and child support results in a total household income of \$[REDACTED]. Petitioner's annual income exceeds the income limit for SEBT. Given the evidence, MDHHS properly denied Petitioner's SEBT application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SEBT application dated July 31, 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

⁴ <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>

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

Via-Electronic Mail :

DHHS

Nicolette Vanhavel
235 S Grand Ave Ste 1403
Lansing, MI 48933
MDHHS-SSPC-Central-Hearing@Michigan.gov

Interested Parties

M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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