



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: October 11, 2024
MOAHR Docket No.: 24-009829
Agency No.: █
Petitioner: █ █

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 1, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Brian Braman Enrollment Specialist. Department Exhibit 1, pp. 1-12 was received and admitted.

ISSUE

Did the Department properly deny Petitioner’s Food Assistance Program (FAP) Summer Electronic Benefit Transfer (SEBT) application because her child was active on another case and the summer benefit was already issued?

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 August █ 2024, Petitioner applied for FAP SEBT benefits on behalf of her child.
2. On August █ 2024, Notice of Case Action was sent to Petitioner informing her that the FAP application was denied because the child already received the benefits on another case.
3. On September █ 2024, Petitioner requested hearing disputing the denial of SEBT FAP.
4. Petitioner has primary physical custody of her child and her child resides with her more than half the time.

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.

ELIGIBILITY CRITERIA

A child is eligible for SEBT if they are: • Household participants, between the ages of 6 to 18, who receive Food Assistance Program (FAP), 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; or • Students of any age receiving free or reduced priced lunch through the National School Lunch Program (NSLP)/School Breakfast Program (SBP); or • An approved summer EBT application, MDHHS-6138, 2024 Summer Electronic Benefit Transfer (EBT) Application. BEM 619

PROGRAM VIOLATIONS

MDHHS will investigate complaints received or irregularities noted during the implementation of the SEBT program. Issues that require in-depth review will be forward to the MDHHS Office of Inspector General for further analysis. If complaints or irregularities are substantiated, recoupment of SEBT benefits may be initiated, following current SNAP regulations. BEM 619

In this case, Petitioner's application for SEBT FAP was denied because her child already received this benefit on another case. The Department representative at hearing would not disclose the individual who received FAP benefits on behalf of Petitioner's child. Petitioner credibly testified that her child is in her primary care and lives with her more than half the time. Petitioner was not receiving FAP benefits at the time she applied for FAP for her child. It appears that someone applied for FAP and included Petitioner's child in the FAP group. However, the Department followed policy in issuing the SEBT benefit to the household that Petitioner's child was included in their FAP group. BEM 619 If Petitioner believes that her child's benefit went to another household in error because her child is improperly on another FAP case then she should file a complaint with the Department pursuant to BEM 619.

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 it denied Petitioner's SEBT FAP application because her child had received the benefit on someone else's case.

DECISION AND ORDER

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

AM/dm



Aaron McClintic
Administrative Law Judge

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
**MDHHS-SSPC-Central-
Hearing@Michigan.gov**

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Via-First Class Mail :

Petitioner

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[REDACTED]
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