



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: October 21, 2024  
MOAHR Docket No.: 24-010621  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 16, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amy Pilto. Exhibit 1, pp. 1-7 was received and admitted.

### **ISSUE**

Was the Department correct to not issue Petitioner Food Assistance Program (FAP) Summer EBT (SEBT) benefits for 2024?

### **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 September [REDACTED] 2024, Petitioner requested hearing questioning why she did not receive SEBT benefits for her children.
2. Petitioner is a FAP recipient.
3. Petitioner's children are not school aged and they do not participate in the National Free Lunch Program.
4. Petitioner did not apply for SEBT prior to August 31, 2024.

## **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 (June 2024)

In this case, Petitioner did not apply for SEBT prior to August 2024, therefore she is not eligible for that benefit. Petitioner requested hearing on September 2024, questioning why she did not receive SEBT benefit because other recipients received the benefit automatically added to their month FAP allotment. Since Petitioner's children were not school age and were not receiving benefits through the National Free Lunch Program Petitioner was not automatically considered for SEBT. Petitioner was required to file an application for SEBT prior to August 31, 2024, and she did not do so. Therefore, Petitioner was not entitled to SEBT. 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 FAP SEBT application because it was not filed prior to the deadline.

**DECISION AND ORDER**

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

AM/dm



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**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**

**HoldenM**

**DensonSogbakaN**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

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