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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: November 20, 2024
MOAHR Docket No.: 24-011786
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On October 9, 2024, Petitioner, ██████████, requested a hearing to dispute public assistance benefits. As a result, a hearing was scheduled to be held on November 20, 2024. Public assistance hearings are held 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. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Enrollment Specialist Brian Barman appear as its representative.

A 9-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine ██████████ and ██████████ eligibility for summer EBT (SEBT) benefits?

FINDINGS OF FACT

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

1. Petitioner's children are ██████████ and ██████████.
2. At the time of application, ██████████ was attending ██████████ and ██████████ was attending ██████████
3. ██████████ is a school that participates in the National School Lunch Program (NSLP).
4. ██████████ does not participate in the NSLP.

5. Petitioner did not receive an SEBT benefit for [REDACTED] or [REDACTED] for the 2023-2024 school year.
6. At the time of application, it was not reported to the Department that Petitioner was receiving public assistance benefits such as food assistance, cash assistance, or that the children were part of an eligible Medical Assistance (MA) household at or below 185% of the federal poverty level.
7. The Michigan Department of Education did not notify the Department that [REDACTED] was qualified for free or reduced-price school meals through the NSLP or School Breakfast Program (SBP) for the 2023-2024 school year.
8. Petitioner requested a hearing because Petitioner did not receive an SEBT benefit for [REDACTED] or [REDACTED] for the 2023-2024 school year.

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

This dispute involves SEBT benefits. 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 the summer as a supplement to summer meal sites. BEM 619 (June 1, 2024), p. 1. A one-time lump sum benefit of \$120 per eligible child is issued. *Id.* at 2. This payment covers the months of June, July, and August. *Id.*

To be eligible for an SEBT benefit, a child must meet one of the following criteria:

1. 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
2. Students of any age receiving free or reduced priced lunch through the National School Lunch Program (NSLP)/School Breakfast Program (SBP); or
3. An approved summer EBT application, MDHHS-6138, 2024 Summer Electronic Benefit Transfer (EBT) Application.

Id. at 1.

Based on the evidence presented, ██████ did not meet any of the eligibility criteria. There was no evidence that Petitioner reported receiving public assistance benefits such as food assistance, cash assistance, or that ██████ was part of an eligible MA household at or below 185% of the federal poverty level from July 2023 through August 2024; the Michigan Department of Education did not notify the Department that ██████ was qualified for free or reduced-price school meals through the NSLP or School Breakfast Program (SBP) for the 2023-2024 school year; and Petitioner did not obtain an approved summer EBT application for ██████.

Children who are enrolled in NSLP/SBP schools can establish eligibility for SEBT by submitting an application (MDHHS-6138 2024 Summer EBT Application). Households can establish eligibility for SEBT up to the last day of the summer operational period, August 31st of each year.

- Must be currently residing in Michigan and enrolled in a NSLP/SBP participating school.
- Households must be income eligible based on free or reduced priced lunch guidelines.
- Children who are not enrolled in an NSLP/SBP participating school and not eligible through streamlined certification, are not eligible.
- If the submitted application is not complete or does not meet eligibility criteria, the denial notice must be provided to households within 15 business days of receipt of the application.

Id. at 2.

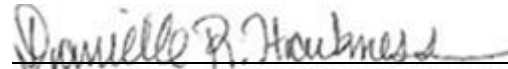
At the hearing, Petitioner testified that at the time the ██████ 2024, application was submitted, ██████ was attending ██████. The department representative testified that ██████ was not enrolled in an NSLP/SBP participating school. Because a child must be enrolled in an NSLP/SBP participating school the Department properly determined that ██████ is not eligible for SEBT benefits.

DECISION AND ORDER

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 its policies and the applicable law when it determined [REDACTED] and [REDACTED] eligibility for SEBT benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

DH/pt



Danielle R. Harkness
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
235 S Grand Ave Ste 1403
Lansing, MI 48933
MDHHS-SSPC-Central-Hearing@Michigan.gov

Interested Parties
BSC2
M Holden
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MOAHR

Via-First Class Mail:

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