



GRETCHEN WHITMER
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: December 27, 2024
MOAHR Docket No.: 24-012866
Agency No.: █
Petitioner: ██████████f

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 17, 2024, Petitioner, ██████████ requested a hearing to dispute the expungement of summer EBT (SEBT) benefits for Petitioner's children, ██████████, ██████████. As a result, a hearing was scheduled to be held on December 18, 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 Eligibility Specialist Stephanie Greer appear as its representative.

An 18-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly expunge SEBT benefits for Petitioner's 4 children?

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 spouse was an active recipient of FAP benefits.
2. Petitioner's 4 children were eligible household members on Petitioner's spouse's FAP benefit case.
3. Because Petitioner's children were eligible household members on a FAP case during the 2023-2024 school year (beginning July 1, 2023, through August 31, 2024), Petitioner's children were streamlined certified to receive SEBT benefits on the EBT (Electronic Benefit Transfer)/Bridge card issued to Petitioner's spouse.

4. On [REDACTED] 2023, Petitioner's spouse called the Department to request closure of his family's FAP benefit case due to moving to [REDACTED]
5. Petitioner indicated that the Department was not advised of an updated mailing address during the [REDACTED], 2023, call as they were unaware that address changes needed to be provided to the Department.
6. On July 6, 2024, a summer EBT benefit notice was mailed to Petitioner's spouse at his last-known address of record. The notice advised him that "S-EBT benefits will be issued on the Bridge Card already issued in this case" and that "S-EBT benefits must be used in full within 122 days from date of issuance."
7. Petitioner did not receive the July 6, 2024, summer EBT benefit notice.
8. The July 6, 2024, notice was not returned to the Department as undeliverable.
9. On July 8, 2024, the Department issued SEBT benefits for Petitioner's children to Petitioner's spouse's EBT/Bridge card.
10. On October 8, 2024, the Department issued a SEBT expungement notice to Petitioner stating that the SEBT funds needed to be used by November 6, 2024, or the funds would be expunged.
11. Petitioner received the October 8, 2024, notice.
12. On [REDACTED] 2024, Petitioner provided an updated mailing address to the Department.
13. On November 1, 2024, the Department updated Petitioner's mailing address and a SEBT card was issued to Petitioner's updated mailing address in [REDACTED]
14. On November 7, 2024, the unused SEBT benefits for Petitioner's children were expunged.
15. After November 7, 2024, Petitioner received the SEBT card.
16. On November 17, 2024, Petitioner requested a hearing to dispute the expungement of Petitioner's children's SEBT benefits.

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 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 \$120.00 per eligible child is issued. *Id.* at 2. This payment covers the months of June, July, and August. *Id.* Students are issued the SEBT benefits one of the following ways:

1. **Benefits for children on existing FAP, TANF, or FDPIR groups will be placed on the head of household's Bridge card associated with the case.**
2. Benefits for children in an existing MA group will be placed on a new card in the head of household's name and include all eligible children in the group.
3. Benefits for children enrolled in the NSLP/SBP and found eligible through the SEBT application process will receive individual cards.

The EBT card will be sent to the current mailing address on file with MDHHS or the school. For children that are unsheltered, the card will be sent to the last school on file. To update an address, contact the SEBT call center by phone or email. *Id.* at 3.

The USDA Food and Nutrition Service (FNS) regulations state that Summer EBT benefits are subject to expungement 122 days after available funds are loaded on the card and cannot be restored or replaced once expunged. 7 CFR 292.15(h), (December 16, 2024).

In this case, because Petitioner's children were eligible household members on a FAP case during the 2023-2024 school year (beginning July 1, 2023, through August 31, 2024), Petitioner's children were streamlined certified to receive SEBT benefits on the EBT (Electronic Benefit Transfer)/Bridge card issued to Petitioner's spouse. Therefore, on July 6, 2024, a summer EBT benefit notice was mailed to Petitioner's spouse at his last-known address of record and was not returned to the Department was undeliverable. The notice advised Petitioner's spouse that "S-EBT benefits will be issued on the Bridge Card already issued in this case" and that "S-EBT benefits must be

used in full within 122 days from date of issuance.” Petitioner indicated that the July 6, 2024, notice was not received.

Documents properly addressed and placed in the mail are presumed to reach their destination. *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). “This - 2- presumption may be rebutted by evidence, but whether it was a question for the trier of fact.” *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). Plaintiff denied receipt of the papers but presented no evidence to rebut the presumption of receipt. The mere denial of service is insufficient to rebut the presumption. Cf. *Ins Co of North America v Issett*, 84 Mich App 45, 49; 269 NW2d 301 (1978); *James v James*, 57 Mich App 452, 454; 225 NW2d 804 (1975). In this case, the Department provided credible evidence that the July 6, 2024, summer EBT issuance notice was mailed to Petitioner’s last-known mailing address and was not returned as undeliverable. Petitioner’s denial of service of the July 6, 2024, Notice is insufficient to rebut this presumption.

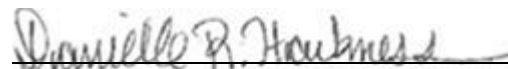
Further, the Department also showed that it properly issued SEBT benefits to Petitioner’s spouse’s Bridge card and that the unused SEBT benefits for Petitioner’s children were properly expunged on November 7, 2024.

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 expunged SEBT benefits for Petitioner’s children.

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
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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