



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

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

Date Mailed: January 9, 2025  
MOAHR Docket No.: 24-013438  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On December 5, 2024, Petitioner, [REDACTED], requested a hearing to dispute the expungement of summer EBT (SEBT) benefits for Petitioner's school-aged children. As a result, a hearing was scheduled to be held on January 9, 2025. 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 Lance Martin appear as its representative.

A 26-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 school-aged 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. On July 10, 2024, the Department issued SEBT benefits for Petitioner's school-aged children.
2. On July 12, 2024, the Department mailed a summer EBT issuance notice to Petitioner. The notice advised Petitioner that "S-EBT benefits must be used in full within 122 days from date of issuance."
3. The Department issued the SEBT issuance notice and SEBT card via mail to the mailing address provided by Petitioner during the Medicaid application/redetermination process.

4. Petitioner asserted that Petitioner did not receive the July 12, 2024, summer EBT issuance notice or the EBT card.
5. On October 10, 2024, the Department issued a SEBT expungement notice to Petitioner stating that the SEBT funds needed to be used by November 9, 2024, or the funds would be expunged.
6. Petitioner received the October 10, 2024, SEBT expungement notice. In November 2024, Petitioner spoke with a department representative and was advised to call a representative in Lansing about the SEBT card. When Petitioner did so, Petitioner was advised that the SEBT benefits had expired and to request a hearing.
7. On December 5, 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.

*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).

Petitioner asserted that Petitioner did not receive the July 12, 2024, Summer EBT issuance notice or the EBT card. Petitioner received the October 10, 2024, SEBT expungement notice. In November 2024, Petitioner spoke with a department representative and was advised to call a representative in Lansing about the SEBT card. When Petitioner did so, Petitioner was advised that the SEBT benefits had expired and to request a hearing.

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 10, 2024, summer EBT issuance notice and the summer EBT card were mailed to Petitioner’s last-known mailing address and were not returned as undeliverable. Petitioner’s denial of service of the July 10, 2024, Notice and the summer EBT card is insufficient to rebut this presumption.

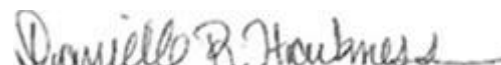
Here, the Department issued the summer EBT benefits on July 10, 2024. Because the benefits were unused, the Department properly expunged the benefits on November 9, 2024.

### **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



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**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**  
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235 S Grand Ave Ste 1403  
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**MDHHS-SSPC-Central-Hearing@Michigan.gov**

**Interested Parties**  
BSC2  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

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