



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: January 22, 2025
MOAHR Docket No.: 24-013767
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 January 15, 2025, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amy Pilto. Department Exhibit 1, pp. 1-11 was received and admitted.

ISSUE

Did the Department properly expunge Petitioner's 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. On July 6, 2024, Summer EBT benefits (SEBT) were issued to Petitioner
2. On July 12, 2024, SEBT Issuance Notice was sent to Petitioner.
3. Petitioner lost her Summer EBT card and requested a new card that was issued on October 31, 2024.
4. On November 6, 2024, Petitioner's SEBT benefits were expunged.
5. On December 13, 2024, Petitioner requested hearing disputing the expungement of her 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 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, p. 1

EBT Card Issuances

Students will be issued benefits in 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.

BEM 619, p. 3

NOTICES

A notice of approval will be sent to all eligible children either individually or by household depending on how the benefits were issued. The notice of eligibility will include a general explanation of the SEBT program, who is eligible for the program, benefit amount, how to check balances, how to request a replacement card, where the benefit can be used, who to contact for questions, and a way to apply for missing payments. BEM 619, p. 4.

EXPUNGEMENT

The SEBT benefit, in their entirety, must be used within 122 days after the issuance date. Regardless of if they were partially used or recently used, after 122 days the benefit will be expunged. If the SEBT benefit was issued to an existing Bridge card, the system will automatically use the SEBT benefit first before using other benefits. If a card is returned as undeliverable mail and a replacement card is sent, the benefits are not technically re-issued and therefore the expungement clock is not reset. A letter will be issued to the client no later than 30 days prior to the benefits being expunged. BEM 619, p. 4.

In this case, Petitioner lost her SEBT card and requested a new card that was issued on October 31, 2024. On November 6, 2024, the money remaining on the SEBT was expunged pursuant to BEM 619. Petitioner was given notice on July 12, 2024, that any unused funds would be expunged after 122 days.


Petitioner stated in her request for hearing and at hearing that someone on the customer service phone line told her that the SEBT would have available funds on it after the expiration deadline because she requested a new card prior to the deadline. It appears that Petitioner was misinformed by the customer service agent, nothing in policy supports what the customer service agent told her. The undersigned administrative law judge does not have the authority or jurisdiction to overrule Department policy because Petitioner was misinformed.

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 expunged the SEBT card on November 6, 2024.

DECISION AND ORDER

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

AM/ml



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
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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