



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: January 16, 2025
MOAHR Docket No.: 24-013822
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On ██████████, 2024, Petitioner ██████████ requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on January 15, 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator Amber Gibson appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 17-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for replacement FAP 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 is a FAP benefit recipient.
2. On or about September 9, 2024, Petitioner's electronic benefit transfer (EBT) card was used without Petitioner's permission to make purchases with her FAP benefits totaling \$725.10.

3. On September 10, 2024, Petitioner reported the incident to the Lansing Police Department.
4. On September 30, 2024, Petitioner reported the incident to the Department.
5. On October 15, 2024, Petitioner submitted a food replacement affidavit to the Department to request replacement FAP benefits for FAP benefits that were stolen from her.
6. The Department unsuccessfully attempted to contact Petitioner to instruct her to change the PIN for her EBT card.
7. On December 4, 2024, the Department denied Petitioner's request for replacement FAP benefits because Petitioner did not change the PIN for her EBT card as instructed.
8. Petitioner requested a hearing to dispute the Department's decision.

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.

The Department issues FAP benefits to clients on an EBT card known as the Bridge Card. Each client is responsible for her Bridge Card. When a Bridge Card is lost, stolen, or damaged, the client must notify the Department immediately. BAM 401E (October 1, 2024), p. 15. The Department will deactivate the Bridge Card immediately when it is notified that the Bridge Card has been lost, stolen, or damaged. *Id.* Any benefit loss that occurs before a client notifies the Department is the client's responsibility and will not be replaced. *Id.*

In this case, Petitioner lost \$725.10 worth of FAP benefits from her Bridge Card before Petitioner notified the Department that her Bridge Card was lost, stolen, or damaged. Petitioner's lost FAP benefits cannot be replaced because the benefit loss occurred before she notified the Department that her Bridge Card was lost, stolen, or damaged. Therefore, the Department properly denied Petitioner's request for replacement FAP 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 denied Petitioner's request for replacement FAP benefits.

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

JK/pe



Jeffrey Kemm
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
Amber Gibson
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MOAHR

Via First Class Mail:

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