



Date Mailed: March 21, 2025

Docket No.: 25-006831

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on March 11, 2025. Petitioner was represented by her mother [REDACTED] [REDACTED]. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amy Pilto. Department Exhibit 1, pp. 1-10 was received and admitted.

ISSUE

Did the Department properly expunge Petitioner's Summer Electronic Benefit Transfer (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 September [REDACTED] 2024, Summer EBT benefits (SEBT) were issued to Petitioner
2. On September [REDACTED] 2024, SEBT Issuance Notice was sent to Petitioner.
3. On December [REDACTED] 2024, SEBT Expungement Notice was sent to Petitioner.
4. On January [REDACTED] 2025, Petitioner's SEBT benefits were expunged.

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5. On February ■ 2024, Petitioner requested hearing disputing the expungement of her SEBT benefits.
 6. Petitioner credibly testified at hearing that she did not receive any SEBT card for her child and she did not receive the December ■ 2025, expungement notice until February ■ 2025.

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 was issued a SEBT card on September █ 2024. Petitioner was given notice on December █ 2024, that any unused funds would be expunged after 122 days. On January █ 2025, the money remaining on the SEBT was expunged pursuant to BEM 619.

Petitioner's mother stated in her request for hearing and credibly testified at hearing that she never received the SEBT card in the mail for her child. Petitioner's mother credibly testified at hearing that she did not receive the December █ 2024, expungement notice until February █ 2025.

The Department representative testified that the SEBT card was sent to Petitioner's address of record. The Department followed policy in sending the SEBT card to Petitioner's address of record and giving Petitioner notice on two occasions that the monies on the card would be expunged if not used. BEM 619

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 did not act in accordance with Department policy when it expunged Petitioner's SEBT card on January 30, 2025.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue Petitioner supplemental FAP benefits for the balance of the unused SEBT benefits that were expunged.



AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

DHHS SPECIAL PROCESSING
OFFICE

235 S GRAND AVE

STE 1403

LANSING, MI 48933

**MDHHS-SSPC-CENTRAL-
HEARING@MICHIGAN.GOV**

HOLDENM

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]