



Date Mailed: March 21, 2025

Docket No.: 25-007304

Case No.: ■

Petitioner: ■ ■

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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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这是一份重要的法律文件。请让别人翻译文件。

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 appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amy Pilto, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-9 and a full copy of the Summer EBT Issuance Notice was admitted as Exhibit B, pp. 1-5.

Shortly after the hearing commenced, the timeliness of the hearing request was discussed. Petitioner did not receive the July ■ 2024 SEBT Benefit Issuance Notice or October ■ 2024 SEBT Expungement Notice when they were issued. The ES explained that the Department utilized the address that was on file with the school to send these notices. (ES Testimony). Petitioner explained that they moved in June. When her child was removed from the school, the school did not ask for the new address. (Petitioner Testimony). Accordingly, Petitioner did not receive the Notices that would have explained the hearing rights, including the timeframe to file a hearing request.

Did the Department properly expunge Summer Electronic Benefit Transfer (SEBT) benefits issued to Petitioner's household?

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 [REDACTED] 2024, SEBT benefits were issued to Petitioner's household using the address provided by the Michigan Department of Education (MDE), [REDACTED] [REDACTED] [REDACTED], MI [REDACTED] (Exhibit A, p. 8)
2. On July [REDACTED] 2024, a SEBT Benefit Issuance Notice was issued to Petitioner at the [REDACTED] [REDACTED] MI address. This Notice advised that the SEBT benefits must be used in full within 122 days from the date of issuance (Exhibit B, pp. 1-5)
3. On October [REDACTED] 2024, a SEBT Expungement Notice was issued to Petitioner at the [REDACTED] [REDACTED] MI address. (Exhibit A, p. 2; ES Testimony)
4. On November [REDACTED] 2024, the unused SEBT benefits for Petitioner's household were expunged. (Exhibit A, p. 2)
5. On or about February 24, 2025, Petitioner filed a hearing request contesting the Department's action. (Exhibit A, pp. 3-5)

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.

The Michigan Summer Electronic Benefit Transfer (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 summer as a supplement to summer meal sites. BEM 619, June 1, 2024, p. 1.

Children ages 6 to 18 who are active during any month from July of the previous year through the end of the current year's summer period. BEM 619, June 1, 2024, p. 1.

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. Call Center Phone: 1-833-905-0028, Monday through Friday from 9:00 am – 3:00 pm. Email: MDHHS-SEBT@michigan.gov. BEM 619, June 1, 2024, p. 3.

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, June 1, 2024, p. 3.

On July █ 2024, SEBT benefits were issued to Petitioner's household using the address provided by the Michigan Department of Education (MDE), █ █ █ █ █ MI █ (Exhibit A, p. 8). The Department utilized the address provided by MDE because the Petitioner did not have an address on file with the Department. (ES Testimony). On July █ 2024, a SEBT Benefit Issuance Notice was issued to Petitioner at the █ █ MI address. This Notice advised that the SEBT benefits must be used in full within 122 days from the date of issuance (Exhibit B, pp. 1-5). On October █ 2024, a SEBT Expungement Notice was issued to Petitioner at the █ █ MI address. (Exhibit A, p. 2; ES Testimony). On November █ 2024, the unused SEBT benefits for Petitioner's household were expunged. (Exhibit A, p. 2).

Petitioner explained that they moved in June. When her child was removed from the school, the school did not ask for the new address. Petitioner found out about the SEBT benefits when picking up papers from her aunt. Petitioner found the notices in the mail that was sent to that address. (Petitioner Testimony).

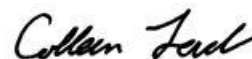
In accordance with the BEM 619 policy, the Department properly utilized the address provided by MDE because the Petitioner did not have an address on file with the Department. This policy also requires that the SEBT benefit, in their entirety, must be used within 122 days after the issuance date and after 122 days the benefit will be expunged. It is understood that Petitioner was not aware of the SEBT benefit during the 122 period in which they could have been used because they had moved from the address that MDE provided to the Department. However, the expungement must be upheld because the Department acted in accordance with the BEM 619 policy when

utilizing the address provided by MDE and the SEBT benefit was not used within 122 days of the issuance date.

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 Department policy when it expunged SEBT benefits issued to Petitioner's household.

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



COLLEEN LACK
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**

SCHAEFERM

MOAHR

Via First Class Mail:

Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]