



Date Mailed: February 14, 2025

Docket No.: 24-038077

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

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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.

MI [REDACTED]

### **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 February 4, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Services (MDHHS or Department) was represented by Brian Braman, Enrollment Specialist (ES).

### **ISSUE**

Did the Department properly deny Petitioner's Food Assistance Program (FAP) Summer Electronic Benefit Transfer (SEBT) request because the child was active on another case and the summer benefit was already issued?

### **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 recipient.
2. On [REDACTED] 2024, Petitioner requested to add her foster child to her FAP case.
3. Petitioner's foster child attends a school that participates in the National School Lunch Program (NSLP).

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4. Petitioner's foster child participates in the NSLP.
  5. On December 26, 2024, Petitioner requested a hearing questioning why she did not receive SEBT benefits for the foster child in her care. 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.

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. BEM 619, p. 1. Students are issued the SEBT 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.

The EBT card is sent to the current mailing address on file with the Department or the school. For children that are unsheltered, the card will be sent to the last school on file. To update an address, individuals must contact the SEBT call center by phone or email. BEM 619, p. 3.

In this case, Petitioner's request for SEBT FAP was not allowed because the child already received this benefit on another case. The Department representative at the hearing would not disclose the individual who received FAP benefits on behalf of Petitioner's child. Petitioner credibly testified that the child is in her primary care and lives with her more than half the time as of April 26, 2024. The Department provided

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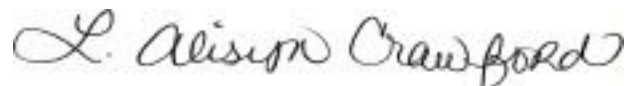
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evidence showing that the SEBT benefit was issued for the child on July 6, 2024, in the amount of \$120. Petitioner submitted an application to the Department to add the child to her FAP case on [REDACTED] 2024. While Petitioner contends that the child has been in Petitioner's care since April 2024, she did not formally report this change to the Department until [REDACTED] 2024. Therefore, the Department followed policy in issuing the SEBT benefit to the head of household for the FAP group that had Petitioner's foster child as a group member as of July 7, 2024, the SEBT issuance date. If Petitioner believes that her child's benefit went to another household in error because her child is improperly on another FAP case, then she should file a complaint pursuant to BEM 619 with the Department Office of Inspector General which investigates complaints concerning the issuance of SEBT 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 Department policy when it did not issue SEBT benefits to Petitioner because the child was not on her case when the benefits were issued.

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



**L. ALISYN CRAWFORD**  
**ADMINISTRATIVE LAW JUDGE**

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**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](https://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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. 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](mailto: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.

**Via Electronic Mail:**

**Respondent**

DHHS SPECIAL PROCESSING OFFICE  
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**

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