

Date Mailed: October 29, 2025
Docket No.: 25-035477
Case No.: [REDACTED]
Petitioner: [REDACTED]

HEARING DECISION

On September 10, 2025, Petitioner [REDACTED] requested a hearing to dispute the expungement of summer EBT (SEBT) benefits for Petitioner's child. As a result, a hearing was scheduled to be held on October 28, 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; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Eligibility Specialist Amy Pilto appear as its representative.

A 12-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly expunge SEBT benefits for Petitioner's child?

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's child is an eligible member in an existing Medical Assistance (MA) household.
2. Because Petitioner's child is an eligible household member in an existing MA case, Petitioner's child was streamlined certified to receive SEBT benefits.
3. On May 17, 2025, the Department issued SEBT benefits for Petitioner's child.
4. On May 18, 2025, a SEBT card was mailed to the last-known address of record for Petitioner and was not returned to the Department as undeliverable.
5. On May 20, 2025, a SEBT benefit notice was mailed to Petitioner at Petitioner's last-known address of record. The notice stated, "You will receive a S-EBT Card in the mail about 10 days after receiving this notice..." and that "S-EBT benefits must be used in full within 122 days from date of issuance."
6. Petitioner received the May 20, 2025, SEBT benefit notice.

7. On August 3, 2025, the Department issued a SEBT expungement notice to Petitioner stating that the SEBT funds were set to expunge on September 17, 2025. Petitioner did not receive the August 3, 2025, expungement notice.
8. The August 3, 2025, expungement notice was mailed to Petitioner's last-known address of record and was not returned to the Department as undeliverable.
9. Petitioner forgot about the SEBT benefits. However, as soon as Petitioner remembered, Petitioner called the SEBT line on September 9, 2025, Petitioner and requested an over-the-counter card.
10. Petitioner was advised by the Department that due to the short period of time that the over-the-counter card was requested prior to the expungement date the request could not be processed.
11. On September 17, 2025, the unused SEBT benefits for Petitioner's child were expunged.
12. On September 10, 2025, Petitioner requested a hearing to dispute the expungement of Petitioner's child's 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) 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.

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. *Id.* Students are issued the SEBT benefits one of the following ways:

1. Benefits for children on existing FAP, Temporary Assistance for Needy Families (TANF), or Food Distribution Program on Indian Reservations (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 National School Lunch Program (NSLP)/School Breakfast Program (SBP) and found eligible through the SEBT application process will receive individual cards.

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. *Id.* at 3.

The USDA Food and Nutrition Service (FNS) regulations state that S-EBT benefits are subject to expungement 122 days after available funds are loaded on the card and cannot be restored or replaced once expunged. 7 CFR 292.15(h), (December 16, 2024).

In this case, because Petitioner's child was an eligible member in an existing MA group, Petitioner's child was streamlined certified to receive SEBT benefits. Therefore, on May 20, 2025, a SEBT benefit notice was mailed to Petitioner at Petitioner's last-known address of record and was not returned to the Department was undeliverable. The notice advised Petitioner that "You will receive a S-EBT Card in the mail about 10 days after receiving this notice..." and that "S-EBT benefits must be used in full within 122 days from date of issuance."

In this case, Petitioner testified that Petitioner received the May 20, 2025, notice but did not receive the SEBT card that was mailed by the Department on May 18, 2025. Following Petitioner's receipt of the May 20, 2025, notice, Petitioner testified that Petitioner forgot about the SEBT benefits. However, as soon as Petitioner remembered, Petitioner contacted the Department on September 9, 2025, to request an over-the-counter card.

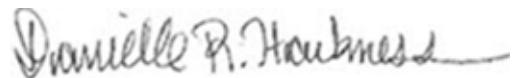
At the hearing, the Department representative testified that over-the-counter requests are processed in the order that the requests are received and due to the high volume of requests received, there is no guarantee that a customer would receive an over-the-counter card before the expungement when the request is made less than 2 weeks before the expungement date. In this case, due to the short period of time that the card was requested prior to the expungement date, Petitioner was advised that Petitioner's request could not be processed.

The Department provided credible evidence that both the May 20, 2025, SEBT issuance notice, the SEBT card that was mailed on May 18, 2025, and the August 3, 2025, expungement notice were mailed to Petitioner's last-known mailing address and were not returned as undeliverable. Further, the Department also showed that it properly issued SEBT benefits to Petitioner and that the unused SEBT benefits for Petitioner's child was properly expunged on September 17, 2025.

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 expunged SEBT benefits for Petitioner's children.

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



DANIELLE R. HARKNESS
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
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LANSING, MI 48933
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Via First Class Mail:

Petitioner