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**Date Mailed:** October 29, 2025

**Docket No.:** 25-035716

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **HEARING DECISION**

On September 19, 2025, Petitioner [REDACTED] requested a hearing to dispute the expungement of summer EBT (SEBT) benefits for Petitioner's children. 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 himself. Respondent, Department of Health and Human Services (Department), had Eligibility Specialist Amy Pilto appear as its representative.

A 16-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 children?

### **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 May 17, 2025, the Department issued SEBT benefits for Petitioner's children.
2. On May 18, 2025, an SEBT card was mailed to Petitioner's last-known address of record.
3. On May 20, 2025, the Department mailed a summer EBT issuance notice to Petitioner. The notice advised Petitioner that "S-EBT benefits must be used in full within 122 days from date of issuance."
4. The Department issued the SEBT issuance notice and SEBT card via mail to the mailing address provided by Petitioner during the Medicaid application/redetermination process and was not returned to the Department as undeliverable.

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5. Petitioner asserted that Petitioner did not receive the SEBT card.
  6. On August 3, 2025, the Department issued a SEBT expungement notice to Petitioner stating that the SEBT funds needed to be used or would be expunged on September 17, 2025.
  7. Petitioner received the August 3, 2025, SEBT expungement notice.
  8. On September 12, 2025, Petitioner called the SEBT line and reported that the SEBT card was not received and requested an over-the-counter card. However, Petitioner was advised that due to the short period of time that the card was being requested and the September 17, 2025, expungement date, an over-the-counter card could not be issued.
  9. On September 19, 2025, Petitioner requested a hearing to dispute the expungement of Petitioner's children'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 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.**

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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.
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*Id.* at 3.

The USDA Food and Nutrition Service (FNS) regulations state that Summer 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).

Petitioner asserted that Petitioner did not receive the SEBT card. Petitioner received the May 20, 2025, SEBT notice and the August 3, 2025, expungement notice. On September 12, 2025, Petitioner called the SEBT line to report that Petitioner had not received the SEBT card and requested 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.

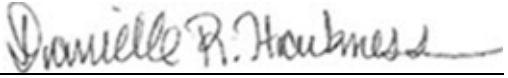
Documents properly addressed and placed in the mail are presumed to reach their destination. *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). “This presumption may be rebutted by evidence, but whether it was a question for the trier of fact.” *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). Plaintiff denied receipt of the papers but presented no evidence to rebut the presumption of receipt. The mere denial of service is insufficient to rebut the presumption. Cf. *Ins Co of North America v Issett*, 84 Mich App 45, 49; 269 NW2d 301 (1978); *James v James*, 57 Mich App 452, 454; 225 NW2d 804 (1975). In this case, the Department provided credible evidence that the SEBT card was mailed to Petitioner’s last-known mailing address and was not returned as undeliverable. Petitioner’s denial of service of the May 18, 2025, SEBT card is insufficient to rebut this presumption.

Here, the Department issued the SEBT benefits on May 17, 2025, and mailed an SEBT card on May 18, 2025, to Petitioner’s last known address of record. Because the benefits were unused, the Department properly expunged the benefits 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**.



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**DANIELLE R. HARKNESS**  
**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](http://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](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. 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**  
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**Via First Class Mail:**

**Petitioner**  
