



**Date Mailed:** November 14, 2025

**Docket No.:** 25-037245

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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lутем, кини дикë та пëркtheni dokumentin.

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### **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 November 6, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amy Pilto. Department Exhibit 1, pp. 1-13 was received and admitted.

### **ISSUE**

Did the Department properly expunge Petitioner's Summer Electronic Benefit (SEBT) Food Assistance Program (FAP) 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 May [REDACTED] 2025, an SEBT card was sent to Petitioner.
2. On May [REDACTED] 2025, a Summer EBT Issuance Notice for Active Medicaid Households was sent to Petitioner.
3. On August [REDACTED] 2025, a 45-day expungement notice was sent to Petitioner.
4. On September [REDACTED] 2025, Petitioner spoke to customer service for her EBT card and was told that no monies were on the card and a new card would be issued to her.
5. On September [REDACTED] 2025, SEBT benefits for Petitioner were expunged.
6. Petitioner received a new EBT card, but the second card had no monies on it.
7. On October 3, 2025, Petitioner requested hearing regarding her SEBT benefit.

## **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.

### **BENEFIT**

A one-time lump sum benefit per child will be issued for the months of June, July, and August. The issuance will be staggered over a 5-to-10-day period. The benefit will be adjusted each year to reflect changes in the cost of food measured by the Thrifty Food Plan. For children who can be streamlined certified or who have an approved Summer EBT application on file, benefits must be issued and available for participants to use at least 7 calendar days and no more than 14 calendar days before the start of the summer operational period. For eligible children who apply after the summer operational period begins, benefits must be issued and available to spend no later than 15 business days after a complete application is received by MDHHS. BEM 619 (May 2025)

### **EBT CARDS**

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

### **EXPUNGEMENT**

The SEBT benefit, in its entirety, must be used within 122 days after the issuance date. Benefits will be expunged on the 122nd day after benefit issuance, therefore benefits must be used by 11:59 p.m. on the 121st day. Regardless, 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 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 45 days prior to the benefits being expunged that provides the expungement date and benefit

amount that is scheduled for expungement. Expunged benefits shall not be reinstated. BEM 619

In this case, Petitioner credibly testified that the SEBT she was sent on May █ 2025, had no monies on the card. Petitioner credibly testified that she spoke to customer service listed on the card on September █ 2025, and was told no monies were on the card and a new card would be issued. A new card was issued but by the time the card arrived the monies had been expunged. The customer service line also told Petitioner that the card would be sent to the local office, and she would be contacted to pick it up and she never received a call.

The Department representative testified at hearing that the customer service number that Petitioner spoke to is an outside contractor and their interactions with recipients are not recorded in case notes or in any other way that the Department has access to. The Department failed to meet its burden to establish that benefits were issued to Petitioner in accordance with BEM 619.

### **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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it issued Petitioner a SEBT card with no monies on it.

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 SEBT FAP benefits totaling \$█

*Aaron McClintic*  
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](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**  
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