

Date Mailed: December 23, 2025

Docket No.: 25-042592

Case No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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; 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. After due notice, a telephone hearing was held via Microsoft Teams on December 18, 2025. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Rosemary Molsbee-Smith, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's request for Food Assistance Program (FAP) replacement.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of September 2025, Petitioner received ongoing FAP benefits.
2. On October 9, 2025, a \$546.00 FAP expenditure occurred on Petitioner's Electronic Benefits Transfer (EBT) card.
3. On an unspecified date after October 9, 2025, Petitioner requested from MDHHS a replacement of \$546.00 in FAP benefits caused by theft and/or benefit cloning.
4. On November 14, 2025, Petitioner requested a hearing to dispute the denial of \$546.00 in FAP benefit replacement.
5. On November 26, 2025, MDHHS denied Petitioner's request for replacement of \$546.00 in FAP benefits.

CONCLUSIONS OF LAW

The 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. MD/HHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute the denial of a request for \$546.00 in FAP benefit replacement allegedly stolen from Petitioner. Exhibit A, pp. 5-7. A Benefit Notice dated November 26, 2025, stated that Petitioner's request was denied because of policy implemented by the Economic Stability Administration (ESA).¹ Exhibit A, pp. 16-19.

FAP recipients may be issued a replacement of FAP benefits when food purchased with FAP benefits was destroyed in a domestic misfortune or disaster and reported timely. BAM 502 (January 2024) p. 1. Domestic misfortunes or disasters include events which occur through no fault of the client (e.g., fires, floods or electrical outages). *Id.* Once the client reports the loss, they must be given or sent a DHS-601, Food Replacement Affidavit, and a Verification Checklist giving them 10 days to return the DHS-601. *Id.*

MDHHS's policy chapters have no known allowance to replace FAP benefits that are stolen. However, ESA Memo 2023-53 dated October 23, 2023, authorized the replacement of stolen or cloned FAP benefits under certain conditions. That memo was subsequently deemed obsolete by ESA Memo 2025-28 dated July 7, 2025, which states that MDHHS was ending all FAP benefit replacement requests caused by stolen or cloned benefits beginning July 31, 2025. The memo further stated that any FAP benefit replacement requests after July 31, 2025, would be declined.

Petitioner testified that FAP benefits were stolen from her in September 2025. Petitioner testified she later discovered the theft and called EBT customer service on September 26, 2025, to cancel her EBT card and to request a new card. Petitioner testified that she received a new EBT card on or near October 3, 2025, and presumed that her previous EBT card was cancelled. Petitioner testified that \$546.00 in FAP benefits were subsequently stolen from her in October 2025. Petitioner testified that she again called EBT customer service and was apologetically told that her previous EBT card was not cancelled. Petitioner informed the local MDHHS of her circumstances and requested a replacement of FAP benefits of \$546. Petitioner additionally filed a police report. Exhibit A, pp. 10-12.

Petitioner's allegations of FAP benefit theft were consistent with presented documents. Documents from EBT customer service listed multiple FAP benefit inquiries from Philadelphia, Pennsylvania into Petitioner's benefit account during September and October 2025. Exhibit 1, pp. 1-4. Additional documents stated that a food purchase of

¹ Presumably, MDHHS verbally informed Petitioner of the benefit replacement denial because the written denial notice was dated after Petitioner's hearing request.

\$100.32 on September 16, 2025, was delivered to a [REDACTED] New York address. Exhibit 1, p. 6. A food purchase of \$546.00 dated October 9, 2025, was delivered to a different Brooklyn, New York address. Exhibit 1, p. 5.

Petitioner essentially contended that principles of equity demand the replacement of \$546 in FAP benefits allegedly stolen after requesting EBT card replacement in September 2025. Had MDHHS cancelled Petitioner's EBT card from which benefits were stolen, Petitioner would not have experienced a \$546.00 theft of FAP benefits in October 2025. Principles of equity may not be considered in administrative hearings.

MDHHS ceased FAP benefit replacements after July 31, 2025. Petitioner's FAP benefit replacement request occurred no sooner than October 9, 2025: the date of the unauthorized \$546.00 purchase. Because MDHHS stopped replacement of stolen/cloned FAP benefits as of July 31, 2025, MDHHS properly denied Petitioner's FAP benefit replacement request.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's request for \$546.00 in replacement FAP benefits. The actions taken by MDHHS are **AFFIRMED**.



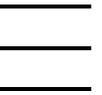
CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

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.



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