

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County SUMMIT	District Hearings Section CLEVELAND	Assistance Group Name		Assistance Group Number
Place of Hearing SUMMIT CDHS	Initial Hearing Date 01/24/2001	Rescheduled Postponed to	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation Colleen Malloy-County Hearing Officer

Date Notice Mailed 12/20/2000	Date Received by Local Agency	Date Received by ODHS 01/02/2001	Date Appeal Summary Received	Date Scheduling Notice Mailed 01/12/2001
Appeal Number(s)/Program(s) 1000020/OWF				

Notice to Appellant

This is the official report of your hearing and is to inform you of the decision and order in your case. All papers and materials introduced at the hearing or otherwise filed in the proceeding make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services. If you would like a copy of the official record, please telephone the hearing supervisor at the CLEVELAND District hearing section at 1-800-686-1551.

If you believe this state hearing decision is wrong, you may request an administrative appeal by writing to: Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43266-0423 or FAX (614) 752-8298. Your request should include a copy of this hearing decision and an explanation of why you think it is wrong. Your written request must be received by the Office of Legal Services within 15 calendar days from the date this decision is issued. *(If the 15th day falls on a weekend or holiday, this deadline is extended to the next work day.)*

During the 15-day administrative appeal period you may request a free copy of the tape recording of the hearing by contacting the district hearings section.

If you want information on free legal services but don't know the number of your local legal aid office, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888, for the local number.

ISSUE SECTION:

1000020 Currently, the assistance group consists of appellant and two children, age one year and nine months. The issue under appeal is whether on 12/20/00 the agency was correct to propose termination of Ohio Works First (OWF) cash grant due to a determination that the appellant had reached the 36-month time limit for receipt of OWF benefits. Upon appeal, the appellant has been correctly identified as a countable individual and has received OWF cash assistance for a total of 36 months.

PROCEDURAL MATTERS:

On 12/20/00, notice was mailed proposing to terminate OWF due to a determination that the appellant had reached the 36-month time limit for receipt of OWF benefits. Appellant disagreed and requested a state hearing on 1/2/01. Due to timely appeal, OWF is continuing pending the state hearing. On 1/12/01, State Hearing Scheduling Notice was mailed to all parties and, on 1/24/01, the state hearing

EAT

Appeal(s) OVERRULED 1000020	Date Issued 01/30/2001	Compliance
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Distribution: Original to appellant, one copy to local agency; one copy to district Hearing section; one copy to district office; two copies to State Hearings. *(Photocopy to appellant's authorized representative, if any, and to ODHS units as appropriate.)*

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was conducted. The agency prepared an appeal summary which was received by the Hearing Officer on 1/24/01.

FINDINGS OF FACT:

Undisputed

- 1) OWF benefits were issued and cashed for the period 2/1/98 through 1/31/01, a period of 36 months. See Exhibit A, CRIS-E IQCH, Cash Issuance History.
- 2) In 2/1/98, appellant was a minor child with a child. OWF was issued for appellant and her minor child with appellant's mother as payee. Appellant's mother was not included in the OWF assistance group because appellant's mother was an SSI recipient.
- 3) When appellant turned 18 years of age, appellant received OWF benefits as an eligible adult while living with her mother.
- 4) Beginning 2/99, appellant moved from her mother's residence and was issued benefits through 1/01 under a new case number.

Disputed

Appellant contended that she was incorrectly identified as a countable individual for time limits purposes during the months in which appellant was a minor and appellant's mother was receiving benefits on behalf of appellant and appellant's child. Appellant presented a CRIS-E notice dated 1/8/99 indicating appellant used one month of OWF entitlement and a CRIS-E notice dated 4/22/99 indicating appellant used four months of OWF entitlement (Exhibit C).

Agency maintains the months of receipt of OWF as a minor parent are countable in determining the 36-month limit. The CRIS-E TLIN, OWF Time Limits Benefits Inquiry/Maintenance shows that the appellant was designated as a countable individual for time limits purposes. See Exhibit B. Appellant met the definition of minor head of household which is: a minor child who is a parent of a child included in the same assistance group that does not include an adult. Agency noted the CRIS-E notices presented by appellant reflect the new case number that was issued to appellant when appellant moved from her mother's residence and inaccurately counted months of OWF benefit eligibility.

From 2/1/98 until appellant turned eighteen years of age, appellant was a minor child with a child and was in receipt of OWF for her self and her minor child. Appellant's mother was not included in the OWF assistance group because appellant's mother was an SSI recipient. The Hearing Officer determined appellant was a minor child who was a parent of a child included in the same assistance group that did not include an adult. Appellant met the definition of minor head of household.

CONCLUSIONS OF POLICY:

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Policy

1) Ohio Revised Code (ORC) 5107.18 provides that an assistance group is ineligible to participate in OWF if the assistance group includes an adult who has participated in the program for thirty-six months. This time limit began effective October 1, 1997, and applies whether or not the months are consecutive. Any assistance provided by any state under Title IV-A of the Social Security Act on or after October 1, 1997, is included.

2) ORC 5107.18 (B) through (E) (1997) outlines the exceptions to the 36-month time limit. Division (B) state that individuals who have ceased to participate in OWF due to the 36-month limit for at least 24 months may reapply to participate if good cause exists as determined by the CDJFS. Division (E) provides that a CDJFS may exempt up to twenty percent of the average monthly caseload if the county determines that the time limit is a hardship.

3) Ohio Administrative Code (OAC) 5101:1-23-01 (B) states that receipt of "assistance" is counted for the following individual members of an assistance group:

- (1) the adult head-of-household;
- (2) the spouse of the adult head-of-household;
- (3) a pregnant minor head-of-household;
- (4) a minor parent head-of-household; and
- (5) the spouse of a minor parent head-of-household.

4) ORC 5107.02 (F) defines minor head of household and states "Minor head of household means a minor child who is a parent of a child included in the same assistance group that does not include an adult."

Analysis

Appellant met the definition of a minor head of household and therefore, the months of receipt of OWF during which appellant was a minor and appellant's mother was receiving benefits on behalf of appellant and her child do count toward the 36-month limit. Appellant has been correctly identified as a countable individual and has received OWF cash assistance for a total of 36 months. Therefore, the proposal to terminate OWF benefits effective 1/31/01 because appellant had reached the 36-month time limit for receipt of OWF benefits was correct.

HEARING OFFICER'S RECOMMENDATIONS:

1000020 Based on the record before me, I find the OWF appeal should be overruled. The agency was correct to propose termination of OWF due to a determination that the appellant had reached the 36-month time limit for receipt of OWF benefits. The appellant has been correctly identified as a

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countable individual and has received OWF cash assistance for a total of 36 months. The agency should be authorized to take the proposed action. The appellant may now wish to apply for a hardship extension.

FINAL ADMINISTRATIVE DECISION AND ORDER:

The hearing officer's recommendations are adopted, and appeal #1000020 is OVERRULED.

APPENDIX:

Agency:

- A, CRIS-E IQCH screens, Cash Issuance History
- B, CRIS-E TLIN screen, OWF Time Limits Benefits

Appellant:

- C, CRIS-E notices

Date Issued: 01/30/2001