

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County FRANKLIN	District Hearings Section COLUMBUS	Assistance Group Name		Assistance Group Number
Place of Hearing FRANKLIN CDHS	Initial Hearing Date 12/03/2001	Rescheduled Postponed to 12/03/2001	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation Kevin Herrell, Staff Attorney; Jamie Landon, Investigator; Helen Roberts, Supvr

Date Notice Mailed 12/30/1899	Date Received by Local Agency	Date Received by ODHS 11/13/2001	Date Appeal Summary Received	Date Scheduling Notice Mailed 11/27/2001
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Appeal Number(s)/Program(s) 1044024/IVD

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 COLUMBUS District hearing section at 1-800-686-1568.

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.

ISSUES SECTION:

Appellant requested a state hearing because the Pike County Child Support Enforcement Agency (CSEA) refuses to reassign her case to a different investigator/case manager. Appellant contends that the assigned case manager is very good friends with her ex-husband, they worked together for several years as county sheriffs and she generally feels uncomfortable around him. Pike CSEA refuses to reassign the case to one of three other case managers. The issue under appeal is whether the Pike CSEA's refusal to reassign the case is correct. (Appeal 1044024)

The hearing officer finds that the Appellant's request for hearing is not appealable through the state hearing process pursuant to OAC Rule 5101:6-3-01. However, the Appellant may contact the ODJFS Bureau of Civil Rights if she feels her civil rights are being violated. The ODJFS Bureau of Civil Rights can be reached at 1-866-227-6353.

RKC

Appeal(s) OVERRULED 1044024	Date Issued 01/02/2002	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.)*

Appeal Number(s) 1044024

PROCEDURAL MATTERS

1. On 11/13/01, the Ohio Department of Job & Family Services' (ODJFS) Bureau of State Hearings received the hearing request. The state hearing was conducted on Monday, December 3, 2001 at 2:00pm from the Franklin County Department of Job & Family Services' North Opportunity Center, 345 E. Fifth Avenue, Columbus, Ohio 43201. Pike CSEA was represented by Jamie Landon, Investigator/case manager; Kevin Herrell, Staff Attorney; and Helen Roberts, Supervisor; Appellant represented herself. All parties were sworn in by ODJFS Hearing Officer Richard K. Collins.
2. The Agency provided an appeal summary.

FINDINGS OF FACT:Undisputed Facts:

1. Appellant has an open child support case with the Pike CSEA.
2. Appellant's child support case is assigned to a good friend of her ex-husband. Both men (formerly) worked together as county sheriffs; Appellant babysat for the investigator's kids; the Appellant is good friend's with the investigator's ex-wife. Appellant does not have anything against the case manager but does not feel comfortable around him.
3. The investigator recently approved the Appellant's request for administrative adjustment review and recommended an increase in child support for the Appellant.

Disputed Facts:

1. Appellant contends that the investigator's ex-wife asked her to testify for her in an upcoming trial. Pike CSEA contends that this is hearsay and the investigator's personal child support case is not scheduled before a judge.

CONCLUSIONS OF POLICY:

Appeal Number(s) 1044024

1. **Ohio Administrative Code (OAC) Rule 5101:6-3-01(B)** explains that the grounds for requesting a state hearing in the child support (IV-D) program, by an applicant, recipient, or custodial parent are as follows:
 - (1) An application for child support services has been denied, acted upon erroneously, or not acted upon with reasonable promptness.
 - (2) A recipient of child support services, believes the case has been acted upon erroneously, or not acted upon with reasonable promptness.
 - (3) The recipient believes that the CSEA has failed to use appropriate establishment or enforcement techniques.
 - (4) The custodial parent believes that child support collections have not been distributed or disbursed correctly or questions the accuracy of the arrears owed to ODJFS at termination of cash benefits.
 - (5) The custodial parent believes that child support payments, including payments owed to the custodial parent due to agency error, are not being issued with reasonable promptness.
 - (6) The custodial parent believes that the CSEA has failed to take action against an employer for failure to promptly forward payments withheld from the absent parent's wages.
 - (7) The custodial parent disagrees with the results of an investigation concerning termination of a support order.
 - (8) The custodial parent disagrees with the CSEA's decision to close the child support case.

2. **OAC Rule 5101:6-7-01(C)** provides that the hearing officer's findings of fact shall be based exclusively on the evidence introduced at the hearing, or after the hearing and subject to examination and rebuttal by both parties. It shall be the responsibility of the agency to show, by a preponderance of the evidence, that its action or inaction was in accordance with ODJFS Rules.

3. **CSEM Section 1022, County Self-Assessment**

CSEAs are required to conduct an annual self-assessment to ensure compliance with the State plan, measure reactions to change/adaptability, *and measure customer satisfaction (emphasis added)*.

ANALYSIS:

The hearing officer finds that the Appellant's request for a state hearing currently does not meet the criteria for requesting a state hearing for custodial parents. Therefore, the issue is not appealable.

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HEARING OFFICER'S RECOMMENDATIONS:

Based upon the record before me, I find the appeal should be Overruled.

FINAL ADMINISTRATIVE DECISION AND ORDER:

Finding the hearing officer's decision to be supported by the evidence, the recommendations shown above are adopted, and appeal 1044024 is Overruled.

APPENDIX:

AGENCY EXHIBITS:

- A. Appeal Summary & Objective Documentation (30 pages)

APPELLANT EXHIBITS:

None

Date Issued: 01/02/2002