

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS**

In the matter of:

<u>Appeal:</u>	<u>Program:</u>	<u>Disposition:</u>
1240060	PRC	OVERRULED
No Compliance Required		
Decision Date:	01/31/2006	
Request Date:	07/29/2005	
Hearing Officer:	DALE ZIVIC	

State Hearing Decision

ISSUE SECTION

PRC eligibility is based upon an individual's eligibility determination subject to each county agency's PRC policy. In this case, appellant requested PRC for assistance with rent due to the threat of eviction. The agency denied the application as there had not been a specific change in circumstances. The denial is proper and the appeal should be overruled.

PROCEDURAL MATTERS

Appellant requested a state hearing from the Bureau of State Hearings on 7/29/05 (see exhibit 1). The hearing was scheduled on 8/9/05 for 8/18/05. The hearing was attended by appellant, the agency worker of record, Diana Flanagan. An appeal summary was submitted prior to the hearing.

FINDINGS OF FACT

1. Appellant applied for PRC on 4/28/05 for assistance with rent due to eviction.
2. Appellant owed arrears and had notice served on 4/11/05 of a court eviction hearing scheduled for 4/29/05.
3. Because the basis for appellant's non-payment of the rent was over a dispute with the landlord for lack repairs, appellant went to Municipal Court on 4/4/05 and entered into an agreement to pay her rent into an escrow account (see exhibit 2).
4. Exhibit 3 is a receipt for payment of her rent on 4/4/05 to the courts.
5. Exhibit 4 is notice of a rent mediation scheduled for 4/18/05.
6. Exhibit 4 states that "If you vacate the property, which you now live in and are depositing, rent for, you must leave a forwarding address..."
7. Despite mediation continuing, appellant chose to move on or around 5/3/05 into her sister's home.
8. Denial notice due to lack of change in circumstances was issued on 5/4/05.

CONCLUSIONS OF POLICY

The PRC program was established under Chapter 5108 of the Ohio Revised Code. Under **ORC 5108.08**, the county agency is given the latitude to either adopt the state model design for PRC or to develop its own policy. Such policy shall establish or specify eligibility requirements, assistance or services to be provided under the program.

STATE HEARING DECISION CONTINUATION

ORC 5108.09 states that in the instance of a state hearing request regarding the PRC program, the hearing officer shall base a decision on the county department's written policy for the program. Page 10 of Cuyahoga County's PRC policy, numeral 2, limits PRC for rent or security deposit to \$500 per calendar year.

Analysis

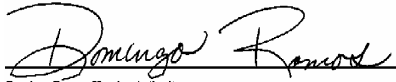
There is no dispute that appellant was threatened with eviction but chose to challenge that eviction in court by depositing her rent into an escrow account. This action effectively forestalls the eviction until mediation can establish whether the threatened eviction was proper. This is reinforced by the information of exhibit 4 requiring the individual to notify the court of an address change "if you vacate the property". Appellant once she entered into the agreement to pay her rent through escrow was no longer threatened with eviction, and as of the date of the hearing on 8/18/05 had not yet been evicted, but chose of her own volition to vacate the property on or around 5/3/05. Appellant did not have a threat of eviction for which she might have been able to receive PRC. Denial of the application for lack of change in circumstances was proper.

HEARING OFFICER'S RECOMMENDATION

Based on the record and Agency policy before me, I recommend that appeal 1240060 be overruled. Denial of PRC due to lack of change in circumstances is correct.

FINAL ADMINISTRATIVE DECISION AND ORDER

Since I find that the Hearing Officer's recommendation is supported by policy and the evidence, I hereby adopt the recommendation. Thus, appeal 1240060 is overruled.



Domingo Ramos, Hearing Authority

January 31, 2006

Notice to Appellant

This is the state hearing decision in your case. All papers and materials introduced at the hearing or otherwise filed make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services. 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, Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825 or FAX (614) 728-9574. Your request should state why you think the hearing decision is wrong. You can complete the appeal request form included with this decision. Your written request or appeal form must be received by the Bureau of State Hearings 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 or your representative may request a free copy of the hearing record and recording of the hearing by calling the Bureau of State Hearings at 1-866-635-3748 (select option 1 from main menu). 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.

Aviso a la Apelante

Esta es la decisión estatal administrativa de su caso. Todos los documentos y materiales presentados como prueba en la vista o de otra manera radicados componen el récord administrativo. El récord administrativo será mantenido por el Ohio Department of Job and Family Services.

Si usted cree que esta decisión estatal administrativa es errónea, usted puede solicitar una apelación administrativa escribiendo al: Ohio Department of Job and Family Services, Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825 o

STATE HEARING DECISION CONTINUATION

facsimil (614) 728-9574. Su solicitud debe indicar por qué usted piensa que la decisión administrativa es errónea. Usted puede completar la solicitud de apelación incluida con esta decisión. Su solicitud escrita o formulario de apelación tiene que ser recibido por el Bureau of State Hearings dentro de los 15 días calendario desde la fecha en que esta decisión es expedida. (Si el 15to. día recae sobre un fin de semana o un día feriado, esta fecha límite es extendida al próximo día laborable). Durante el período de 15 días de apelación administrativa, usted o su representante pueden solicitar una copia gratuita del récord administrativo y de la grabación de la vista llamando al Bureau of State Hearings al 1-866-635-3748 (seleccione la opción 1 del menú principal).

Si usted quiere información sobre servicios legales gratuitos pero no sabe el número de su oficina local de servicios legales, usted puede llamar al Ohio State Legal Services Association, gratuitamente, al 1-800-589-5888, para el número local.

Appendix

Appellant exhibits:

- 1-hearing request
- 2-rent escrow agreement
- 3-4/4/05 receipt for rent escrow payment
- 4-notice of rent mediation meeting

Agency exhibits:

none