

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

**ADMINISTRATIVE APPEAL SECTION**

In Re Appeal of:

Docket Number:	AA-652	
Appeal No(s)	1312195	FS
	1312196	MED
	1312197	MED
AG No.	5006276629	
Hearing Request Date:	10/17/2006	
Hearing Decision Date:	12/18/2006 / MEM	
Appeal Request Date:	12/27/2006	
Agency:	WOOD CDJFS	

**Administrative Appeal Decision**

The appellants are appealing an October 2006, agency denial of their September applications for food stamps and Medicaid assistance for Medicare-related premiums and co-payments (QMB, SLMB, QI). The hearing office overruled the appeal, finding that the household's net monthly income of \$1600 exceeds the food stamp limit of \$1384, and also that the wife's monthly countable income of \$1023 exceeds the QMB standard of \$817 and the SLMB standard of \$980. He also found that the wife was not eligible for QI because she is eligible for Medicaid.

In his request for administrative appeal the appellant asserts a Statement of Error that the hearing decision relies on a misapplication of law in that the exclusion of his family from food stamps and Medicare-related Medicaid is contrary to federal law, the federal Civil Rights Act, and the Americans with Disabilities Act.

To the contrary, the state rules cited by the hearing officer are specifically dictated by federal statutes and regulations which govern the food stamp and Medicaid programs. In addition, we see nothing inherent in those rules, which by necessity establish income limits for program eligibility, that is in conflict with federal laws which outlaw program discrimination based on disability or some other suspect classification such as race, gender, age, or religion. For that reason we cannot accept the Statement of Error based on misapplication of rule.

**DECISION**

We therefore ORDER that the hearing decision is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: January 10, 2007

**Notice to Appellant**

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

An Appellant who disagrees with this decision may appeal it to the court of common pleas pursuant to sections 119.12 and 5101.35(E) of the Revised Code. The Appellant shall mail the original notice of appeal to the department at the following address:

**Ohio Department of Job & Family Services  
Office of Legal Services  
30 E. Broad Street, 31<sup>st</sup> Floor  
Columbus, OH 43215-3414**

The Appellant must also file a copy of the notice of appeal with the court of common pleas in the county in which the Appellant resides (Franklin County, if the Appellant does not reside in Ohio). Please note: Both the mailing to the department and the filing with the court must occur within thirty (30) calendar days of the date of issuance of this decision.

If you have questions about appealing to a court, contact your attorney, local legal aid society, or bar association. If you want information about free legal services, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888.

cc:

Director, WOOD CDJFS

LEHMAS01, MAUREM, Bureau of State Hearings