

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-669	
Appeal No(s)	1318407	IVD
AG No.	7007298339	
Hearing Request Date:	11/21/2006	
Hearing Decision Date:	12/20/2006 / WLW	
Appeal Request Date:	01/04/2007	
Agency:	ASHTABULA CSEA	

Administrative Appeal Decision

The appellant is appealing the agency's October 2006, denial of her request for a substitution of alternate health care coverage to satisfy her obligation under a June 2006, court child support order requiring her to maintain such coverage through her employer. The hearing officer sustained the appeal, finding that the agency in December had already sent a medical coverage termination notice to the employer because the appellant documented the alternate coverage. The appellant filed her request for administrative appeal without comment.

Upon review of the hearing decision, however, we find that the appeal concerns "an issue that is not appealable under the provisions of rule 5101:6-3-01" and thus should have been overruled on that basis.¹ Although that rule allows a "recipient of child support services" to request a state hearing on the basis that her "case has been acted upon erroneously, or not acted upon with reasonable promptness," it is subject to other provisions of law which grants jurisdiction to other tribunals to adjudicate child support claims. One of those tribunals is the agency itself when reviewing claims related to various areas of administration of child support and health coverage orders.²

In this case, the Bureau of State Hearings lacked jurisdiction over the appellant's claim, which the agency itself was required to adjudicate, either under its jurisdiction over medical support notices, or the review and adjustment of support orders.

¹ OAC 5101:6-7-01(C)(3); 6-5-03(C)(3)

² Support orders (OAC 5101:12-60-05.1), Support termination (ORC 3119.87; 3119.91), Support order arrearages (ORC 3119.74), Tax refund offset claims (OAC 5101:12-50-20.1; 12-50-32.5), Support default and withholding (ORC 3123.04), Medical support notices (ORC 3119.38)

DECISION

We therefore ORDER that the hearing decision is REVERSED and the appeal is OVERRULED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: January 19, 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, 31st 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, ASHTABULA CSEA
ROSEBS, WILSON, Bureau of State Hearings