

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2163	
Appeal No(s)	1378991	FS
	1378995	OWF
AG No.	5067783307	
Hearing Request Date:	10/26/2007	
Hearing Decision Date:	12/28/2007 / BWW	
Appeal Request Date:	01/14/2008	
Agency:	COSHOCTON CDJFS	

Administrative Appeal Decision

The appellants¹ request an administrative appeal of the state hearing decision issued on December 28, 2007. The state hearing decision overruled the appellant's Ohio Works First and food stamp appeals, finding that the Agency's proposed sanctions were correct as the appellants failed to comply with their self-sufficiency contract.

The assistance group consists of the appellant, her boyfriend and their two children. The appellants signed a self-sufficiency contract and plan on July 31, 2007. They were each assigned to 129 hours per month at the Fairgrounds. The appellants failed to complete all of their assigned hours for the month of August 2007. Specifically, the appellants failed to attend, or establish good cause for August 20th and 31st or a total of 12.2 hours. The state hearing decision notes that the appellants did not dispute that they failed to attend the worksite on August 20th, and failed to establish good cause for that date. The appellants argued that they failed to attend their assignment on August 31st because their car had broken down. The appellants, in fact, called the Agency on August 29th and reported the car was not working. They attended the assignment on August 30th for three hours, but did not attend on August 31st or call to report their absence. The appellants' administrative appeal indicates the boyfriend could not repair the car.

Under the self-sufficiency plan, the appellants acknowledged that "Failure or refusal to follow the plan also includes not working all of my hours for the month and not

¹ Appellants in this decision refer to the appellant and her boyfriend. Both were sanctioned as a result of their failure to comply with the self-sufficiency contract.

showing the CDJFS that I had good cause.²” The hearing officer found that the appellants failed without good cause to complete 12.2 hours of the assignment without good cause. We agree. Assuming that the appellant’s car was not working on August 31st, the appellant had an obligation to contact the Agency and make them aware of that issue. Regardless, no good cause was ever established for August 20th and that alone is sufficient reason to support the sanction. We find that the proposed sanction is appropriate.

Ohio Rev. Code 5107.16 provides that the third time an OWF assistance group member fails to comply with the self-sufficiency contract the assistance group shall be subject to a sanction for six OWF payment months³. Ohio Admin. Code 5101:1-3-12 sets forth the good cause criteria for failure to comply with the self-sufficiency contract. The appellant failed to establish good cause under this criteria and the OWF sanction is appropriate.

Appellant’s food stamp assistance group qualifies as an "OWF AG". Ohio Admin. Code 5101:4-3-09 defines an "OWF AG" is defined as an assistance group in which all members are eligible for OWF benefits. Because all members of the food stamp assistance group received OWF, Ohio Admin. Code 5101:4-3-09 requires that the failure to comply with the self-sufficiency contract without good cause result in a food stamp sanction for the Appellant and a reduction in the food stamp benefits for the assistance group. The food stamp sanction is also correct.

Decision

Having, reviewed the state hearing decision and record, we find the decision contains no error affecting the outcome of the appeal. Accordingly, we ORDER that the decision is AFFIRMED.

² Exhibit D, p. 6

³ ORC 5107.16 and Ohio Admin. Code 5101:1-3-15 have been amended and compliance following a sanction is no longer required.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: January 29, 2008

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, COSHOCTON CDJFS
VARGOD, WOLFFB, Bureau of State Hearings