

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2180	
Appeal No(s)	1387451	OWF
AG No.	5057439084	
Hearing Request Date:	12/11/2007	
Hearing Decision Date:	01/08/2008 / EAT	
Appeal Request Date:	01/22/2008	
Agency:	SUMMIT CDJFS	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing decision issued on January 8, 2008. The state hearing decision overruled the appellant's Ohio Works First (OWF) appeal because the members of the appellant's assistance group do not meet the citizenship requirements for OWF.

The OWF assistance group consists of a husband, wife and three children¹. The family entered the United States as refugees from the former Yugoslavia on August 4, 1999. Because they entered this country as refugees, the family had potential OWF eligibility for five years from their date of entry.² The family was receiving OWF and their five years of eligibility should have expired in August 2004. No action was taken at that time. On November 26, 2007, the Agency proposed terminating the assistance group's OWF benefits because the family had been in the United States for more than five years. The rule provides that after five years, in order to continue receiving OWF benefits, a refugee must either have become a citizen or must meet one of the exceptions set forth in the rule.³ The exception criteria are set forth in Ohio Admin. Code 5101:1-2-30 (D)(3)(c)- (D)(3)(f) and provide exceptions for:

(c) Indefinite detainees or lifers after being convicted of a crime that triggers a final order of removal, may have a status that makes them potentially eligible for medicaid.

¹ The appellant's other two adult children are not included in the OWF assistance group.

² Ohio Admin. Code 5101:1-2-30(D)(3)

³ Ohio Admin. Code 5101:1-38-02.3(D)(5)

(d) Aliens who are lawfully admitted to the United States for permanent residence under the INA and have worked forty qualifying quarters of coverage under Title II of the Social Security Act or can be credited with such qualifying quarters, . . . ; or

(e) Veterans and active duty service personnel . . .

(f) A spouse or unmarried dependent child of an individual identified in paragraph (D)(3)(d)(i) or paragraph (D)(3)(d)(ii) of this rule; . . .

None of the assistance group members meet the above exceptions. None of the assistance group members have become United States citizens. Therefore, none of the assistance group members are OWF eligible at this time. The state hearing decision is correct.

DECISION

We hereby ORDER that the hearing denial is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: January 31, 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, SUMMIT CDJFS
RAMOSD, TRIMBE, Bureau of State Hearings