

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2183	
Appeal No(s)	1384340	OWF
AG No.	5050324473	
Hearing Request Date:	11/27/2007	
Hearing Decision Date:	01/07/2008 / DCL	
Appeal Request Date:	01/22/2008	
Agency:	LUCAS CDJFS	

Administrative Appeal Decision

The appellant is appealing a November, 2007, agency decision to impose a second occurrence sanction against his Ohio Works First assistance due to his failure to comply with a September self sufficiency contract which required him to attend a job placement class on September 24th and 25th. The hearing officer overruled the appeal, finding that he lacked good cause for the failure because his claimed excuse of a court eviction action did not commence until the 25th, and because his assignment was for only 20 hours per week, he could easily have arranged for an alternate participation time.

In his request for administrative appeal the appellant asserts a Statement of Error that the hearing decision is contrary to the weight of the evidence presented at the hearing that he had good cause for the 25th, and that the overall circumstances of the threatened eviction kept him busy, especially with a three-year-old son to attend.

In reviewing the record, however, there is no indication that at the time the appellant made any request for the agency to reschedule the assignment in light of the eviction proceeding. He received notice of the eviction on August 24th, was in contact with agency on the 24th and the 25th, and at no point requested such assistance. For this reason, we hold that the hearing decision is based on substantial evidence and thus cannot accept the Statement of Error based on the evidence.

And we agree with the hearing officer's conclusion that Ohio statute gives the agency both the responsibility to work with the appellant to develop a self sufficiency contract to optimize his use of time-limited benefits, and also the authority to propose the current sanction.¹

DECISION

¹ ORC 5107.14, 5107.16, 5107.18

We therefore ORDER that the hearing decision 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, LUCAS CDJFS
LEHMAS01, LECKD, Bureau of State Hearings