

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

In the matter of:

<u>Case Number:</u>	<u>County:</u>	
5025804237	HAMILTON	
<u>Appeal:</u>	<u>Program:</u>	<u>Disposition:</u>
1439459	FSOP	OVERRULED
No Compliance Required		
Decision Date:	01/27/2009	
Request Date:	09/29/2008	
Hearing Officer:	PAUL STANISZEWSKI	

State Hearing Decision

ISSUE (1439459):

An agency is required to recover an overpayment claim if the assistance group receives benefits to which it is not entitled. On 09/24/08, the agency demanded repayment of a \$812 Food Stamp overpayment that occurred from 06/01/08 through 07/31/08 because the appellant's unemployment compensation was not included in the budgets.

The agency proved by the preponderance of the evidence that the assistance group received Food Stamp benefits to which it was not entitled.

I find that the agency correctly demanded repayment of the \$812 Food Stamp overpayment.

Therefore, the appeal is Overruled.

PROCEDURAL MATTERS:

The HCDJFS mailed the notice to the address of record on 09/24/08. On 09/29/08, the Bureau of State Hearings received the State Hearing request.

The State Hearing was conducted on 01/12/09.

The agency representative is Jeri Hutter.

The appellant represented herself at the State Hearing.

FINDINGS OF FACT:

1. There are three (3) people in the Food Stamp assistance group.
2. There are no aged or disabled people in the assistance group.
3. The son receives \$395 gross monthly SSA Survivor benefit.
4. The monthly rent amount is \$432 and she was eligible to receive the \$450 Standard Utility Allowance (SUA).
5. On 04/30/08, she began receiving unemployment compensation benefits.
6. She received \$1,480 and \$1,184 in 06/08 and 07/08, respectively.
7. The total unearned income that she received in 06/08 is \$1,875 and in 07/08 is \$1,579.
8. On 09/23/08, the agency determined that she received \$812 benefits to which she was not entitled.
9. On 09/24/08, the agency mailed the overpayment demand notice, with hearing rights, to the appellant.

POLICY:

Ohio Admin. Code 5101:4-8-15 Food Stamps: Claims... [2007] (7CFR 273.18)

(A.) ...The county agency shall establish and collect a claim against any AG that has received more food stamp benefits than it is entitled to receive. This claim is a federal debt subject to this rule and other regulations governing federal debts...

(B) ...The following individuals are responsible for paying a claim:

- (1) ...Each person who was an adult member of the AG when the overpayment...occurred...

ANALYSIS:

06/08

The AG's \$1,875 total gross income exceeded the \$1,861 three (3) person Gross Income Standard, therefore, Food Stamp eligibility did not exist in 06/08.

The AG received a \$426 Food Stamp allotment in 06/08 to which it was not entitled.

07/08

STATE HEARING DECISION CONTINUATION

In 07/08, the AG's \$1,579 total gross income less the \$134 three (3) person standard deduction equals \$1,445 Net Income.

The \$432 Rent plus the \$450 Standard Utility Allowance equals \$882 total Shelter Costs.

The \$882 Shelter Costs less \$722 (50% of Net Income) equals \$160 excess shelter costs.

The \$1,445 Net Income less the \$160 excess shelter costs equals Net Adjusted Income of \$1,285.

The three (3) person allotment amount for an assistance group with \$1,285 Net Adjusted Income is \$40.

The assistance group received \$426 in Food Stamps, but it was only entitled to receive \$40.

The \$426 received less the \$40 corrected allotment amount equals \$386, which is the overpayment amount in 07/08.

Total Overpayment

The agency received \$426 to which it was not entitled in 06/08 and \$386 to which it was not entitled in 07/08. Therefore, the total overpayment amount is \$812.

The agency proved by the preponderance of the evidence that the assistance group received \$812 in Food Stamp benefits to which it was not entitled.

I find that the agency correctly demanded repayment of the \$812 Food Stamp overpayment.

Therefore, the appeal is Overruled.

HEARING OFFICER'S RECOMMENDATIONS:

Issue (1439459)

The appeal should be Overruled. The Food Stamp overpayment demand is affirmed.

FINAL ADMINISTRATIVE DECISION AND ORDER:

The Hearing Officer's recommendation is adopted.

Issue (1439459)

The appeal is Overruled. No orders of compliance shall be issued against the agency based on this appeal.

Hearing Authority

January 27, 2009

Notice to Appellant

This is the official report of your hearing and is to inform you of the decision and order in your case. All papers and materials introduced at the hearing or otherwise filed in the proceeding make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services. If you would like a copy of the official record, please telephone the hearing supervisor at the CINCINNATI District hearing section at 1-866-635-3748.

If you believe this state hearing decision is wrong, you may request an administrative appeal by writing to: Ohio Department of Job and Family Services, Bureau of State Hearings, P.O. BOX 182825, Columbus, OH 43218-2825 or fax: (614) 728-9574. Your request should include a copy of this hearing decision and an explanation of why you think it is wrong. Your written request must be received by the Bureau of State Hearings within 15 calendar days from the date this decision is issued. (*If the 15th day falls on a weekend or holiday, this deadline is extended to the next work day.*) During the 15-day administrative appeal period you may request a free copy of the tape recording of the hearing by contacting the district hearings section.

If you want information on free legal services but don't know the number of your local legal aid office, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888, for the local number.

Aviso a la Apelante

Esta es la decisión estatal administrativa de su caso. Todos los documentos y materiales presentados como prueba en la vista o de otra manera radicados componen el récord administrativo. El récord administrativo será mantenido por el Ohio Department of Job and Family Services.

Si usted cree que esta decisión estatal administrativa es errónea, usted puede solicitar una apelación administrativa escribiendo al: Ohio Department of Job and Family Services, Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825 o facsímil (614) 728-9574. Su solicitud debe indicar por qué usted piensa que la decisión administrativa es errónea. Usted puede completar la solicitud de apelación incluida con esta decisión. Su solicitud escrita o formulario de apelación tiene que ser recibido por el Bureau of State Hearings dentro de los 15 días calendario desde la fecha en que esta decisión es expedida. (Si el 15to. día recae sobre un fin de semana o un día feriado, esta fecha límite es extendida al próximo día laborable). Durante el período de 15 días de apelación administrativa, usted o su representante pueden solicitar una copia gratuita del récord administrativo y de la grabación de la vista llamando al Bureau of State Hearings al 1-866-635-3748 (seleccione la opción 1 del menú principal).

Si usted quiere información sobre servicios legales gratuitos pero no sabe el número de su oficina local de servicios legales, usted puede llamar al Ohio State Legal Services Association, gratuitamente, al 1-800-589-5888, para el número local.

STATE HEARING DECISION CONTINUATION

Appendix

AGENCY EXHIBITS:

- A. Appeal Summary (1 p)
- B. Case Dictation (1 p)
- C. Overpayment Referral (1 p)
- D. Claim Determination form (1 p)
- E. Corrected Budgets (1 p)
- F. Food Stamp Issuance History (1 p)
- G. CRISE Budget (1 p)
- H. Data Exchange Screen - Unemployment Compensation (2 p)
- I. Data Exchange Screen – SSA Survivor benefits (1 p)

APPELLANT EXHIBITS:

- 1. State Hearing Request (1 p)