

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

In the matter of:

<u>Case Number:</u>	<u>County:</u>	
5049869216	CUYAHOGA	
<u>Appeal:</u>	<u>Program:</u>	<u>Disposition:</u>
1442278	OWF	SUSTAINED
Compliance Required		
Decision Date:	01/16/2009	
Request Date:	10/14/2008	
Hearing Officer:	CYNTHIA ASHTON	

State Hearing Decision

ISSUE SECTION:

Appeal #1442278

The application process is a series of activities which begins with a request for assistance and ends with the authorization of benefits or a notice of denial. The Cuyahoga County Department of Job and Family Services (Agency) approved Ohio Works First (OWF) cash assistance effective 09/26/08. Is the effective date of eligibility correct?

The evidence supports that the Appellant filed her first application for OWF on 06/12/08 and no action was taken on that application. The lack of action on that application is not correct. Therefore, the appeal should be sustained with compliance required.

PROCEDURAL MATTERS:

No adverse action notice has been issued. The Appellant disputes the 09/26/08 effective date of approval for OWF cash assistance and requested a state hearing on 10/14/08 (See Exhibit 1). A hearing schedule was mailed to all parties on 10/31/08 and a state hearing was scheduled and heard on 11/25/08. The Appellant represented herself at the hearing; Melonie Butler, Eligibility Specialist #9244, represented the Agency. The Agency did not submit an Appeal Summary. The Agency representative left the hearing to retrieve the case record and returned. The record was left open for the Agency and an Appeal Summary was received following the hearing (See Exhibit A).

FINDINGS OF FACT:

1. This assistance group (AG) consists of the Appellant, age 26, and her 3-year-old child.
2. Appellant had been receiving Food Stamp (FS) and Covered Families and Children: Low Income Family (LIF) Medicaid benefits.
3. Appellant resided in the Interfaith Hospitality homeless shelter for three months.
4. On 06/10/08 Agency sent the Appellant a contact letter regarding an employment match for Waffle House for the 4th quarter of 2007.
5. On 06/11/08 Appellant dropped off a JFS 7200 Application requesting OWF, FS and Medical benefits; she submitted the Document Drop Off Receipt dated 06/11/08 into evidence (See Exhibit 2).

STATE HEARING DECISION CONTINUATION

6. The Agency's case running record comments indicate that the JFS7200 application was dropped off on 06/12/08 (See Exhibit B).
7. On 06/24/08 Agency sent the Appellant a notice proposing to terminate FS due to failure to verify past employment at Waffle House.
8. On 07/01/08 Agency called the Appellant regarding the OWF application and advised her that her case has been closed due to not verifying the past employment.
9. Agency again verbally requested verification of the past employment.
10. On 07/15/08 Appellant dropped off another JFS 7200 Application again requesting OWF, FS and Medical benefits; she submitted the Document Drop Off Receipt dated 07/15/08 into evidence (See Exhibit 3).
11. Appellant had problems getting Waffle House to verify employment and was finally able to get the information by fax at the homeless shelter on 08/20/08; she was employed at Waffle House from 10/03/07 – 01/30/08 (See Exhibit 4)
12. Appellant filed another JFS 7200 application on 09/26/08 (See Exhibit C).
13. Agency approved OWF effective 09/26/08 (See Exhibit D).
14. Agency acknowledges difficulty in communicating with Appellant when she was residing in the homeless shelter.

CONCLUSIONS OF POLICY:

Policy:

Ohio Administrative Code § 5101:1-2-01 (B) (2008) states, in part, the application process is a series of activities which begins with a request for assistance and ends with the authorization of benefits or a notice of denial. The application process shall be administered with courtesy, consideration, and respect and administrative duties shall be performed in such a manner as to secure for every assistance group the full amount of aid to which it is legally entitled according to program regulations.

Ohio Administrative Code § 5101:1-23-40 (B) (2007) explains the beginning date of Ohio Works First. The beginning date of Ohio Works First to eligible applicants is the date all eligibility factors are met. This beginning date may not precede the date of application but it may be as early as the date of application. The date all eligibility factors are met is not necessarily the date verifications are provided to the Agency. Verification merely establishes that an eligibility factor has been met. The eligibility factors of age, citizenship, living arrangements, residency, income, need, and relationship are conditions that can be verified as existing at an earlier time or on the date the application was received. To have the date of application be the beginning date of Ohio Works First, verification of these factors must confirm the existence of eligibility on the date of application.

Ohio Administrative Code § 5101:6-7-01(C) (1) (c) (2008) provides that the Agency must show by a preponderance of the evidence that its proposed actions are in accordance with the rules.

Ohio Administrative Code § 5101:6-6-02 (A) (2008) states the Agency representative presents and is the advocate for the Agency's case at the hearing. This person shall explain the reasons for the Agency's action, cite the regulations upon which the action was based, provide relevant case information and documents, and answer relevant questions for the individuals and the Hearing Officer.

Analysis:

STATE HEARING DECISION CONTINUATION

In the present case, the Agency has not supported that the 09/26/08 effective date of approval for OWF cash assistance is correct. The evidence establishes that the Appellant filed an application for OWF on 06/11/08. Appellant provided the document drop off receipt dated 06/11/08 that indicated that she dropped off a JFS 7200 application on that date.

Agency argues that because of an employment match for the 4th quarter of 2007 at Waffle House not having been verified, that her case was closed as of 06/24/08. However, the termination notice was sent on 06/25/08, so her case would not be technically closed until fifteen days after that date. Appellant contacted the Agency to express difficulty in obtaining the employment verification from Waffle House. The Agency did not act on the 06/11/08 JFS 7200 application. Appellant filed another JFS 7200 application on 07/15/08. The Agency did not act on that application. The Appellant was advised to file yet another application, which she did on 09/26/08 which the Agency approved with an effective eligibility date of 09/26/08.

The above regulation provides that the application process is a series of activities which begins with a request for assistance and ends with the authorization of benefits or a notice of denial. The application process shall be administered with courtesy, consideration, and respect and administrative duties shall be performed in such a manner as to secure for every assistance group the full amount of aid to which it is legally entitled according to program regulations. The evidence supports that the Appellant filed a JFS 7200 on 06/11/08. The Agency did not approve or deny that application. The lack of action on the 06/11/08 application is not correct. Therefore, the Agency has failed to establish by a preponderance of evidence that the 09/26/08 effective date of OWF eligibility is in accordance with established regulations.

HEARING OFFICER'S RECOMMENDATIONS:

Appeal #1442278 should be **SUSTAINED**. The approval of Ohio Works First cash assistance with an effective date of 09/26/08 is not affirmed. The Agency should be directed to determine eligibility for Ohio Works First retroactive to the 06/11/08 application file date. The results of the eligibility determination shall be in writing to the Appellant affording appeal rights.

FINAL ADMINISTRATIVE DECISION AND ORDER:

Finding the Hearing Officer's decision to be supported by the evidence, the recommendation above is adopted.

COMPLIANCE IS REQUIRED: Ohio Administrative Code § 5101:6-7-03(B)(1)(a) (2008) requires compliance with this decision within fifteen calendar days from the date of this decision, but no later than ninety calendar days from the hearing request date. Compliance shall be promptly reported to ODJFS, Bureau of State Hearings, via JFS 04068, compliance form, accompanied by supporting documentation.

Hearing Authority

STATE HEARING DECISION CONTINUATION

January 16, 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 CLEVELAND 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

APPELLANT EXHIBITS:

- 1 – Hearing Request (1 page)
- 2 – Document Drop Off Receipt dated 06/11/08 (1 page)
- 3 – Document Drop Off Receipt dated 07/15/08 (1 page)
- 4 – Waffle House fax cover sheet and fax transmission report (2 pages)

AGENCY EXHIBITS:

- A – Appeal Summary and attachments (11 pages)
- B – Case running record comments dated 06/10/08 – 06/24/08 (1 page)
- C – JFS 7200 Application filed 09/26/08 (2 pages)
- D – Cash Issuance History screen print IQCH – (1 page)