

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County CUYAHOGA	District Hearings Section CLEVELAND	Assistance Group Name		Assistance Group Number
Place of Hearing CUYAHOGA CDHS	Initial Hearing Date 01/04/2002	Rescheduled Postponed to 01/28/2002	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation M. Young, HNS # 1263

Date Notice Mailed 11/20/2001	Date Received by Local Agency	Date Received by ODHS 12/07/2001	Date Appeal Summary Received 01/28/2002	Date Scheduling Notice Mailed 01/18/2002
Appeal Number(s)/Program(s) 1047827/PRC				

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 1-800-686-1551.

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, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414 or FAX (614) 752-8298. 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 Office of Legal Services 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.

ISSUE

Appeal 1047827 PRC

The county agency has denied a request for payment under its Prevention, Retention and Contingency (PRC) program for payment of past due rent because agency determined appellant had failed or refused to provide verification required to determine her eligibility. The agency has failed to show it ever properly requested the information and/or evaluated appellant's ability to supply it. The appeal is therefore **SUSTAINED** and issue remanded to the agency to process the application based on the facts and circumstances as presented in writing by appellant to the agency.

PROCEDURAL MATTERS

Per written notice dated November 20, 2001, county agency issued denied appellant's application for PRC assistance. The hearing request was received on December 7, 2001. The hearing originally scheduled for January 4, 2002 was postponed at appellant's request of January 11, 2002 due to transportation problems.

SEK

Appeal(s) SUSTAINED 1047827	Date Issued 02/26/2002	Compliance 1047827
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Distribution: Original to appellant, one copy to local agency; one copy to district Hearing section; one copy to district office; two copies to State Hearings. *(Photocopy to appellant's authorized representative, if any, and to ODHS units as appropriate.)*

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The hearing was rescheduled and held on January 28, 2002 from 10-day advance notice of January 18, 2002. The appellant represented herself and county agency was represented by appellant's caseworker (CW). An appeal summary was received from the agency on January 28, 2002.

FINDINGS OF FACT

- 1) The assistance group (AG) consists of appellant, age 35, and her three children, ages 11 and twins age seven. Appellant reports on her application that she is employed and in receipt of child support for the twins.
- 2) Appellant made application for PRC assistance on or about October 10, 2001 requesting help with past due rent of \$2100 for the months July 2001 through October 2001 for which she had been served an eviction notice.
- 3) In response to the PRC application, Agency issued appellant an ODHS 7220 Application Checklist for Healthy Start/Expedited Medicaid dated November 9, 2001. Agency requested appellant provide income verification and a written statement of need to explain why appellant got behind in the rent. The information was to be provided by November 19, 2001.
- 4) The information was not provided until November 20, 2001 as per agency document receipt of that date. Agency determined appellant had also not submitted receipts for items and services she said she had paid for that caused her to get behind in the rent. Accordingly, agency denied the PRC application on November 20, 2001 as per notice of that date. CW asserted she nevertheless chose to continue to process the application but needed receipts from appellant that CW has not received.
- 5) In her written statement, appellant reports she recently moved to her present address and purchased a needed stove and refrigerator for \$600, used. Appellant reports her car was vandalized several times requiring two tires and paint removal. Appellant reports she purchased bedroom furnishings then needed brakes and a tune-up when she obtained employment in an area without public transportation. Appellant reports she also paid on utilities. Appellant reports she broke her ankle in September 2001, was off work for more than three weeks without pay. Appellant reported all of these things had contributed to the delinquent rent situation.
- 6) Appellant stated she had not anticipated applying for PRC and so did not have receipts for some things, like the furniture and car repairs, because she paid cash or had simply thrown them out.
- 7) Appellant offered the receipt for the used appliances she purchased in July 2001 and the business card of the service station that had worked on her car.

CONCLUSIONS OF POLICY

Policy

Ohio Revised Code (ORC) section 5108.06 states an individual found eligible under the PRC program shall receive assistance or services needed to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility. ORC rule 5108.09 instructs that when a state hearing is held

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regarding the PRC program, the state hearing decision shall be based on the county department's policies when the county agency has developed its own policies for the PRC program.

The county agency has developed its own PRC policies. The agency's PRC policy as on file with ODJFS, district office instructs on page 7, under topical heading "VERIFICATION: the applicant must provide written verification of the need whenever possible. A PRC applicant is responsible for completing all necessary documents, furnishing all available facts and information, and cooperating to the fullest extent in the eligibility determination process.'

The agency's PRC policy states on page 4 that the applicant must demonstrate that a specific change in circumstance has lead to the current, documented need. Failure to demonstrate the specific change and mitigation attempts will result in the applicant's ineligibility for PRC benefits.

Ohio Administrative Code (OAC) rule 5101:6-7-01(C) instructs that within the state hearing process it shall be the responsibility of the agency to show, by a preponderance of the evidence, that its action or inaction was in accordance with ODJFS regulations.

Analysis

Agency has denied the PRC application on the basis appellant failed to provide verification. There was no evidence to show the verification desired by the agency (receipts for paid expenses) was ever formally requested by the agency. The evidence shows the verification the agency sought when it issued the checklist form was provided by appellant which was the statement of need and proof of income. The hearing officer notes it took the agency some 30 days to request the verification it deemed necessary to process the application but provided appellant with less than nine days to respond.

Appellant has provided a reasonable, chronological and coherent explanation for how she got behind in the rent. The agency's policy states verification must be provided *when possible*. Appellant has indicated she simply does not have receipts for some of the things she paid for, some of which were three to four months prior to her application. Appellant could not have known in July or August that she would break her ankle in September 2001 and therefore need receipts to show the agency she had repaired her car in July 2001. The agency has not shown that the denial of the PRC application was a correct and consistent application of the agency's PRC policy to the facts of appellant's case. The denial is therefore not affirmed.

HEARING OFFICER'S RECOMMENDATIONS

Appeal 1047827 PRC

The appeal should be SUSTAINED and agency directed to determine if all other eligibility factors were met, and if so, agency is directed to issue PRC assistance for past due rent as requested pursuant to the October

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10, 2001 application and pursuant to the agency's PRC policy in effect at that time. Appellant will retain all rights of appeal regarding the agency's actions in compliance with this state hearing decision.

FINAL ADMINISTRATIVE DECISION AND ORDER:

Finding the hearing officer's decision to be supported by the evidence, the recommendations above are adopted.

Appeal #**1047827** (PRC) is **SUSTAINED**. **COMPLIANCE IS REQUIRED.**

O.A.C. Section 5101: 6-7-03 requires prompt compliance from the local agency with state hearing decisions. For decisions involving public assistance, compliance shall be achieved within 15 calendar days from the date the decision is issued, but in no event later than 90 calendar days from the date of the hearing request.

Compliance shall be promptly reported to the Bureau of State Hearings, ODHS, via "State Hearing Compliance," ODHS 4068, accompanied by appropriate documentation.

APPENDIX

EXHIBITS

AGENCY:

- A PRC application dated 10-15-01; eviction notice of 10-10-01 and landlord's statement; three pages
- B ODHS 7220 Verification Request Checklist of 11-9-01
- C CLRC Running Record Comments of 10-19-01 to 1-3-02; three pages
- D Notice of denial of PRC dated 11-20-01
- E appellant's statement of need dated 11-15-01; two pages

APPELLANT:

- F document receipt of 11-20-01; appliance receipt; car repair business card; two pages

Date Issued: 02/26/2002