

IN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS

ADMINISTRATIVE APPEAL SECTION

IN RE APPEAL OF:

DOCKET NO.	2006-AA-0155
APPEAL NO(S).	1224393 / DFA 1224394 / MED
AG No.	
HEARING REQUEST DATE:	04/11/2005
HEARING DECISION DATE:	01/31/2006 / DSM
APPEAL REQUEST DATE:	02/13/2006
AGENCY:	Ashland CDJFS

Administrative Appeal Decision

The Appellant is appealing a March, 2005, agency denial of her Disability Financial Assistance and Medicaid for the disabled applications of September, 2004. The denial was based on the February, 2005, opinion of the ODJFS Disability Determination Unit that the Appellant did not meet the disability standard for either program. The state hearing was originally scheduled in August, 2005, but was continued several times in the ensuing six months to allow ODJFS to assess three additional submissions of medical documentation. The result was that in December, 2005, ODJFS confirmed its original assessment that the Appellant's condition did not meet the program disability standards. The hearing officer overruled the appeal, agreeing with that assessment.

The Appellant submitted her request for administrative appeal without comment other than the preprinted objection on the form regarding misapplication of law or rule.

But our review of the hearing decision indicates that the hearing officer correctly applied the relevant program rules regarding the disability standard for each program, along with the social security standards incorporated therein.¹ In addition, though we were not asked to review the weight of the evidence in the case, we note that the hearing officer did a thorough job of analyzing the substantial record of medical documentation in this case, ultimately concluding that although the Appellant has numerous physical complaints, many of them are not confirmed by objective medical documentation and given her age of only 39, high school education, and work history, she retains the ability to do sedentary work found in the national economy.

¹ OAC 5101:1-5-20; 1-39-03; 20 CFR 416.901, 920, 945

DECISION

Accordingly we must ORDER that the hearing decision be AFFIRMED.



Robert J. Frankart
Administrative Appeal Officer

CONCUR:



Margaret Adams
Administrative Appeal Officer



Chris Barley, Attorney-at-Law
Chief Administrative Hearing Officer

DATE OF ISSUANCE February 27, 2006

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 a 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 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, Ashland County Department of Job and Family Services
Hearings Supervisor, DSM, Bureau of State Hearings
Cheryl Lo, Leisa Allender
Appellant
Appellant's Representative