

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

In the matter of:

<u>Case Number:</u> 5066965277	<u>County:</u> CUYAHOGA	
<u>Appeal:</u> 1319443	<u>Program:</u> OWF	<u>Disposition:</u> SUSTAINED
Compliance Required		
Decision Date:	02/06/2007	
Request Date:	11/27/2006	
Hearing Officer:	MARY CAYE KILBANE	

State Hearing Decision

ISSUE:

Appeal # 1319443 (OWF CASH ASSISTANCE):

A requirement for continued eligibility for OWF cash assistance is compliance with the signed and dated Self-Sufficiency Contract (SSC). Failure to meet these requirements, without good cause, shall result in the Ohio Works First benefits being sanctioned. Appellant failed to attend a JOBS Assignment on 11/06/06. As a result of the failure, the Cuyahoga County Department of Job and Family Services (Agency) proposed a first occurrence sanction on the OWF cash assistance benefits. Is the proposed sanction appropriate? After considering testimony and evidence and applicable policy, the Hearing Officer concludes the proposed sanction is incorrect. It is therefore recommended the appeal be sustained with compliance. Compliance will be accomplished when the Agency reinstates the OWF cash assistance benefits for the month of 01/01/07 and issues appropriate notices, affording appeal rights.

PROCEDURAL MATTERS:

Notice of adverse action was issued 11/24/06. The state hearing request was received in the Bureau of State Hearings 11/27/06 and scheduled for 12/19/06 (Exhibit 1). The state hearing was rescheduled, per Appellant request, for 01/17/06 and again for 02/05/07. The state hearing was conducted on 02/05/07. The state hearing scheduling notice was issued to all parties 01/24/07. The eligibility specialist, Carolyn Banks 7376, was the representative for the Agency. Appellant and her spouse were present at the appeal. The Appeal Summary was received 01/17/07 (Exhibit A). The state hearing request was timely and the sanction process should not have been implemented.

FINDINGS OF FACT:

1. The assistance group consists of Appellant, spouse and minor child.
2. Appellant signed the self-sufficiency contract, employability plan and the client assignment on 10/30/06, which was not in dispute.
3. Appellant was assigned to Job Search effective 11/01/06.
4. Appellant failed to attend Job Search on 11/06/06.
5. Appellant began employment at Giant Eagle on a part time basis 11/15/06 which was terminated in 12/06.

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6. The spouse receives SSI benefits.
7. The Agency proposed the first occurrence sanction effective 01/01/07.
8. Appellant was issued a \$672 OWF cash assistance warrant on 11/27/06, which was in dispute.
9. Compliance was signed 12/14/06.
10. Eligibility for OWF cash assistance was determined effective 02/01/07.
11. The Agency did not provide the Good Cause Policy.

CONCLUSIONS OF POLICY:

Policy

1. An assistance group is ineligible to participate in Ohio works first unless the minor head of household or each adult member of the assistance group enters into a written self-sufficiency contract with the county department of job and family services. The contract shall set forth the rights and responsibilities of the assistance group as applicants for and participants of the program, including work responsibilities established under sections 5107.40 to 5107.69 of the Revised Code and other requirements designed to assist the assistance group in achieving self-sufficiency and personal responsibility. Ohio Rev. Code § 5101.14 (1997)
2. For a first failure or refusal to comply with the Self-Sufficiency Contract, the CDJFS shall deny or terminate the assistance group's eligibility to participate in Ohio Works First for one payment month or until the failure or refusal ceases, whichever is longer. Ohio Rev. Code § 5107.16
3. Paragraph (C) of this same rule requires the Hearing Officer to base the decision in the hearing or appeal on the Agency's standards of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract, if the Agency provides the Hearing Officer a copy of the good cause standards.
4. Ohio Admin. Code § 5101:1-2-55 (B, C & E) (2002) outlines the process for replacement warrants.

Analysis

The basic premise for the self-sufficiency contract is to assist the Appellant in obtaining and maintaining self-sufficiency. Appellant entered into a binding contract on 10/30/06 agreeing to perform the activities listed in the self-sufficiency plan. Appellant was assigned to a Job Search component effective 11/06/06 for 129 hours per month. Appellant failed to attend 11/06/06 because she allegedly did not have transportation. As the Agency did not provide a copy of the Good Cause Policy, the Hearing Officer finds, on a technicality, the proposed sanction is incorrect.

Appellant is reminded the signing of the self-sufficiency contract and self-sufficiency plan is a binding agreement to perform the assignments listed on the self-sufficiency plan. All missed hours must meet the Agency's good cause criteria as listed above. Failure to comply with the self-sufficiency contract without good cause will result in a sanction.

Appellants were issued an OWF cash assistance warrant in the amount of \$672 on 11/27/06, which was redeemed. However, Appellants dispute receipt of the OWF cash assistance warrant. There was no indication Appellants had requested duplicate OWF warrants. Appellants are

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reminded if they did not receive the OWF cash assistance warrant issued on 11/27/06, they must complete a request for a duplicate warrant with the Agency.

HEARING OFFICER'S RECOMMENDATIONS:

Appeal # 1319443 (OWF CASH ASSISTANCE) - Based on the record before me, I find the appeal should be sustained with compliance. The Agency is not authorized to implement the sanction process. The Agency should be directed to

1. reinstate OWF cash assistance benefits effective 01/01/07, and
2. issue written notice to Appellants affording appeal rights.

FINAL ADMINISTRATIVE DECISION AND ORDER:

Since I find the Hearing Officer's recommendation is supported by policy and the evidence, I hereby adopt the recommendations. Thus, Appeal # 1319443 is sustained with compliance.

COMPLIANCE IS REQUIRED:

Ohio Admin. Code § 5101:6-7-03(B)(1)(a) 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. (2003)

Hearing Authority

February 6, 2007

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.

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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.

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Appendix

APPELLANT EXHIBITS:

Exhibit 1: State hearing request dated 11/27/06 (1 page)

AGENCY EXHIBITS:

Exhibit A: Appeal Summary dated 12/11/06