

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-3558	
Appeal No(s)	1451401	DFA
AG No.	1000418853	
Hearing Request Date:	11/20/2008	
Hearing Decision Date:	02/03/2009 / EM	
Appeal Request Date:	02/09/2009	
Agency:	TUSCARAWAS CDJFS	

Administrative Appeal Decision

The appellant is appealing the agency's November, 2008, approval of her application for an Ohio Works First hardship exemption from the program's 36 month eligibility limit. That exemption was approved after the appellant's daughter was returned to her after nearly two years in the custody of Children Services. The appellant received Ohio Works First assistance before the removal, and for seven months after the removal, in order to facilitate possible reunification. During that time she also applied for Disability Financial Assistance but was denied because she had already reached the 36 Ohio Works First eligibility limit. There is no record that she filed a timely appeal regarding the Disability Financial Assistance denial.

At the hearing, though, the appellant clarified that the issue of the hearing was the previous Disability Financial Assistance denial, not the recent Ohio Works First approval. The hearing officer overruled the appeal, finding that the matter of the 2007 Disability Financial Assistance denial was beyond the 90 state hearing time limit set forth in OAC 5101:6-3-02. She also noted that OAC 5101:1-5-01(E)(4)(a) provides that "An individual is not eligible for DFA if... The individual is ineligible to participate in the OWF program because of... The time limit established by section [5107.18](#) of the Revised Code..."

In her request for administrative appeal the appellant suggests a Statement of Error that the hearing decision is contrary to the weight of the evidence presented at the hearing regarding the fact that she was approved for Disability Financial Assistance in 2007, and if that assistance had continued she would not have experience a year gap in

assistance between the time that her previous Ohio Works First case ended and the current one was reestablished.

But the hearing record has no indication that Disability Financial Assistance was ever approved for the appellant in 2007, rather, assistance was denied in May, 2007. The reason for the denial apparently was the 36 month program eligibility limit, but it would have been more accurate to state that the appellant could not have been approved for Disability Financial Assistance at that time because she was still continuing to receive Ohio Works First Assistance. And there is no indication that the appellant again applied for Disability Financial Assistance during the gap period.

DECISION

We therefore ORDER that the hearing decision is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Legal Counsel

Date of Issuance: February 23, 2009

Notice to Appellant

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 the original 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 a copy of 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, TUSCARAWAS CDJFS

RAMOSD, MORRIE, Bureau of State Hearings