

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County BELMONT	District Hearings Section CANTON	Assistance Group Name		Assistance Group Number
Place of Hearing BELMONT CDHS	Initial Hearing Date 02/07/2000	Rescheduled Postponed to 02/22/2000	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation Ruth Campbell, Supervisor; Gary Shrekle

Date Notice Mailed 12/30/1899	Date Received by Local Agency 01/07/2000	Date Received by ODHS 01/13/2000	Date Appeal Summary Received	Date Scheduling Notice Mailed 02/11/2000
Appeal Number(s)/Program(s) 9934131/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 Human Services. If you would like a copy of the official record, please telephone the hearing supervisor at the CANTON District hearing section at 1-800-686-1569.

If you believe this state hearing decision is wrong, you may request an administrative appeal by writing to: Ohio Department of Human Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43266-0423. 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:

Whether the agency's 12/28/99 denial of the appellant's application for Prevention, Retention and Contingency (PRC) program benefits, was correct.

Agency Testimony:

The agency testified that appellant applied for PRC funds in 11/99 to pay for past due rent in the amount of \$1500. The appellant has been receiving OWF for himself and his son in the amount of \$296. The agency denied PRC for past due rent because appellant's monthly rent was \$400 and he only had \$296 in income. In addition the appellant advised the agency that the landlord would allow

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Appeal(s) OVERRULED 9934131	Date Issue 03/10/2000	Compliance
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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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him to do repair work to work off the past due rent. There was no eviction notice and the landlord seemed willing to work with appellant. For these reasons the application for PRC was denied.

Appellant Testimony:

The appellant testified that when he began renting in 3/99 he was employed. He could afford the \$400 in rent at that time. He lost his job in June. He currently owes \$1600 in back rent and cannot find full time employment. He is not eligible for unemployment compensation. The problem is that the landlord has no work for him to do currently. The landlord told him she would accept anything the agency could give. The landlord has not evicted him. He does not wish to move into low income housing and put his son at risk.

The Hearing Officer requested the agency fax a copy of the agency's PRC plan and any documents appellant submitted at hearing. As of 3/8/00 nothing was received by the Hearing Officer. Exhibit A was obtained from the PRC plan kept on file at the district office.

FINDING OF FACT:

The appellant applied for PRC monies to pay back rent. He receives OWF for himself and his child and has a part time job. His rent is \$400 per month. There has been no eviction notice given to appellant by the landlord or by court order.

The agency's PRC plan includes that Prevention and Retention assistance must be strictly related to keeping or gaining employment. There is a \$1500 limit on all PRC programs per calendar year which may be increased by the Director at his/her discretion. Under the Contingency program it states the CDHS shall pay shelter costs through the PRC program when assistance from other agencies is not available and the AG demonstrates the inability to pay these costs in the foreseeable future.

EXHIBITS:

A. PRC plan obtained from district office

CONCLUSIONS OF POLICY:

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Ohio Revised Code Section 5108.09 provides that when a state hearing is held regarding the PRC program, the hearing officer shall base the decision on the agency's PRC policy.

Ohio Revised Code Section 5108.10 states that when a county department of human services received an application for PRC, it shall promptly make an investigation and record of the circumstances of the applicant in order to ascertain the facts surrounding the application and to obtain such other information as may be required. On completion of the investigation, the county shall determine whether the applicant is eligible to participate, the assistance for service the applicant should receive and the approximate date when participation is to begin.

The record developed at hearing establishes that the appellant applied for PRC for past due rent. The appellant's income consists of OWF for two persons and income from a part time job. The agency determined that the appellant could not afford his \$400 rent and it would not be feasible to pay the past due rent for this reason. Also the landlord is willing to work with appellant is repaying the past due rent and there has been no eviction action taken against him. The Hearing Officer concludes that the agency has acted in accordance with their own PRC policy and the denial of PRC is upheld.

HEARING OFFICER'S RECOMMENDATIONS:

It is recommended that the appeal be overruled.

FINAL ADMINISTRATIVE DECISION AND ORDER:

The Hearing Officer's recommendations are adopted. APPEAL OVERRULED.

Date Issued: 03/10/2000