

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County MAHONING	District Hearings Section CANTON	Assistance Group Name		Assistance Group Number
Place of Hearing MAHONING CDHS	Initial Hearing Date 02/13/2001	Rescheduled Postponed to	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation Deirdre Devine, Manager

Date Notice Mailed 12/04/2000	Date Received by Local Agency	Date Received by ODHS 01/24/2001	Date Appeal Summary Received 01/24/2001	Date Scheduling Notice Mailed 02/02/2001
Appeal Number(s)/Program(s) 1003788/FS				

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 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 Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43266-0423 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 SECTION

On 12/31/00 the Mahoning County Department of Job and Family Services terminated food stamps. The action was based on OAC 5101:4-3-11. The issue on appeal is whether the appellant failed to comply with his employability plan. The decision supports that good cause has not been established and the agency's action was correct.

PROCEDURAL MATTERS

On 12/4/00 notice of adverse action was mailed. Because the hearing request was not received within the 15-day prior notice period, the agency took the proposed action. The appellant requested a state hearing on 1/24/01. The hearing was scheduled and heard on 2/13/00. The record was held open until

JLP

Appeal(s) OVERRULED 1003788	Date Issued 03/09/2001	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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2/20/01 for appellant to submit medical documentation. This documentation was not forthcoming.

FINDINGS OF FACT

Undisputed Facts

1. The appellant signed an employability plan on 10/23/00. He was assigned to complete a two week work experience program (WEP) PREP class beginning 10/30/00.
2. The appellant did not attend the class and the agency imposed a sanction for a first failure to comply with the employability plan.
3. The appellant is age 42 and received food stamps for himself and has applied for SSI benefits. He affirmed he did not complete his hours. The appellant argues that he was ill in October and could not participate. He asserted that he has medical conditions that prohibited him from participating. He did not provide a doctor statement to the agency in October but wished to submit medical documentation. The record was held open until 2/20/01 for his documentation. The documentation was not forthcoming.

CONCLUSIONS OF POLICY

Policy

OAC Rule 5101:4-3-29 (D)(4) and 7CFR 273.7 provide that if the individual fails or refuses, without good cause, to comply in full with any provision of their employability plan, a CDHS shall sanction the individual pursuant to the provisions of rule 5101:4-3-11 of the Administrative Code.

OAC Rule 5101:4-3-11 (G) and 7CFR 273.7 provide that no physically and mentally fit individual over the age of fifteen and under the age of sixty shall be eligible to participate in the food stamp program if the individual . . . (2) Refuses without good cause to participate in an employment and training program to the extent required by the CDJFS.

OAC Rule 5101:4-3-11 (H)(1)(a) provides that for a first failure, the individual shall be ineligible for food stamp benefits for one benefit month or until the failure or refusal ceases, whichever is longer.

Analysis

The record developed at hearing establishes that the appellant signed an employability plan on

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10/23/00 agreeing to complete a two week class beginning 10/30/00. The appellant failed to complete any hours. The appellant alleges that he had medical problems that prevented him from participating; however, nothing was submitted to the agency when he failed (in October) or after the hearing (in February) to document that the appellant's medical condition prevented him from participating in October. For this reason the Hearing Officer concludes that the agency's termination of food stamps is appropriate.

HEARING OFFICER'S RECOMMENDATIONS

Based on the record before me, I find the appeal should be overruled.

FINAL ADMINISTRATIVE DECISION AND ORDER

Finding the hearing officer's decision to be supported by the evidence, the recommendations above are adopted, and appeal 1003788 is overruled.

Exhibits:

- A. Individual demographics
- B. AG Authorization
- C. Case profile
- D. Notice history detail
- E. FS issuance history
- F. Running records 12/1/00
- G. Employability plan 10/23/00

Date Issued: 03/09/2001