

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

ADMINISTRATIVE APPEAL SECTION

**IN RE APPEAL OF:**

DOCKET NO.	2005-AA-0290
APPEAL NO(S).	1216399/OWF 12116401/FS 1216401/MED
AG No.	
HEARING REQUEST DATE:	02/15/2005
HEARING DECISION DATE:	03/11/2005
APPEAL REQUEST DATE:	03/24/2005
<b>Muskingum CDJFS</b>	

---

**Administrative Appeal Decision**

The Appellant has requested an administrative appeal of the state hearing decision issued on March 11, 2005. The state hearing decision overruled the Appellant's appeal, finding that the Muskingum County Department of Job and Family Services (Agency) was correct to propose a third occurrence sanction of the Appellant's Ohio Works First (OWF) cash, food stamps and Medicaid benefits for failure to comply with the self-sufficiency contract. The Appellant's administrative appeal request states that he did follow the rules of the contract, but misplaced his job search logs.

The Appellant signed the self-sufficiency contract on 12/29/04. The Appellant was assigned to contact fifteen employers per week and to complete a job search log recording this activity. The assignment was to begin on 01/06/05 and end 01/28/05. The Appellant failed to submit any of the job search logs during the assignment period. The Appellant stated that he believed that he threw out the job logs with his junk mail, but that he did complete the assignment.

Ohio Rev. Code 5107.16 provides that the third time an OWF assistance group member fails to comply with the self-sufficiency contract the assistance group shall be subject to a sanction for six OWF payment months or until the assistance group complies, whichever is longer. The Appellant had been previously sanctioned in 10/03 and 10/04. When an OWF assistance group requests a hearing on a proposed sanction, the State Hearing Officer is required to use the county department's good cause standards to determine if the sanction is appropriate. ORC 5107.16(C). The Muskingum County Department of Jobs and Family Services provided a copy of their good cause policy.

The Appellant claims that he completed his assignment, but lost the job logs that documented his compliance. The job logs are an essential requirement of the Appellant's assignment. Unlike other job activities where the individual would report to a job site, there is no independent way for the Agency to track compliance with the jobs assignment. Failure to return the job logs is failure to comply with the assignment. The Appellant's claim that he mistakenly threw out the logs does not constitute good cause

under the Agency's good cause policy. The Appellant has been sanctioned twice before and should be aware of the consequences of failing to comply with the self-sufficiency contract.

The Appellant's food stamp assistance group qualifies as an "OWF AG". Ohio Admin. Code 5101:4-3-09 defines an "OWF AG" is defined as an assistance group in which all members are eligible for OWF benefits. Because all members of the food stamp assistance group received OWF, Ohio Admin. Code 5101:4-3-09 requires that the failure to comply with the self-sufficiency contract without good cause result in a food stamp sanction for the Appellant and a reduction in the food stamp benefits for the assistance group. The food stamp sanction is also correct.

Ohio Admin. Code 5101:1-40-07 provides that an adult member of an OWF assistance group who is sanctioned for a third failure to comply with the provisions of an OWF self-sufficiency contract loses Medicaid eligibility until he meets compliance. The Agency properly proposed removing the Appellant from Medicaid until he complies with the terms of the self-sufficiency contract.

### Decision

Having, reviewed the state hearing decision and record, we find the decision contains no error affecting the outcome of the appeal. Accordingly, we hereby ORDER that the decision be AFFIRMED.



Margaret Adams  
Administrative Appeal Officer

CONCUR:



Robert J. Frankart  
Administrative Appeal Officer



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

DATE OF ISSUANCE March 31, 2005

This Administrative Appeal Decision is the final administrative decision on your case from the Ohio Department of Job and Family Services. If you disagree with this decision, you may have the right to appeal to common pleas court pursuant to Section 5101.35 of the Ohio Revised Code. Your appeal must be filed within thirty days of the date this decision was issued to you. 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, Muskingum CDJFS  
Hearings Supervisor, Bureau of State Hearings  
OWF: Mark McConnell, Shawn Lotts  
FS: Donna Tonkin  
MED: Mary Sartain  
Appellant