

## STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County <b>CUYAHOGA</b>	District Hearings Section <b>CLEVELAND</b>	Assistance Group Name		Assistance Group Number
Place of Hearing <b>CUYAHOGA CDHS</b>	Initial Hearing Date <b>01/18/2005</b>	Rescheduled Postponed to <b>03/02/2005</b>	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation <b>Shirley Arnold</b>

Date Notice Mailed <b>11/04/2004</b>	Date Received by Local Agency	Date Received by ODHS <b>12/27/2004</b>	Date Appeal Summary Received <b>03/02/2005</b>	Date Scheduling Notice Mailed <b>02/22/2005</b>
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Appeal Number(s)/Program(s) <b>1207485/CC</b>
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### Notice to Appellant

This is the state hearing decision in your case. All papers and materials introduced at the hearing or otherwise filed make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services.

**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, Ohio 43218-2825 or FAX (614) 728-9574. Your request should state why you think the hearing decision is wrong. You can complete the appeal request form included with this decision. Your written request or appeal form 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 or your representative may request a free copy of the hearing record and recording of the hearing by calling the Bureau of State Hearings at 1-866-635-3748 (select option 1 from main menu).

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

Initial eligibility for child care at requires a comparison of the household's income to the federal poverty guideline standard. Appellant's average monthly income of \$2749 exceeds the FPL standard of \$1959 for a household of three. The denial of child care on 10/29/04 is correct and the appeal should be overruled.

### PROCEDURAL MATTERS

Appellant requested a state hearing from the Bureau of State Hearings on 12/27/04. The hearing was originally scheduled for 1/18/05 and rescheduled on 2/22/05 for 3/2/03. The hearing was attended by appellant and the worker of record. An appeal summary was submitted prior to the hearing.

### FINDINGS OF FACT

1. Appellant applied for child care for two children on 10/26/04.
2. Appellant's income is gross wages of \$1137 biweekly and the children receive OWF of \$305.

DMZ

Appeal(s) <b>OVERRULED 1207485</b>	Date Issued <b>03/07/2005</b>	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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3. Total monthly gross income is \$2749 ( $\$1137 \times 2.15 = \$2444 + \$305$ ).
4. Because appellant's gross household income of \$2749 exceeds the FPL guideline for child care applicants of \$1959, the agency denied the application on 10/29/04.
5. Appellant does not dispute the income calculations.

## CONCLUSIONS OF POLICY

### Policy

Income eligible employment and training child care benefits may be provided to families whose gross monthly income does not exceed the maximum per cent of the federal poverty level for eligibility as established by administrative order pursuant to section 5104.39 of the Revised Code: and . . . Child care benefits are necessary to permit the caretaker to participate in paid employment either on a full time or part time basis; **Ohio Admin. §5101:2-16-30(D) (Anderson 2003)**

The administrative order contained in "Child Care Manual Procedure Letter No.9" dated 3/11/04 sets forth the statewide maximum income eligibility limits for publicly funded child care benefits. It requires that the local agencies "Refer to the maximum income limits of 150% of the 2004 Federal Poverty Guidelines, as shown in the attached chart, for determinations of initial eligibility for child care benefits.'

### **Child Care Manual Procedure Letter No. 9 (3/11/2004)**

According to the above guideline chart, the 150% income limit for a household of three is \$1959.

### Analysis

According to undisputed testimony appellant's income averages \$2749 monthly for herself and two children. This clearly exceeds the 150% limitation of \$1959 set forth in Child Care Manual Procedure Letter No. 9. The denial of child care due to income in excess of the limitation was correct and the appeal should be overruled.

## HEARING OFFICER'S RECOMMENDATIONS

I find the appeal should be overruled; the 10/29/04 denial of child care by the agency due to excess income was proper.

## FINAL ADMINISTRATIVE DECISION AND ORDER

Finding the hearing officer's decision to be supported by the evidence, the recommendations above are adopted

Appeal #1207485 is **OVERRULED**.

## EXHIBITS

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none

**APPENDIX**

appeal summary and ancillary documents

Date Issued: 03/07/2005