

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

ADMINISTRATIVE APPEAL SECTION

IN RE APPEAL OF:

DOCKET NO. 2006-AA-0270
APPEAL No(S). 1269641 / FSOP
AG No. HEARING REQUEST DATE: 01/30/2006
HEARING DECISION DATE: 02/22/2006 / **ELG**
APPEAL REQUEST DATE: 03/13/2006
AGENCY: **Hamilton** CDJFS

Administrative Appeal Decision

The Appellant has requested an administrative appeal of the state hearing decision rendered February 22, 2006. The state hearing decision found that the Agency had correctly determined that the Appellant had received a food stamp overpayment of \$270 for the period from 06/10/05 through 09/30/05 due to Agency error. The Appellant appeals because she does not understand why she has to pay for the caseworker's mistake.

The Appellant was in receipt of food stamps for the period from 06/05 through 09/05. The Appellant appropriately disclosed her income. The Agency miscalculated the income when entering in the food stamp budget and as a result the Appellant received a food stamp overpayment. The Agency discovered the error and calculated the overpayment amount. The Appellant did not contest any of the income used by the Agency in the corrected food stamp budget, but only that she had to repay the amount since she had properly reported all her income.

Food stamp program rules require the collection of all food stamp overpayments, regardless of cause, and it appears that the agency computed the overpayment in accordance with program rules.¹ The Agency, however, has substantial flexibility in working with the Appellant to collect the overpayment, including the ability to "compromise a claim or any portion of a claim if it can be reasonably determined that an AG's economic circumstances dictate that the claim will not be paid in three years. Compromising a claim is an agreement to adjust the total owed at the end of three years if the AG has made payments, commensurate with its financial circumstances, throughout that period of time."² In addition, "A county agency may opt not to establish and subsequently collect an overpayment that is not cost effective."³

¹ OAC 5101:4-8-15, 17, 27

² OAC 5101:4-8-19(G)

³ OAC 5101:4-8-19(A)

DECISION

Accordingly we must ORDER that the hearing decision be AFFIRMED.



Margaret Adams
Administrative Appeal Officer

CONCUR:



Robert J. Frankart
Administrative Appeal Officer



Robert Mullinax, Attorney-at-Law
Chief Legal Counsel

DATE OF ISSUANCE March 27, 2006

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 a 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 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, Hamilton County Department of Job and Family Services
Hearings Supervisor, ELG, Bureau of State Hearings
Donna Tonkin, Wanda Ellis
Appellant