

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS**

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2371	
Appeal No(s)	1398511	MED
AG No.	5071204480	
Hearing Request Date:	02/14/2008	
Hearing Decision Date:	02/19/2008	
Appeal Request Date:	02/29/2008	
Agency:	MONTGOMERY CDJFS	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing denial issued on February 19, 2008. The appellant's state hearing request was denied because the appeal was not timely. The appellant's application was denied on October 29, 2007 and the appeal request was not received until January 27, 2008, ninety-two days after the notice was mailed.

When the agency denies an application for or a requested change in public assistance or social services, the assistance group shall be provided prompt written notice of the decision."¹ " The individual shall be allowed ninety calendar days to request a hearing on any action or inaction...The ninety-day period begins on the day after the date the notice of action is mailed. The date of the hearing request is the date it is received by either the state or local agency....The ninety-day time limit does not apply unless the individual has received notice of hearing rights relative to the specific action or inaction being appealed..."²

The appellant's administrative appeal request indicates that he did not understand the denial notice, and thought that he had to have all the necessary evidence gathered before he could request a hearing. He also indicates that he did not understand the ninety day deadline. The appellant disagrees with the Medicaid denial. We cannot address the appellant's substantive issue, however. A prerequisite to our deciding the case on its merits is a timely appeal. Ohio Admin. Code 5101:6-5-03(C)

provides that a state hearing request may be denied if the request is untimely. The appellant's appeal was not received in a timely manner and the appeal was properly denied.

Decision

We hereby ORDER that the state hearing denial is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: March 12, 2008

Notice to Appellant

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 the original 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 a copy of 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, MONTGOMERY CDJFS
, Bureau of State Hearings