

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2377	
Appeal No(s)	1396057	FS
AG No.	5067515550	
Hearing Request Date:	01/29/2008	
Hearing Decision Date:	02/22/2008	
Appeal Request Date:	03/04/2008	
Agency:	HAMILTON CDJFS	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing dismissal issued on February 22, 2008. The appellant's appeal was dismissed because the appellant withdrew her hearing request in writing. The state hearing withdrawal form indicates that the appellant's income will be redetermined because the household lost income from one assistance group member and had new income from the appellant. The Agency has since redetermined the appellant's food stamp eligibility and the application was denied.

Ohio Admin. Code 5101:6-5-03(E) provides that a request for a state hearing may be dismissed if the appellant or their authorized representative completes and submits a signed written withdrawal of the hearing request before the state hearing decision is issued. The appellant withdrew her state hearing request with the understanding that her eligibility would be redetermined. The appellant disagrees with the new determination and the appropriate remedy is a new hearing request, not a rescission of her previous withdrawal. The dismissal of the appellant's January 29, 2008 state hearing request is appropriate. However, the Cincinnati Hearings Office should docket and schedule a new appeal regarding the Agency's food stamp denial.

DECISION

We ORDER that the hearing decision is AFFIRMED, but the Cincinnati Hearing Office should docket and schedule a new appeal.

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, HAMILTON CDJFS
STANIP, Bureau of State Hearings