

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-3609	
Appeal No(s)	1449473	OWF
	1449474	PAF
AG No.	5054013445	
Hearing Request Date:	11/17/2008	
Hearing Decision Date:	02/19/2009 / JLP	
Appeal Request Date:	02/27/2009	
Agency:	TRUMBULL CDJFS	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing decision issued on February 19, 2009. The state hearing decision overruled the appellant's Ohio Works First and Food Assistance appeals, finding that the Agency appropriately proposed a third occurrence sanction of the appellant's benefits because she failed to comply with the terms of her self-sufficiency contract.

The appellant signed a self-sufficiency contract on June 5, 2008. The contract was amended on August 4, 2008. The appellant was assigned to participate in a work activity for twenty hours per month beginning September 1, 2008. The appellant did not participate in September, but had good cause for her non-participation. The appellant attended only four hours for the month of October on October 6 from 8:00 a.m. to 12:00 p.m. The appellant testified that she also attended part of the day October 7, although the worksite's attendance records do not reflect that. The appellant's boyfriend, who was watching the appellant's children obtained employment on October 7th. The appellant contacted the agency because she now needed childcare and transportation assistance. The appellant was advised to apply for childcare and told that she should use the work allowance money she received to arrange transportation. The appellant's boyfriend worked only two days, October 8 and 9 before the job ended. The appellant also provided documentation that she was discharged from a hospital on October 23. The appellant testified that she entered the nursing home on October 19 for a ruptured tube. The discharge order indicates that the appellant cannot return to work, however, no timeframe was given. The hearing officer argues that, even looking at the case in

the light most favorable to the appellant, she did not complete her assigned hours. The hearing officer states that allowing the appellant good cause for October 8 and 9 while her boyfriend was unavailable for childcare and transportation, and for October 19 through the end of the month due to illness, the appellant was still absent on October 1, 2, 3, 7, 10, 13, 13, 14, 15, 16 or 17. No good cause was established for those dates.

Ohio Rev. Code 5107.16 provides that the third and subsequent 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 months¹. Ohio Admin. Code 5101:1-3-12 sets forth the good cause criteria for failure to comply with the self-sufficiency contract. Even allowing the appellant good cause for the period where her boyfriend was employed and for her hospitalization and illness, the appellant still has ten days absent without good cause. The sanction is appropriate.

All of the members of the appellant's assistance group receives both OWF and food assistance. Ohio Admin. Code 5101:4-3-09 defines an "OWF AG" as a Food Assistance assistance group in which all members are eligible for OWF benefits. 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 assistance benefits for the assistance group. The food assistance sanction is also correct.

Decision

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

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Legal Counsel

Date of Issuance: March 10, 2009

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, TRUMBULL CDJFS
RAMOSD, PARSOJ, Bureau of State Hearings