

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County ATHENS	District Hearings Section CANTON	Assistance Group Name		Assistance Group Number
Place of Hearing ATHENS CDHS	Initial Hearing Date 02/20/2001	Rescheduled Postponed to 03/12/2001	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation Shawn Stover, SPC; Vicki Howard, Caseworker

Date Notice Mailed 01/23/2001	Date Received by Local Agency	Date Received by ODHS 01/31/2001	Date Appeal Summary Received 03/09/2001	Date Scheduling Notice Mailed 03/02/2001
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Appeal Number(s)/Program(s) 1004704/OWF

Notice to Appellant

This is the official report of your hearing and is to inform you of the decision and order in your case. All papers and materials introduced at the hearing or otherwise filed in the proceeding make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services. If you would like a copy of the official record, please telephone the hearing supervisor at the CANTON District hearing section at 1-800-686-1569.

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, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43266-0423 or FAX (614) 752-8298. Your request should include a copy of this hearing decision and an explanation of why you think it is wrong. Your written request must be received by the Office of Legal Services 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 may request a free copy of the tape recording of the hearing by contacting the district hearings section.

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 OWF 1004704:

On January 23, 2001 the Athens County Department of Job and Family Services (Agency) notified the Appellant that effective February 28, 2001 her Ohio Works First (OWF) cash assistance would terminate. The termination was due to the Agency's determination that the Appellant had attained the 36 month time limitation of OWF cash assistance and that the Appellant did not meet an extension of OWF due to hardship. At issue in this appeal is whether the Agency's determinations were correct.

Based on an analysis of the facts and law as presented during the hearing, the Hearing Officer concludes that the Agency's determination is correct. There was no evidence presented to show that the termination of OWF would create a hardship on the Appellant. The Appellant is employed part-time, is capable of full time employment and is capable of achieving self-sufficiency.

TDA

Appeal(s) OVERRULED 1004704	Date Issued 04/09/2001	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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PRELIMINARY MATTERS:

The Appellant's request for a hearing is dated January 31, 2001. By letter dated February 21, 2001 the matter was set for an evidentiary hearing to begin on February 20, 2001. A request for reschedule was received and by letter dated March 2, 2001 the matter was set and went forward on March 12, 2001.

FINDINGS OF FACT:

Having heard the testimony of the witnesses and the oral arguments presented and having examined the exhibits placed into evidence, I make the following findings of fact:

1. The assistance group consists of the Appellant, age 34, and her 13 year old son. The Appellant was in receipt of OWF cash assistance through February 28, 2001. The assistance group continues to receive Food Stamps and OWF-Related Medicaid. The undisputed fact is that from October 1, 1997 through February 28, 2001 the assistance group received 36 months of OWF cash assistance.
2. The Agency reviewed the Appellant's case to determine whether she met their hardship criteria to extend OWF cash. The Agency presented their hardship criteria as follows: Adult caretakers who are disabled or required to be in the home to care for a disabled child or spouse, single parent in which the mother is in her last trimester of pregnancy or the youngest child is less than four months old, teenage parents and their children not otherwise exempt by state rules shall be exempt until the youngest parent reaches their eighteenth birthday or graduates from high school, a household in which all required adults are actively participating in an approved training program may be exempt for three months immediately following the expiration of their initial time limit, the individual is active with the Children's Services Board has a case plan and is working cooperatively toward case plan goals, the individual has extraordinary circumstances whereby the imposition of the time limits would prevent them from completing the activities needed to reach a level of economic support.
3. The Agency determined that the Appellant did not meet their hardship criteria policy as the Appellant has no barriers to full time employment, she receives approximately \$50 to \$70 per month in child support and is a full time student currently pursuing nursing. She is expected to graduate in 2 1/2 years. She receives HUD, a subsidized rent payment program whereby she only pays \$7 monthly for rent.
4. The Appellant requests that a hardship extension be granted due to the receipt of \$296 in OWF being helpful to her. Her son has Attention Deficit Disorder however testimony indicated that he is currently stabilized with medication. The Appellant must however be there to make sure that he takes his medication and she must help him with his homework. The Appellant's son is in school and not in receipt of SSI.

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CONCLUSION OF POLICY:

Ohio Revised Code (ORC) Section 5107.18(A) states except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in OWF if the assistance group includes an adult who has participated in the program for thirty-six months. Division (E) states an Agency may exempt not more than twenty per cent of the average monthly number of OWF participants from the time limit established by this section on the grounds that the Agency determines that the time limit would create a hardship. The Agency shall examine the individual circumstances and make a determination as to whether the assistance group meets their hardship criteria.

Analysis:

An analysis of the facts established during the hearing lead the Hearing Officer to conclude that the Appellant does not meet the criteria of hardship, in that the termination of OWF would not create a hardship on the Appellant. The Appellant is employed, can work full time, receives child support and has subsidized housing. There were no barriers presented to show that Appellant cannot become self-sufficient. The Hearing Officer recognizes that the Appellant's son does require additional attention due to his disorder, but this has not prevent others in the national economy from obtaining self-sufficiency. The Agency's determination is upheld.

HEARING OFFICER'S RECOMMENDATION:

Based upon the record before me I find the appeal should be Overruled because the action of the Agency was correct.

FINAL ADMINISTRATIVE DECISION AND ORDER:

Finding the Hearing Officer's decision to be supported by the evidence, the above recommendations are adopted and the appeal is OVERRULED. No orders of compliance shall be issued against the Agency based on this appeal.

Exhibits presented by the Agency and entered into the record:

- A. CNHD notice history detail
- B. Hardship policy

Date Issued: 04/09/2001