

## STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

County <b>CUYAHOGA</b>	District Hearings Section <b>CLEVELAND</b>	Assistance Group Name		Assistance Group Number
Place of Hearing <b>CUYAHOGA CDHS</b>	Initial Hearing Date <b>02/12/2002</b>	Rescheduled Postponed to <b>03/05/2002</b>	Rescheduled Postponed to	Rescheduled Postponed to

Appellant/Representative	Appellant Representation
	Local Agency Representation <b>LaTonya Fischer, self-sufficiency coach, (SSC) #5461</b>

Date Notice Mailed <b>11/29/2001</b>	Date Received by Local Agency	Date Received by ODHS <b>01/22/2002</b>	Date Appeal Summary Received	Date Scheduling Notice Mailed <b>02/20/2002</b>
Appeal Number(s)/Program(s) <b>1053335/PRC</b>				

### 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 CLEVELAND District hearing section at 1-800-686-1551.

**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 43215-3414 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 SECTION

Prevention, Retention and Contingency (PRC), Appeal No. 1053335:

On 11/29/2001, the Cuyahoga County Department of Job and Family Services (CDJFS), also known as the agency notified the appellant they denied the appellant's, 11/21/2001 PRC application. The reason the agency denied the appellant's PRC request for a \$3,000.00 mortgage payment was because the request is not for a short-term, non-recurrent need. The issue on appeal is whether the agency's action to deny, the appellant's PRC request, is according to the agency's PRC plan. The Hearing Officer finds from the facts and the agency's PRC policy that the agency's action of denial was according to the agency's PRC policy and is therefore correct.

### PROCEDURAL MATTERS

On 01/10/2002, the appellant requested a state hearing and it was received by the Bureau of State Hearing

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Appeal(s) <b>OVERRULED 1053335</b>	Date Issued <b>04/12/2002</b>	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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on 01/22/2002. The state hearing was originally was scheduled for a 02/12/2002 and later it was rescheduled for 03/05/2002. The agency submitted an Appeal Summary on 03/05/2002. The Hearing Officer left the record open until 03/08/2002, at 4:30 pm.

## **SUMMARY OF THE PROCEEDINGS**

### Agency Testimony:

The self-sufficiency coach, also known as the agency representative (AR), stated the agency denied the appellant's Prevention, Retention and Contingency (PRC), dated 11/21/2001, application for \$3,226.43, mortgage payment. The AR stated the maximum the agency pays out under the PRC program is \$3,000.00. Also, the AR stated the appellant's monthly income is \$305.00; however, her mortgage is \$698.00. The AR stated based on this information the appellant's need is not temporary because she will have a deficit each month and . The AR stated the PRC program was intended to be non-recurrent, short-term assistance which would last up to four months. The AR read the PRC policy page 3 into the record. The AR stated the agency forwarded the denial notice to the appellant on 11/29/2001 and on 12/13/2001 the AR had a telephone conference with the appellant's representative regarding the denial.

### Appellant Testimony:

The appellant stated she applied for the PRC on 11/21/2001 and did not receive the denial until after 12/29/2001. The appellant stated that she disputes the amount requested. The appellant stated she requested \$3,000.00 on the PRC application. The appellant stated her mortgage for her home is \$566.00 not \$698.00. The appellant stated the insurance inflated the mortgage payment to \$698.00. The appellant stated she is looking for less expensive insurance. The appellant stated her mental health counselor had the call the AR for a copy of the denial. The appellant stated the agency never asked her any questions about her situation. The appellant stated the mortgage company would have accept the \$3000.00 and put the mortgage payments at the end of her obligation.

The appellant stated she is receiving OWF in the amount of \$305.00 per month for her household of two and she has a pending supplemental security income, (SSI). The appellant stated the SSI claim was submitted in 10/2000 and her appeal is in the re-consideration stage. The appellant stated she has been ill since 07/2000. The appellant stated she has lupus, fibro-malegia and a mental health condition. The appellant stated she is receiving mental health services from a mental health agency. The appellant stated she has had the house for 15 years and she does not want to have the bank foreclose on her. The appellant stated the bank filed foreclosure in 01/2002. The appellant stated she was six months behind on her mortgage, 07/2001 through 02/2002. The appellant can submit letters from her daughter and mother-in-law which would show they are willing to assist her with \$200.00 per month, per person each month until the SSI is approved. The appellant stated the mental health agency will actually pay four months of mortgage after she is caught up.

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The appellant's mental health counselor (AMHC) stated there are monies available at certain times, called the Wrap Around program which will assist clients with four months of mortgage payments. The AMHC stated they have to appeal to the Cuyahoga Mental Health Board for the monies.

### **FINDINGS OF FACT**

- (1) On 11/21/2001, the appellant submitted a PRC application for a \$3,000.00 mortgage payment.
- (2) On 11/29/2001, the agency denied the appellant's PRC application because the appellant's mortgage payment, of \$566.00 is greater than her OWF income of \$305.00 and as a consequence the appellant would incur a recurrent debt.
- (3) The appellant has a current pending appeal with the Social Security Administration concerning her medical conditions: lupus, fibro-malegia and a mental health condition.
- (4) The appellant's daughter and mother-in-law will assist the appellant with her mortgage payments if her state hearing appeal is approved.
- (5) On 01/10/2002, the appellant requested a state hearing.
- (6) At the time of the state hearing, the appellant was six months behind on her mortgage payments for 07/2001 through 02/2002.

### **CONCLUSIONS OF POLICY**

#### **Policy**

##### **PRC**

Ohio Administrative Code (O.A.C) rule 5101:6-7-01(C) provides that the Hearing Officer's findings of fact shall be based exclusively on the evidence introduced at the hearing, or after the hearing and subject to examination and rebuttal by both parties. It shall be the responsibility of the agency to show, by a preponderance of the evidence, that its action or inaction was in accordance with ODJFS rules. This section of the rule further states that decisions regarding PRC eligibility are to be based on the county's written statement of policies adopted under section 5108.08 of the Ohio Revised Code.

The Cuyahoga County's PRC plan, page 3, states the PRC program is intended to assist client's with short-term, non-recurrent need.

#### **Analysis**

The facts of the case indicate, on 11/21/2001, the appellant submitted a PRC application for a \$3,000.00 mortgage payment. On 11/29/2001, the agency denied the appellant's PRC application because the appellant's mortgage payment, of \$566.00 is greater than her OWF income of \$305.00 and as a consequence the appellant would incur a recurrent debt. The appellant has a current pending appeal with the Social Security Administration concerning her medical conditions: lupus, fibro-malegia and a mental health

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condition. The appellant's daughter and mother-in-law will assist the appellant with her mortgage payments if her state hearing appeal is approved.

The Hearing Officer finds from the agency's PRC policy, that " the supports provided under the PRC program include non-recurrent, short-term, crisis-oriented benefits and ongoing services which do not meet the federal definition of assistance. Non-recurrent, short-term assistance addresses discrete crisis situations that does not provide for a need extending beyond four months....the payments should provide for short-term relief and addresses a discrete crisis situation rather than meeting recurrent needs." The Hearing Officer finds from the facts that the appellant's need is recurrent and according to the agency's PRC policy the PRC funds are available to individuals' needs which are non-recurrent, short-term needs. Therefore, the agency's action of denial is correct according to their policy.

#### **HEARING OFFICER'S RECOMMENDATIONS**

Based on the record before me, I find the appeal-PRC- should be overruled. (1053335)

#### **FINAL ADMINISTRATIVE DECISION AND ORDER**

Finding the hearing officer's decision to be supported by the evidence, the recommendations above are adopted.

PRC appeal overruled.

#### **APPENDIX:**

##### Agency's Exhibits:

- (1) Appeal Summary
- (2) PRC policy, page 3 and 2\*
- (3) PRC application

The Hearing Officer did not receive page 2 from the agency.

##### Appellant's Exhibits:

- (A) Letter from daughter
- (B) Letter from mother-in-law
- (C) Mortgage payments#
- (D) Copy of homeowner's insurance

#The Hearing Officer did not receive this document.

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Date Issued: 04/12/2002