



Ohio Department of Job and Family Services

Administrative Appeal Decision

APPELLANT:**CASE NO.****APPEAL NO(S).** 1162651**DOCKET NO.** 2004-AA-0314

By request received March 26, 2004, Appellant has requested an Administrative Appeal of a state hearing decision rendered March 17, 2004. The issue raised on this Administrative Appeal is whether the Lorain County Department of Job and Family Services (Agency) was correct in imposing a period of six months of ineligibility for Ohio Works First (OWF) benefits based upon refusal to accept a bona fide job offer. The state hearing decision found that just cause was not established for the refusal, that the denial of OWF was correct and overruled the appeal. This Administrative Appeal Decision Affirms the state hearing decision.

SUMMARY OF CASE

The hearing record indicates Appellant received OWF, FS and Medicaid benefits through Agency. Appellant reported to Agency November 20, 2003, that Appellant became a full-time employee as a registered nurse. The employment would begin the first week of December. Based upon an hourly wage of \$23, the assistance group was no longer eligible for OWF and notice of termination was mailed and OWF terminated December 31, 2003. The assistance group (AG) was transferred to Transitional Medicaid effective January 1, 2004. On December 22, 2003, Appellant reported she was not able to begin work until January 14, 2004, and verification was provided January 14, 2004. Appellant requested OWF for January and was advised to submit an application and supply verification of employment. Appellant was unable to attend the orientation January 14, 2004, due to car problems, and did not reschedule the appointment. Agency learned that, as of February 2, 2004, the position was still available. Appellant worked two days during January, 2004. Appellant applied for benefits January 20, 2004. Appellant submitted a statement of good cause for failure to accept the position, indicating lack of transportation. Specifically, the car, a 1992 Pontiac, needed repairs and was not reliable to drive the distance to the employment. Agency received no request for transportation vouchers. Agency determined that Appellant failed to accept a bona fide offer of employment and failed to establish just cause and imposed a six-month period of ineligibility for OWF benefits following the failure date of January 14, 2004. Agency learned that Appellant received an offer of employment February 5, 2004, and began employment March 8, 2004, earning \$22 per hour.

HEARING DECISION

The state hearing decision found that the reason submitted for failure to accept employment was a lack of transportation, however, that does not meet the criteria for establishing just cause for a cessation of employment or a failure to accept employment and that Agency action is correct.

REQUEST FOR ADMINISTRATIVE APPEAL

Appellant submitted the pre-printed Administrative Appeal Request which asserts the hearing decision relies upon a misapplication of law or rule. Appellant asserts there were two findings of fact that were incorrect. Appellant accepts the ruling but expresses a desire to correct the facts. In the findings of fact, item five, the indication in the state hearing decision is that Agency learned of the employment through a computer match and Appellant asserts papers were submitted to Agency informing them of the employment. And, in finding of fact number seven, Agency had been informed of difficulties with transportation the first month and the car had multiple problems. By the time the last repair prevented attendance, a request for vouchers would not have been effective.

ANALYSIS

Ohio Administrative Code (OAC) 5101:6-8-01 allows for an Administrative Appeal from a state hearing decision. The Administrative Hearing Examiner is required to examine the decision, the information supplied on appeal and the record and/or tape of the hearing if appropriate. If the initial decision contains no error that affects the outcome of the appeal the decision is to be affirmed. If the decision contains an error that resulted in an outcome adverse to the individual the decision is to be reversed. Appellant does not assert the state hearing decision is incorrect, only that two of the findings of fact are in error. Because Appellant accepts the decision and is not disputing the results of the decision, I find that there is no substantive issue to address in this Administrative Appeal, but find that the state hearing decision is correct.

DECISION

The state hearing decision regarding an imposition of six-month period of ineligibility for OWF benefits based upon a refusal to accept a bona fide offer of employment and related to Appeal Number 1162651 is **AFFIRMED**.

James R. Skidmore, Attorney-at-Law
Administrative Hearing Examiner

Marcia K. Slotnick, Attorney-at-Law
Chief Administrative Hearing Examiner
Office of Legal Services on behalf of
Thomas J. Hayes, Director

DATE OF ISSUANCE April 2, 2004

This Administrative Appeal Decision is the final administrative decision on your case from the Ohio Department of Job and Family Services. If you disagree with this decision, you may have the right to appeal to common pleas court pursuant to Section 5101.35 of the Ohio Revised Code. Your appeal must be filed within thirty days of the date this decision was issued to you. 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, Lorain County Department of Job and Family Services
Dorothy Smith, Office of Legal Services
Hearings Supervisor
Bureau of State Hearings
Ann Kniep
Appellant