

IN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES  
BUREAU OF STATE HEARINGS

ADMINISTRATIVE APPEAL SECTION

**IN RE APPEAL OF:**

DOCKET NO.	2005-AA-0311
APPEAL NO(S).	1213754 / OWF 1213755 / FS
AG No.	
HEARING REQUEST DATE:	01/05/2005
HEARING DECISION DATE:	03/24/2005 / <b>TMD</b>
APPEAL REQUEST DATE:	04/01/2005
<b>Clermont CDJFS</b>	

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**Administrative Appeal Decision**

The Appellant has requested an administrative appeal of the state hearing decision issued on March 24, 2005. The state hearing decision overruled the Appellant's appeal, finding that the Clermont County Department of Job and Family Services (Agency) was correct to propose a first occurrence sanction of the Appellant's Ohio Works First (OWF) cash, and food stamps benefits for failure to comply with the self-sufficiency contract.

The Appellant signed the self-sufficiency contract on 08/11/04. The Appellant was assigned to intern at the Business and Workforce Resource Center for forty hours per week. On 12/27/04 the Appellant called and left a message with her caseworker indicating that she would not be attending BWRC because she had to attend to family business. When questioned later the Appellant indicated that she had to assist her son in contacting legal aid in the morning and had a doctor's appointment in the afternoon. The Appellant stated that the Clermont Transportation Connection (CTC) would not transport her for more than two trips per day. The Agency representative indicated that the Appellant was responsible for contacting CTC to determine if transportation could be arranged. There is no question that the Appellant failed to attend her assignment on 12/27/04.

Ohio Rev. Code 5107.16 provides that the first time an OWF assistance group member fails to comply with the self-sufficiency contract the assistance group shall be subject to a sanction for one OWF payment month or until the assistance group complies, whichever is longer. When an OWF assistance group requests a hearing on a proposed sanction, the State Hearing Officer is required to use the county department's good cause standards to determine if the sanction is appropriate. ORC 5107.16(C). The Clermont County Department of Jobs and Family Services

provided a copy of their good cause policy.

The Clermont County good cause policy sets forth six specific criteria for good cause: personal illness, illness of a family member, a verified medical appointment, verified job interview, lack of adequate child care and bereavement. Clearly assisting her adult son in contacting legal aid does not meet any of the listed criteria and does not constitute good cause. However, in the afternoon of 12/27 the Appellant did have a verified medical appointment. The county's good cause policy states that an individual may be excused from their assignment only for the time spent traveling to and from the medical appointment and the time for the medical appointment itself. The Appellant did provide a doctor's statement for her absence on 12/27. That statement was not included in the record. We, therefore, cannot determine how long the Appellant should have been excused for. There was no indication of how long the Appellant's appointment took or how much travel time it entailed. Clearly, this information is essential to determine what portion of the Appellant's assigned hours could be considered good cause and if the entire day could be considered excused.

The Appellant also indicated that she was experiencing problems with arranging transportation to her work activity and that CTC would not take her to the work site, from the work site to the doctor, and from the doctor to home. The Appellant has an obligation to inquire with CTC whether these arrangements can be made. She failed to do so. The Agency, however, claims that lack of transportation is not good cause for failure to attend her work assignment, (See, ex. E, notes for 12/16 and 10/27) and certainly lack of transportation is not one of the listed good cause reasons. But the self-sufficiency contract also provides that the Agency is responsible for providing supportive services in the Appellant's endeavor to become self-sufficient. (Ex. G - SSC, para. 8) If CTC is unable to provide the Appellant the transportation services necessary to allow the Appellant to participate in the work activity, it is the county's responsibility to make other transportation arrangements available.

Further, there is no indication in the hearing decision as to whether the Appellant's food stamp assistance group qualifies as an "OWF AG". Ohio Admin. Code 5101:4-3-09 defines an "OWF AG" as an assistance group in which all members are eligible for OWF benefits. If all members of the food stamp assistance group received OWF, Ohio Admin. Code 5101:4-3-09 requires that the failure to comply with the self-sufficiency contract without good cause also results

in a food stamp sanction. Based on the state hearing record, it cannot be determined whether the food stamp sanction is correct.

### DECISION

The decision of the state hearing officer is reversed, COMPLIANCE issue to the Agency to void the first occurrence sanction and reinstate the Appellant's food stamp and OWF benefits. The county is directed to send the Appellant written notice of the action taken as a result of this decision via an ODJFS 4074, 4065, 7334, 7401, 4701 or other appropriate state form. The county is to attach a copy of this notice to the ODJFS 4068 State Hearing Compliance form. The Appellant retains all state hearing rights regarding any future agency determination



Margaret Adams  
Administrative Appeal Officer

**CONCUR**



Robert J. Frankart  
Administrative Appeal Officer



Robert Mullinax, Attorney-at-Law  
Chief Legal Counsel

DATE OF ISSUANCE April 13, 2005

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, Clermont County Department of Job and Family Services  
Hearings Supervisor, TMD  
Bureau of State Hearings  
Mark McConnell, Shawn Lotts  
Donna Tonkin  
Appellant