

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

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2502	
Appeal No(s)	1401104	CC
AG No.		
Hearing Request Date:	02/26/2008	
Hearing Decision Date:	03/27/2008 / MPW	
Appeal Request Date:	04/02/2008	
Agency:	MONTGOMERY CDJFS	

Administrative Appeal Decision

The appellant requests an administrative appeal of the state hearing decision issued on March 27, 2008. The state hearing decision overruled the appellant's appeal, finding that the Agency appropriately denied the appellant's request for reimbursement of out-of-pocket expenses for child care services she received from January 11 through February 24, 2008. The appellant appeals, stating that she was eligible for publicly funded childcare for that period, and therefore is entitled to reimbursement.

The appellant applied for publicly funded childcare benefits on January 11, 2008. The appellant was ultimately approved for childcare benefits. The approval was ultimately effective on February 25th. Eligibility for childcare benefits may begin on the application date. The Agency is required to pay for child care services provided between the date the CDJFS receives an application and the date the family is determined to be eligible¹. It appears that in this case, the appellant is correct, she was eligible for childcare services for the period from January 11th through February 24th. The situation, however, is complicated by the fact that the appellant paid for the childcare services privately for that period.

The appellant paid \$140 per week to the childcare provider. The appellant's childcare co-payment is only \$145 per month. The appellant testified that she was told by the receptionist that she would be reimbursed for these costs. The childcare rules do not provide for any direct reimbursement of childcare expenses to childcare recipients. The rule does allow the Agency to "pay the provider for services provided between the

¹ Ohio Admin. Code 5101:2-16-35

date the CDJFS received a completed JFS 01138 "Application for Child Care Benefits" (rev. 1/2008) from the caretaker and the date the caretaker is determined eligible for child care benefits." However, the provider cannot be paid for services by both the Agency and the appellant. The Agency could only pay the provider, therefore, once he reimbursed the appellant. The provider was unwilling to reimburse the appellant or provide her credit. Unfortunately, unless the provider will cooperate, there is no method to allow the appellant to be reimbursed for these expenses. The appellant should discuss the situation with the provider to see if he will cooperate in refunding her money. Based on the information presented in the state hearing record, however, the decision is 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 Administrative Hearing Officer

Date of Issuance: April 16, 2008

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, MONTGOMERY CDJFS
FOGLEA, WALKEM, Bureau of State Hearings