

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

In the matter of:

<u>Case Number:</u>	<u>County:</u>	
5008603911	HAMILTON	
<u>Appeal:</u>	<u>Program:</u>	<u>Disposition:</u>
1449196	FSOP	OVERRULED
No Compliance Required		
Decision Date:	04/23/2009	
Request Date:	11/13/2008	
Hearing Officer:	PAUL STANISZEWSKI	

State Hearing Decision

ISSUE (1449196):

An agency is required to recover an overpayment claim if the assistance group (AG) receives benefits to which it is not entitled. On 10/29/08, the agency demanded repayment of a \$161 Food Assistance overpayment that occurred from 01/01/07 through 01/31/07 because the assistance group received an increase in unearned income that was not included in the Food Assistance budget.

The preponderance of the evidence establishes that the assistance group received Food Assistance benefits to which it was not entitled.

Therefore, the appeal is Overruled.

PROCEDURAL MATTERS:

The Hamilton County DJFS mailed the notice to the address of record on 10/29/08. On 11/13/08, the Bureau of State Hearings received the State Hearing request.

The State Hearing was conducted on 03/10/09.

The agency representative is Suzie Richardson.

The appellant represented herself at the State Hearing.

FINDINGS OF FACT:

1. The assistance group (AG) consists of three (3) people.
2. The AG began receiving \$358 unreported monthly Child Support beginning on 11/08/06.
3. The date of change is 11/08/06
4. The AG received a \$185 monthly Food Assistance allotment in 01/07.
5. On 01/22/07, she attended a Food Assistance re-certification interview.

STATE HEARING DECISION CONTINUATION

6. During the interview, she reported that the AG began receiving \$358 monthly Child Support beginning on 11/08/06.
7. The date of discovery is 01/22/07.
8. She and her son each received \$622 gross monthly SSI in 01/07.
9. The total gross unearned income amount in 01/07 is \$1,602 (\$622 + \$622 + 358).
10. The \$495 verified monthly rent plus the \$429 Standard Utility Allowance (SUA) equals a total monthly shelter expense of \$924.
11. There are no unpaid or recurring medical expenses.
12. On 10/29/08, the agency mailed the overpayment demand notice, with hearing rights, to the appellant.

POLICY:

Ohio Admin. Code 5101:4-8-15 Food Stamps: Claims... [2007] (7CFR 273.18)

- (A) ...The county agency shall establish and collect a claim against any AG that has received more food stamp benefits than it is entitled to receive. This claim is a federal debt subject to this rule and other regulations governing federal debts...
- (B) ...The following individuals are responsible for paying a claim:
 - (1) ...Each person who was an adult member of the AG when the overpayment...occurred...

ANALYSIS:

The AG received a \$185 monthly Food Assistance allotment in 01/07.

She and her son each received \$622 gross monthly SSI in 01/07. The son also received \$358 Child Support in 01/07. Thus, the total gross monthly unearned income in 01/07 is \$1,602.

The \$1,602 gross monthly income less the \$134 standard deduction equals \$1,468, which is the Adjusted Income amount.

The \$495 verified rent plus the \$429 standard utility allowance (SUA) equals \$924, which was the total monthly Shelter Costs in 01/07.

The \$924 total Shelter Costs less \$734 (50% of Adjusted Income) equals \$190, which is the excess Shelter Cost amount.

The \$1,468 Adjusted Income less the \$190 excess shelter deduction equals \$1,278, which is the Adjusted Net Income amount.

The \$408 maximum food assistance benefit for a three (3) person AG less \$384, which is .30 of the Adjusted Net Income equals \$24, which is the corrected monthly food assistance allotment amount.

The \$185 allotment amount that was actually received by the AG less the \$24 corrected allotment amount equals \$161, which is the amount of the 01/07 overpayment.

STATE HEARING DECISION CONTINUATION

Thus, I find that the agency correctly demanded repayment of the Food Stamp overpayment.

Therefore, the appeal is Overruled.

HEARING OFFICER'S RECOMMENDATIONS:

Issue (1449196)

The appeal should be Overruled. The \$161 Food Stamp overpayment demand is affirmed.

FINAL ADMINISTRATIVE DECISION AND ORDER:

The Hearing Officer's recommendation is adopted.

Issue (1449196)

The appeal is Overruled. No orders of compliance shall be issued against the agency based on this appeal.

Hearing Authority

April 23, 2009

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 CINCINNATI District hearing section at 1-866-635-3748.

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, Bureau of State Hearings, P.O. BOX 182825, Columbus, OH 43218-2825 or fax: (614) 728-9574. 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 Bureau of State Hearings 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.

Aviso a la Apelante

Esta es la decisión estatal administrativa de su caso. Todos los documentos y materiales presentados como prueba en la vista o de otra manera radicados componen el récord administrativo. El récord administrativo será mantenido por el Ohio Department of Job and Family Services.

Si usted cree que esta decisión estatal administrativa es errónea, usted puede solicitar una apelación administrativa escribiendo al: Ohio Department of Job and Family Services, Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825 o facsímil (614) 728-9574. Su solicitud debe indicar por qué usted piensa que la decisión administrativa es errónea. Usted puede

STATE HEARING DECISION CONTINUATION

completar la solicitud de apelación incluida con esta decisión. Su solicitud escrita o formulario de apelación tiene que ser recibido por el Bureau of State Hearings dentro de los 15 días calendario desde la fecha en que esta decisión es expedida. (Si el 15to. día recae sobre un fin de semana o un día feriado, esta fecha límite es extendida al próximo día laborable). Durante el período de 15 días de apelación administrativa, usted o su representante pueden solicitar una copia gratuita del récord administrativo y de la grabación de la vista llamando al Bureau of State Hearings al 1-866-635-3748 (seleccione la opción 1 del menú principal).

Si usted quiere información sobre servicios legales gratuitos pero no sabe el número de su oficina local de servicios legales, usted puede llamar al Ohio State Legal Services Association, gratuitamente, al 1-800-589-5888, para el número local.

Appendix

AGENCY EXHIBITS:

- A. Appeal Summary with narrative (2 p)
- B. Corrected Budget (1 p)
- C. Case Dictation (1 p)
- D. Claim Determination Screen (1 p)
- E. CRISE Net Income Budget Screens (5 p)
- F. Individual Demographic Screens (1 p)
- G. Food Stamp Issuance History (1 p)
- H. Child Support Verification (3 p)
- I. Monthly Unearned Income Screens (3 p)
- J. Running Record Comments (4 p)
- K. Overpayment Referral (1 p)

APPELLANT EXHIBITS:

- 1. State Hearing Request (1 p)