

**Ohio Department of Job and Family Services  
Bureau of State Hearings**

State Hearing Decision

| <u>Appeal</u> | <u>Program</u> | <u>Disposition</u> | <u>Compliance</u> |
|---------------|----------------|--------------------|-------------------|
| 3726470       | OWF            | SUS                | Required          |

Request Date: 12/30/2022

Hearing Date: 01/18/2023

Mail Date: 01/27/2023

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Hearing Officer: Marty Habas

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## **Issue**

### **Appeal Number: 3726470, Ohio Works First, Denial**

Was the County Department of Job and Family Services (CDJFS) correct to deny the Appellant's Ohio Works First (OWF) application due to not submitting necessary verifications? After careful consideration of the information presented during this state hearing, I found the denial of the Appellant's OWF eligibility was not supported.

## **Procedural Matters**

The Appellant was present at the hearing. The CDJFS was represented by Sherri Hopkins Tabler, County Hearing Officer. All parties were sworn in. The Appellant was given a day to submit verifications to the state hearing record showing that they submitted verification of no longer receiving TANF from the State of Washington, and a doctor statement, to the website prior to the denial of the OWF application. The Appellant emailed them, and both the Hearing Officer and the county received them.

## **Findings of Fact**

1. The assistance group (AG) size is three and consists of the Appellant, age 36, the Appellant's minor child, age 6, and the minor child's other parent, age 45 (hereafter referred to as Parent 2).
2. On November 25, 2022, the Appellant submitted an application for Ohio Works First (OWF).
3. The AG had been living in another state, and the CDJFS requested that the Appellant provide a letter from that state saying all benefits had ended.
4. The CDJFS completed an intake interview with the Appellant and an assessment with the Appellant and Parent 2. The Appellant was to submit verification of not being able to work.
5. On December 30, 2022, the CDJFS mailed notice of action to the AG denying OWF due to not verifying out of state benefits were terminated.
6. On December 30, 2022, the CDJFS mailed notice of action to the AG denying OWF due to the Appellant not signing the Self-sufficiency contract.
7. On December 30, 2022, the Appellant requested a state hearing.

## **Conclusion of Policy**

### **Policy**

#### **OWF Application Process**

(5) For OWF applicants the application process includes:

(a) Prior to authorization, the county agency is to:

(i) For each work eligible individual between the ages of fourteen and twenty-four:

(a) Not later than seven days from the date of application, refer the individual to a lead agency for a comprehensive assessment conducted in accordance with rule 5101:14-1-04 of the Administrative Code; and

(b) Ensure the individual has signed an individual opportunity plan developed in accordance with rule 5101:14-1-04 of the Administrative Code, that includes an assignment to at least one comprehensive case management and employment program (CCMEP) service or activity.

(ii) For all other work eligible individuals, minor heads of household and adult members of the assistance group, assess, appraise, and enter into a written self-sufficiency contract (SSC) for each work eligible individual, minor head of household and adult member of the assistance group, in accordance with rule 5101:1-3-11 of the Administrative Code.

(b) As agreed in the SSC, the county agency may have a work eligible individual complete a job search and job readiness applicant assignment as described in rule 5101:1-3-12.5 of the Administrative Code, prior to authorization of OWF benefits as described in rule 5101:103011 of the Administrative Code. In accordance with rule 5101:9-2-02 of the Administrative Code, when the work eligible individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities, the county agency is to ensure that the assignment is consistent with its Americans with Disabilities Act (ADA) of 1990 plan in accordance with rule 5101:9-2-02 of the Administrative Code.

(J) What are the county agency's responsibilities for the interview?

(1) The county agency is to provide:

(a) The JFS 07344 "Direct Deposit Authorization" when applicable; and

(b) The JFS 07501 when one has not already been provided.

(2) When the statewide automated eligibility system is unavailable, the JFS 01846, "Case Worksheet: Cash, Food Stamp, and Medical Assistance Interview," and the JFS 07501 is to be used to conduct the interview. The applicant is to be given a copy of the JFS 07501.

(3) Assist in obtaining verification and completing the voter registration forms when requested by the assistance group.

(4) Determine eligibility as soon as possible after the application requirements are complete.

(5) Document the eligibility determination in the case record.

(6) Send the JFS 07092, "Notice to Individuals Applying for or Participating in Ohio Works First (OWF) Regarding Cooperation with the Child Support Enforcement Agency (CSEA)," to the child support enforcement agency (CSEA) each time that an individual signs the form to claim good cause for refusal to cooperate with child support.

(K) What is to be covered in the application interview?

(12) An explanation of the SSC and the time limit requirements and extensions for the OWF program.

(15) During the interview, the county agency is to offer assistance in getting any additional verifications or information that is needed in order to process the case. The county agency is to use the JFS 07105 "Application/Reapplication Verification Request Checklist." The checklist is to provide a date for the return of the verifications. When the required information and verifications are not received by this date, benefits are denied.

(L) What is the time frame for determining eligibility?

(1) For an OWF or RCA application, the determination of eligibility is to be completed within thirty days from the date of application.

(a) An OWF application awaiting completion of an applicant assignment may pend up to, but no longer than, thirty days from the date of application before authorization.

(b) No more than forty-five days may elapse between the date of application and the

issuance of the benefit, or the notification of the approval or denial of assistance. Ohio Admin. Code 5101:1-2-01 *Last updated November 1, 2022*

### Verifications

#### (A) What is verification?

- (1) "Verification" is a document or statement from a third party or collateral contact that confirms statements made by the assistance group regarding need and/or a specific eligibility factor.
- (2) Verification establishes that the factors of eligibility are met and the assistance group is eligible to receive benefits under the program. Verification is not an eligibility requirement in its own right, but a method for assuring that an eligibility requirement is met.
- (3) A telephone contact may be made by the county agency to secure verification. Written consent from the assistance group is necessary unless an exception described in rule 5101:1-1-03 of the Administrative Code is met. The following information shall be included:
  - (a) The name and telephone number of the person who gave the information;
  - (b) The name of the agency or business contacted, when appropriate;
  - (c) The date of the contact; and
  - (d) An accurate summary of the information.

#### (B) What is required to be verified?

- (1) All eligibility factors required to establish initial and continuing eligibility and items subject to change shall be verified at the time of application, reapplication and when a change in circumstances occurs in the assistance group. A change in circumstances includes the discovery of a discrepancy in income and a change in income amounts.
- (2) All income of a member of the assistance group and any person whose income affects the assistance group must be verified.

#### (C) What happens when verifications are not received?

- (1) It is the assistance group's responsibility to provide the information necessary to establish eligibility.

(2) When the assistance group is aware of the requirements of verification but refuses to provide both consent and necessary verification, the county agency shall deny or terminate assistance as eligibility cannot be established.

(3) Assistance may not be terminated when the assistance group refuses to cooperate in validating past eligibility because past eligibility has no bearing upon present need and eligibility.

(4) The assistance group may not be compelled to cooperate in giving testimony or records that may prove guilt of a crime because of protections of the Fifth Amendment to the Constitution of the United States.

(D) When is verification not required?

(1) When the assistance group's own statement on the application establishes that the assistance group is ineligible for cash assistance, verification is not required. The county agency shall confirm the statement on the application to assure it was an accurate statement and not a mistake in completing the form.

(2) Verification of earned or unearned income is not necessary when the assistance group either alleges no income or employment in the current period and there is no reason to question the statement, or the assistance group reports earnings sufficiently high to make them clearly ineligible for benefits.

(3) Verification is not required when some other factor of eligibility, such as age or citizenship, is clearly not met.

(E) What are the county agency's responsibilities?

The county agency shall:

(1) Explain what verifications and information are necessary to establish eligibility for cash assistance programs. Explain where and how to obtain the required verifications.

(2) Assist in securing all the required verifications necessary to establish eligibility when the assistance group requests such assistance because of an inability to provide them without the agency's help.

(3) Obtain the verifications when the assistance group is not financially able or is not competent to secure them. This shall not be interpreted as noncooperation, nor shall it be used to deny assistance.

(4) The JFS 07341 "Applicant/Recipient Authorization for Release of Information" shall

be obtained each time verification of an eligibility factor is required.

(a) Verification of information from public records does not require written consent.

(b) Verification need be obtained only once when the eligibility factor is not subject to change.

(G) What happens when verification is not available or there is a discrepancy?

(1) When verification is not available through no fault of the assistance group, the determination is based on the best possible evidence.

(2) Where information from another source contradicts statements made by the assistance group, the assistance group shall be afforded a reasonable opportunity to resolve the discrepancy prior to an eligibility determination.

(3) In situations that there is no available verification, the county agency shall not deny or terminate the case but shall accept a signed affidavit, a third-party statement, notarized statement, or the statement on the application as verification when the information is consistent with other facts and statements.

(4) When the statement provided is incomplete and/or inconsistent and the assistance group is unable to clarify the statement, the county agency shall deny or terminate the case as eligibility cannot be established.

(5) The county agency shall exhaust all possibilities for verification before accepting these statements. The use of a statement shall be on a case-by-case basis. This approach shall not be used for the sole purpose of meeting the promptness requirement of rule 5101:1-2-01 of the Administrative Code.

(6) Homeless and migrant assistance groups may not have easy access to required verifications that may exist. In order to ensure that these assistance groups do not experience a lengthy delay in receiving Ohio works first (OWF) or refugee cash assistance (RCA) benefits, the following procedures shall be followed:

(a) Once the homeless or migrant assistance group has submitted verification of identity, the county agency shall approve the application for assistance when the assistance group appears to meet eligibility criteria based on statements on the application or a signed affidavit, and the best evidence available.

(b) The county agency shall attempt to obtain verification of all other eligibility factors by the next reapplication. When the verifications cannot be obtained by the next reapplication, the county agency shall continue the attempt and document in the

case record.

(7) The methods used for verification shall be thoroughly documented in the case record. All documents submitted to the county agency shall be photocopied and retained in the case record. Ohio Admin. Code 5101:1-2-20 (A,B,C,D,E,F, and G)

#### When should an appraisal be conducted?

(1) An appraisal shall be conducted as soon as possible after an assistance group submits an application to participate in Ohio works first (OWF). The county agency that receives the application shall schedule and conduct an appraisal of each work eligible individual and each member of the assistance group who is an adult or minor head of household as defined in rule 5101:1-3-01 of the Administrative Code. A minor head of household who is subject to the learning, earning, and parenting (LEAP) program shall be assessed pursuant to rule 5101:1-23-50 of the Administrative Code. Ohio Admin. Code 5101:1-3-11 (B)

The agency representative presents and is the advocate for the agency's case at the hearing. This person shall explain the reasons for the agency's action, cite the regulations upon which the action was based, provide relevant case information and documents, and answer relevant questions from the individual and the hearing officer... Ohio Admin. Code 5101:6-6-02 (A)

### **Analysis**

#### **Appeal Number: 3726470, Ohio Works First, Denial**

On November 25, 2022, the Appellant submitted an application for OWF. The Appellant stated that they had been on assistance in the State of Washington, but the case was closed effective October 31, 2022. The CDJFS stated in notes that they "found Appellant had an open case in the state of Washington and determined the household ineligible for OWF in the county. The request for OWF was denied effective application date of November 25, 2022. Notice of Action mailed December 30, 2022." The County Representative testified that the application was denied due to AG receiving TANF in Washington.

Upon looking at the Notices of Action mailed on December 30, 2022, I found the reason for denial was the open case in Washington, and the Appellant's failure to sign the Self-Sufficiency Contract.

The Appellant stated they submitted verification the TANF was closed in Washington. The Appellant was given a day to provide verification of that submission to the state hearing record. The Appellant submitted two Exhibits (4 and 5). The first (4) is a letter from the

State of Washington showing the case was closed effective October 31, 2022. The second (5) is verification of submission on the website of that letter on December 12, 2022.

The CDJFS's second reason for denial found on the Notice of action was that the Appellant did not sign the self-sufficiency contract. Parent 2 did sign the self-sufficiency contract. The Appellant testified that they were told that if they submitted a doctor statement documenting that they could not work, they would not have to be assigned an activity under the Work Programs. The Self-Sufficiency contract sent to the Appellant listed the Work Activity and had not been changed to reflect the Appellant's disability. The Appellant had submitted the doctor disability statement on November 25, 2022, It was uploaded on the website (Exhibit 2). It states that Appellant cannot work at this time and for at least twelve months. The Ohio Administrative Code states that each work eligible member of the assistance group must complete the SSC, but the Appellant stated that they were not work eligible per the doctor statement. The County Representative did not address this issue.

The County Representative identified the issue for denial as the AG was in receipt of TANF assistance in Washington. The Hearing Officer asked the County Representative that if the Appellant submitted the verification that Washington TANF was closed effective October 31, 2022, on December 12, 2022, would CDJFS have looked at it? The CDJFS Representative stated the application was already denied on November 25, 2022. The Ohio Administrative Code states that "An OWF application awaiting completion of an applicant assignment may pend up to, but no longer than, thirty days from the date of application before authorization." I find that the Appellant should have been given time to submit the verifications needed by the CDJFS within the 30 days of submission of the application. The Appellant submitted the doctor statement on November 25, 2022, and verification of Washington case closure on December 12, 2022, within 30 days of submission of the application. Notice of action to deny was not mailed out until December 30, 2022. The CDJFS had time to process the OWF application taking in account the verifications. The Ohio Administrative Code lists that the CDJFS shall assist individuals with the application process, giving up to 30 days to submit needed verifications, and offering assistance in obtaining the verifications if requested. It does not look like this was done.

Based on the evidence submitted and testimony of the participants, I find the appeal should be sustained with compliance.

### **Hearing Officer's Recommendation**

#### **Appeal Number: 3726470**

Based on the record and policy before me, I recommend that appeal 3726470 be Sustained with Compliance for CDJFS.

To comply, the County shall:

1. Rescind the December 30, 2022, OWF denial.
2. Review letter showing OWF was terminated in the State of Washington and Doctor statement.
3. Determine the Assistance Group's eligibility for TANF.
4. Send notice of determination to the Assistance Group, allowing for all appeal rights.

**Final Administrative Decision and Order**

Regarding appeal number 3726470, I find the Hearing Officer's decision to be supported by the evidence and regulations. The recommendations above are adopted, and the appeal is Sustained with Compliance for CDJFS.

Compliance is required within fifteen days, but in no event later than ninety calendar days from the date of the hearing request. Compliance must be promptly reported to the Bureau of State Hearings via the "State Hearing Compliance," JFS 04068. Documentation of the compliance action must be attached to the form. Ohio Admin. Code § 5101:6-7-03 (B).

Daniel George

01/27/2023

### **Notice to Appellant**

This is the official decision of your state hearing. It informs you of the decision and order in your case. Papers and materials introduced at the hearing, known as "exhibits," make up the hearing record. The hearing record is maintained by the Ohio Department of Job and Family Services. If you would like a copy of the official record, please call the ODJFS hotline at 1-866-635-3748.

**Important Notice:** If you disagree with this decision, you, or your authorized representative, may request an administrative appeal about this notice. Contact us using one of the following methods:

Email - bsh@jfs.ohio.gov. In the subject, put "Administrative Appeal Request".

Fax - (614) 728-9574

Mail - ODJFS Bureau of State Hearings, P.O. Box 182825, Columbus, Ohio 43218-2825.

Your administrative appeal request should include a copy of this notice and the reason you think it is wrong. Your written request must be received by the Bureau of State Hearings within 15 calendar days from the mailing date of this notice. (If the 15th day falls on a weekend or holiday, this deadline is extended to the next work day.)

Unless you request an administrative appeal, this notice is a final and binding decision about your state hearing request. Any fair hearing benefits you receive will end. This may also mean the local agency can go ahead with the action it was planning to take. Additionally, you may have to pay back the continuing benefits you received as part of the state hearing process.

You can ask your local Legal Aid program for free help with your case. Contact your local Legal Aid office by phoning 1-866-LAW-OHIO (1-866-529-6446) or by searching the Legal Aid directory at <https://www.ohiolegalhelp.org/find-your-legal-aid> on the internet.

## **Appendix**

### **Appellant Exhibits**

1. Request-SH (1 page)
2. Exhibit 2- Appellant Doctor letter 11 25 (1 page)
3. Exhibit 3- Appellant Food closed 12 12 submitted (1 page)
4. Exhibit 4 - Appellant TNAF closed submitted 12 12 (1 page)
5. Exhibit 5 - Appellant TNAF letter (1 page)

### **Agency Exhibits**

- A. Appeal Summary (40 pages)

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