

**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> |
|---------------|----------------|--------------------|-------------------|
| 3778269       | FA             | SUS                | Required          |

Request Date: 08/18/2023

Hearing Date: 09/11/2023

Mail Date: 09/13/2023

Hearing Officer: Heather N Rush

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## **ISSUE**

### **Appeal #3778269 Supplemental Nutrition Program (SNAP), Termination**

The issue on appeal is whether or not the County Department of Job and Family Services (CDJFS) was correct to terminate the Appellant's SNAP effective August 31, 2023 for failure to

return an interim report form.

## **PROCEDURAL MATTERS**

The Appellant participated by telephone. The CDJFS was represented by Ms. Angel Larkins Dunn. All parties were sworn in. The CDJFS submitted an appeal summary.

## **FINDINGS OF FACT**

1. The Appellant's assistance group consists of one (1); the Appellant only.
2. On July 5, 2023, the CDJFS sent the Appellant an interim report (IR) form to complete and return to the CDJFS for ongoing receipt of SNAP. The report was requested to be returned by July 15, 2023. The Appellant did not return the IR form to the CDJFS.
3. On July 21, 2023 the CDJFS sent the Appellant a reminder notice to return the Interim Report.
4. On July 28, 2023 the Appellant contacted the CDJFS as she was having technical problems with getting her documents to upload to the online portal and was advised of other methods to submit the IR. As of the state hearing the IR has not been received by the CDJFS.
5. On August 8, 2023, the CDJFS determined the Appellant had failed to return the completed IR form and proposed to close SNAP effective August 31, 2023. A notice of termination was sent to the Appellant on August 8, 2023.

## **CONCLUSIONS OF POLICY**

### **Policy**

The interim report will provide the county agency with updated information on the assistance group's circumstances. Assistance groups who are assigned a twelve or twenty-four month certification periods are required to complete an Interim Report (JFS 07221 Cash and Food Assistance Interim Report) or a JFS 07223 "Cash and Food Assistance Interim Report Reminder Notice" (9/2018).

The Agency will send the Interim report to the assistance group during the fifth or

eleventh month of certification, depending on the assistance group's certification period. If the Agency does not receive the interim report by the fifteenth day of the fifth or eleventh month of certification, depending on the assistance group's certification period, a JFS 07223 shall be sent to the assistance group.

The assistance group shall return the interim report or reminder notice to the county agency prior to the end of the fifth or eleventh month of certification, depending on the length of the certification period. A completed form requires a signature which may be handwritten, electronic, or telephonic.

The county agency shall propose termination of benefits for any assistance group who fails to return a signed and completed interim report or reminder notice by the end of the sixth or twelfth month, depending on the assistance group's certification period. Ohio Adm. Code 5101:4-7-01 (H); 7 CFR 273.12

### **Analysis**

In the immediate case, the CDJFS proposed termination of the Appellant's SNAP for failure to return a requested interim report form which was sent on July 5, 2023. The CDJFS mailed a reminder notice for the Interim Report July 5, 2023 and the Interim Report was not returned by the Appellant. When the IR form was not returned by the deadline, the CDJFS then proposed closure of the Appellant's SNAP effective August 31, 2023. As of the state hearing the IR has not been returned.

The Appellant disagreed with the determination to terminate SNAP because while she acknowledged she had received the notice she had tried on several occasions to submit the report online and was unsuccessful. The Appellant contact the CDJFS on July 28, 2023 for assistance and they advised her to fax the information from the library or mail the information so she mailed it as she did not have transportation. The CDJFS acknowledged the Appellant did contact them regarding her issues with submitting her information. The Appellant was not refusing return the IR, rather she was having technical issues with submitting the information and therefore mailed the information which the CDJFS indicated had not yet been received.

Here, while the CDJFDS followed all proper protocol for sending out the interim report and reminder and notice of termination in accordance with Ohio Administrative Code 5101:4-7-01 the Appellant had attempted to get assistance in submitted the information and had to mail it. While the CDJFS had not received the IR, as of the state hearing, I find the Appellant's argument is consistent and well received that she was not refusing to return the IR, therefore I find this appeal is SUSTAINED WITHOUT AGENCY COMPLIANCE.

### **HEARING OFFICER'S RECOMMENDATION**

Based on the record before me and the policies of the Ohio Department of Job and Family Services, I recommend that appeal **#3778269** be SUSTAINED WITH AGENCY COMPLIANCE

In compliance the Agency shall:

1. Rescind the termination of SNAP with notice dated August 8, 2023.
2. The Agency shall send the Appellant a new Interim Report (IR).
3. The Agency shall allow the Appellant 10 days to return the completed IR.
4. The Agency shall redetermine the Appellant's eligibility beginning September 1, 2023.
5. The Agency shall send the Appellant a new notice of the determination with hearing rights attached.

### **FINAL ADMINISTRATIVE DECISION AND ORDER**

Since I find that the Hearing Officer's recommendation is supported by policy and the evidence, I hereby adopt the recommendation. Thus, appeal **#3778269** is SUSTAINED WITH AGENCY COMPLIANCE.

Compliance is required within ten days, but in no event later than sixty 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 Adm. Code 5101:6-7-03 (B)

A Ruben Lopez

09/13/2023

### **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:

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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.

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## **Appendix**

### **Appellant Exhibits**

1. Request-SH (1 page)

### **Agency Exhibits**

A. Appeal Summary (28 pages)

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