

**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>
3966010	OWF	OVR	Not Required

Request Date: 04/21/2025

Hearing Date: 05/12/2025

Mail Date: 05/21/2025

Hearing Officer: Philip Kaplan

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Issue

Appeal Number: 3966010, Ohio Works First, Sanction

The issue on appeal is whether the County Department of Job and Family Services (CDJFS) correctly imposed a second (2nd) occurrence sanction on the Ohio Works First (OWF) Cash Assistance benefits for the Appellant's Assistance Group (AG), due to the Appellant's spouse failing to comply with the terms of the OWF Self-Sufficiency Contract (SSC), without good cause, thereby resulting in the denial of the Appellant's March 24, 2025 application for OWF cash assistance benefits for the Appellant's AG, as announced in the April 18, 2025 Notice of Action. I find that the imposition of a second (2nd) occurrence sanction and the denial of the Appellant's March 24, 2025 application for OWF cash assistance benefits for the Appellant's AG were correct. Thus, this OWF appeal should be overruled.

Procedural Matters

The Appellant and the Appellant's spouse participated in the May 12, 2025 virtual State Hearing by telephone. The CDJFS was represented by County Hearing Officer Zjaron Thomas. All parties were sworn in.

Findings of Fact

1. The Appellant's AG size, at all relevant times, was four (4) and consisted of the Appellant, a twenty-seven (27) year old married individual, the Appellant's thirty-four (34) year old spouse, and two (2) minor children.
2. On March 24, 2025, the Appellant submitted an application and completed an intake interview and assessment for OWF cash assistance benefits for her AG.
3. On March 24, 2025, the Appellant and the Appellant's spouse signed an OWF SSC in which the Appellant's spouse was assigned and agreed to complete the following activities: April 7, 2025 – April 11, 2025 paid-for-performance (PFP) - Virtual Workshops - ten (10) hours; April 14, 2025 - April 18, 2025 Job Search - ten (10) hours; April 21, 2025 – May 16, 2025 Job Search – one hundred fifty-two (152) hours; and, May 19, 2025 – February 28, 2026 Scope – one hundred fifty-two (152) hours.
4. On March 24, 2025, the CDJFS, the Appellant, and the Appellant's spouse went over and reviewed the SSC, including the provisions regarding sanctions, good cause, compliance, and change reporting, updated the database and work activities screens, and mailed a copy of the SSC,

- including the paid-for-performance (PFP) assignment, to the Appellant's AG.
5. By signing the SSC on March 24, 2025, the Appellant and the Appellant's spouse stated that they understood the requirements contained in the SSC and understood what would happen if either of them failed to meet the requirements and conditions set out in the SSC.
 6. On April 8, 2025, the CDJFS was notified by the agency administering the virtual workshop to the Appellant's spouse, United Labor Agency (ULA), that the Appellant's spouse had failed to accurately and/or correctly complete the scheduled and assigned virtual workshop.
 7. The Appellant's spouse received a certificate of completion for the assigned virtual workshop, but that certificate of completion was noted to not indicate the successful fulfillment of the assigned virtual workshop by the Appellant's spouse.
 8. The CDJFS notes that there is a difference between finishing a virtual workshop and completing the virtual workshop satisfactorily, and that it is the agency's (ULA's) determination as to whether the virtual workshop, although finished by an individual, was satisfactorily and accurately completed.
 9. The SSC states that the Appellant's/Appellant's spouse's failure to carry out any portion of the SSC, without demonstrating good cause, may result in a sanction being applied to her case, including the denial and/or termination of OWF cash assistance benefits.
 10. The SSC provides that failure or refusal to follow the contract and plan includes failing to attend and/or complete the required and assigned activities and failing to notify the CDJFS that the participant had good cause for the failure.
 11. On April 18, 2024, the CDJFS mailed a Notice of Action to the Appellant, indicating that a second (2nd) occurrence sanction was being imposed on the OWF cash assistance benefits for the Appellant's AG, and that the Appellant's March 24, 2025 application for OWF cash assistance benefits for the Appellant's AG was being denied, as a result of the sanction imposed, due to the failure of the Appellant's spouse to comply with and/or complete his assigned virtual workshop activity in a satisfactory and accurate manner, without good cause.
 12. The OWF cash assistance benefits for the Appellant's AG had been previously sanctioned in August 2016.
 13. On April 21, 2025, the Appellant requested a State Hearing to appeal the OWF sanction and denial of OWF cash assistance benefits for the Appellant's AG.

Conclusion of Policy

Policy

Under the Ohio Administrative Code, the County Agency representative is the advocate for the County Agency's case. He or she is responsible for explaining the reasons for the County Agency's action, citing the regulations upon which the action was based, providing relevant case information and documents, and answering relevant questions. Ohio Adm. Code 5101:6-6-02, 7 C.F.R. 273.10 and 7 C.F.R. 273.13. It is the responsibility of the County Agency to determine an assistance group's program eligibility and benefit level. Ohio Adm. Code 5101:4-2-09 and 7 C.F.R. 273.2. The Hearing Officer's findings of fact shall be based exclusively on the evidence introduced at the hearing. It is the County Agency's burden to show by a preponderance of the evidence that its action or inaction was in accordance with the Ohio Administrative Code. State Hearing decisions are binding on the County Agency for the individual case for which the decision was rendered. Ohio Adm. Code 5101:6-6-02.

The Self-Sufficiency Contract sets forth the rights and responsibilities of work eligible individuals and members of the AG as applicants and participants of OWF, designed to assist the AG in achieving self-sufficiency and personal responsibility. The contract includes work activity assignments and child support requirements including cooperation in the establishment of a minor child's paternity and the establishment, modification and enforcement of a support order for the minor child in accordance with section 5107.22 of the Revised Code. The Self-Sufficiency Contract is part of the OWF eligibility process and must be completed before OWF benefits can be authorized. Ohio Adm. Code 5101:1-3-11(F).

Each Self-Sufficiency Contract shall include, based on appraisals and assessments conducted pursuant to paragraphs (C) and (E) of this rule, the following: The AG's plan to achieve the goal of self-sufficiency and personal responsibility through unsubsidized employment within the time limit for participating in OWF established by section 5107.18 of the Revised Code; For each work eligible individual, work activities and alternative activities assigned pursuant to rule 5101:1-3-12 of the Administrative Code; Other responsibilities that members of the AG must satisfy to participate in OWF and the consequences for failure or refusal to satisfy the responsibilities; An agreement that the AG will comply with conditions of participating in OWF in accordance with division 5101:1 of the Administrative Code, Chapter 5107 of the Revised Code and sections 5160.37, 5160.38 and 5101.83 of the Revised Code; Other provisions designed to assist the AG in achieving self-sufficiency and personal responsibility; Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended; Procedures for amending the contract;

The good cause reasons for missing hours of participation or appointments as defined in rule 5101:1-3-13 of the Administrative Code.; An explanation of the individual's rights under the ADA, including the right to request another appraisal when the individual discloses, has, or appears to have a physical or mental condition that substantially limits one or more major life activities; and, A description of each reasonable modification made for an individual with a disability. Ohio Adm. Code 5101:1-3-11(G).

When a work eligible individual, minor head of household, or an adult member of an assistance group fails or refuses, without good cause, to comply in full with a provision of a self-sufficiency contract the county agency shall sanction the assistance group pursuant to rule 5101:1-3-15 of the Administrative Code. Ohio Adm. Code 5101:1-3-11(I)(2).

As for what is considered good cause for work activity failures, "good cause" is defined as a valid reason a work eligible individual failed to comply with a provision of their self-sufficiency contract requirements. For each failure, refusal or absence, the county agency shall determine when good cause exists. Ohio Adm. Code 5101:1-3-13(B)(1 & 2).

Good cause is limited to the following: (1) Illness of the work eligible individual or of another family member related by blood, marriage or adoption, living in the same household, if care by the work eligible individual was necessary; (2) For either the work eligible individual or a family member living in the same household, a previously scheduled appointment necessary for medical, dental, or vision care; (3) A previously scheduled job interview for a work eligible individual, including any subsequent interviews and/or testing requirements; (4) Court ordered appearances; (5) Appointment with another social service agency or program; (6) Death in the family, with the length of absence to be determined by the county agency; (7) A school, place of work or worksite is closed for the day; (8) Lack of child care; (9) A failure of the county agency to provide supportive services; (10) A failure of the county agency to provide the work eligible individual with all information necessary about the assignment; (11) Circumstances involving domestic violence that make it difficult for the individual to comply in full with a provision of the self-sufficiency contract, (12) Other circumstances determined on a case by case basis by the county agency. Ohio Adm. Code 5101:1-3-13(C) and 7 C.F.R. 273.7.

(A) Which section of the Revised Code applies to three-tier sanctions?

(1) Section 5107.05 of the Revised Code authorizes the director of job and family services to adopt rules as necessary to comply with Title IV-A, Title IV-D, federal

regulations, state law, and the state plan.

(2) The county agency is to administer the work activity programs in accordance with the requirements contained in this rule and not in accordance with sections 5107.14, 5107.161 and 5107.162 of the Revised Code. All applicable requirements contained in the Revised Code sections referenced have been incorporated into this rule.

(B) What is a sanction?

A sanction is the denial or termination of an assistance group's eligibility to participate in Ohio works first (OWF) due to a member of the assistance group failing and/or refusing to comply in full with a provision of the self sufficiency contract without good cause as set forth in rule 5101:1-3-13 of the Administrative Code.

(C) When shall a sanction be imposed and how long shall it last?

For purposes of this rule a payment month means a calendar month and sanctions shall be imposed as follows:

(1) For a first failure or refusal, the county agency shall deny or terminate benefits for one calendar month or until the failure or refusal ceases, whichever is longer.

(2) For a second failure or refusal, the county agency shall deny or terminate benefits for three calendar months or until the failure or refusal ceases, whichever is longer.

(3) For a third or subsequent failure or refusal, the county agency shall deny or terminate benefits for six calendar months or until the failure or refusal ceases, whichever is longer.

(4) Subsequent failures and/or refusals without good cause to comply with a provision in the self-sufficiency contract that occur up until the imposition of the sanction are considered the same occurrence.

(5) In a two-parent assistance group, the assistance group's number of occurrences is the higher amount that either individual incurred prior to the formation of the two-parent assistance group.

(6) Individuals in a two-parent assistance group who separate carry only the occurrences caused by their own failure and/or refusals into another assistance group.

(D) Who is included in the sanction?

All individuals in the OWF assistance group in accordance with rule 5101:1-23-10 of the Administrative Code at the time of the failure and/or refusal are included in the sanction. An assistance group must include the non-recipient work eligible individual as set forth in rule 5101:1-3-12 of the Administrative Code.

(E) When does an imposed sanction become effective?

(1) For applicant assistance groups the sanction period begins with the date of application.

(2) For recipient assistance groups the sanction period begins with the next recurring month following the expiration of the adverse action period as set forth in rule 5101:6-2-04 of the Administrative Code unless a hearing is requested pursuant to the provisions of division 5101:6 of the Administrative Code. If a hearing is requested timely and the assistance group continues to receive OWF the work requirements are applicable.

(3) If a hearing request is made within fifteen calendar days after the mailing of the notice, the imposition of the sanction is postponed. If a hearing request is made after the fifteenth day, but on or before the ninetieth day, the hearing shall be conducted but the sanction is not postponed.

(4) Sanctions shall not be held in abeyance. For assistance groups whose OWF benefits are terminated for another reason, the sanction period begins with the month after OWF is terminated for the assistance group, subject to the prior notice of adverse action requirements as set forth in rule 5101:6-2-04 of the Administrative Code.

(F) How is an assistance group notified of the proposed sanction?

Before a county agency sanctions an assistance group pursuant to paragraph (C) of this rule, the Ohio department of job and family services (ODJFS) shall provide the assistance group with written notice of the sanction failure and/or refusal dates and failed and/or refused hours when applicable.

(G) How is a sanction ended?

The assistance group member who failed or refused a provision of the self-sufficiency contract must:

(1) Sign and submit to the county agency a JFS 03804 "Ohio Works

First/Supplemental Nutrition Assistance Program (SNAP) Sanction Compliance Agreement" or the statewide automated eligibility system equivalent; and

(2) Serve the minimum sanction period.

(3) For a second and any subsequent sanction the assistance group member who failed and/or refused, to comply with a provision of the self-sufficiency contract without good cause, must demonstrate a willingness to comply with the self-sufficiency contract through the completion of an appropriate compliance activity as assigned by the county agency as set forth in paragraph (H) of this rule.

(H) What are acceptable compliance activities?

(1) For applicant and recipient sanctions imposed due to a failure and/or refusal to complete a work activity and/or alternative activity without good cause, the compliance assignment shall:

(a) Consist of no more than the missed hours listed on the notice provided in paragraph (F) of this rule for a consecutive fourteen (14) day period.

(b) The consecutive fourteen (14) day period begins with the first work or alternative activity failure and/or refusal date indicated on the notice.

(c) Compliance assignments must be completed in no more than fourteen (14) consecutive days.

(d) Work eligible individuals may not complete work and/or alternative activity hours in a compliance activity prior to the imposition of the sanction.

(2) For recipient sanctions proposed due to a failure and/or refusal to cooperate with the child support enforcement agency without good cause, the sanctioned assistance group member's child support compliance activity shall be determined by the child support enforcement agency.

(3) For recipient sanctions proposed due to all other types of failures or refusals without good cause the work eligible individual's compliance activity shall be determined by the county agency.

(I) What if the compliance activity is not completed?

(1) The county agency shall determine if good cause exists for each failure, refusal or absence. If the county agency determines the failure, refusal or absence was a result of a good cause reason the hours or other compliance activity shall

be considered completed by the sanctioned individual. Good cause reasons are limited to:

- (a) Holidays as set forth in rule 5101:1-3-12 of the Administrative Code; and
- (b) Good cause reasons as defined in rule 5101:1-3-13 of the Administrative Code.

(2) If the county agency does not find good cause for a failure and/or refusal to complete a compliance activity:

- (a) For work and/or alternative compliance activities, the sanctioned individual shall start all work and/or alternative compliance activities again.
- (b) For compliance with the child support enforcement agency, the sanctioned individual shall work with the child support enforcement agency until compliance is met.
- (c) For other compliance activities, the sanctioned individual shall work with the county agency until the county agency determined compliance is met.

(J) When shall OWF be reinstated?

OWF shall be reinstated the first day of the month following the expiration of the minimum sanction period when all of the following are met:

- (1) The assistance group member who failed and/or refused a provision of the self-sufficiency contract has entered into a new or amended self-sufficiency contract with the county agency;
- (2) The sanction compliance activity is completed on or before the last day of the minimum sanction period; and
- (3) All other eligibility requirements are met. If the assistance group's circumstances have changed such that the county agency questions the eligibility for OWF, the county agency shall request the necessary verifications, as set forth in rule 5101:1-2-20 of the Administrative Code, to establish eligibility. Every effort shall be made by the county agency to determine eligibility before the expiration of the minimum sanction period. This time frame for reinstating OWF benefits following the expiration of the sanction period may be exceeded if the following occurs:

- (a) There is a failure, with good cause, to secure the necessary verifications;

and

(b) The failure to secure the verifications is considered beyond the control of the county agency or the assistance group.

(K) When shall OWF benefits not be reinstated?

The situations in which OWF shall not be reinstated are when:

- (1) The assistance group was sanctioned as an applicant assistance group;
- (2) It is time for the assistance group's regularly scheduled eligibility redetermination; or
- (3) The individual who caused the sanction has not completed sanction compliance, as set forth in paragraphs (G) and (H) of this rule, or failed and/or refused to enter into a new or amended self-sufficiency contract, before the last day of the minimum sanction period.

(L) How can an assistance group get OWF benefits if they are not reinstated?

When OWF is not reinstated:

- (1) The assistance group must reapply as set forth in rule 5101:1-2-01 of the Administrative Code.
- (2) OWF eligibility begins either when sanction compliance has been met or the date of application, whichever is later.

(M) Does a sanction move with an assistance group member?

- (1) If the individual who caused the sanction becomes a required member of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period and the completion of the sanction compliance as set forth in paragraphs (G) and (H) of this rule by the sanctioned individual.
- (2) If the adults in a sanctioned assistance group, who did not cause the sanction, become required member(s) of a new assistance group, that assistance group is not eligible to receive OWF benefits until the expiration of the minimum sanction period.
- (3) If only the minor children who no longer reside with the original sanctioned adults become required members of a new assistance group, they may be eligible

for OWF and are not required to serve the minimum sanction period.

(N) What social services are sanctioned assistance groups eligible for?

An assistance group that would be participating in OWF if not for a sanction shall continue to be eligible for all of the following:

- (1) Publicly funded child care in accordance with division (A)(3) of section 5104.30 of the Revised Code;
- (2) Support services in accordance with section 5107.66 of the Revised Code; and
- (3) To the extent permitted by the Fair Labor Standards Act of 1938, 52 Stat. 1060, 29 U.S.C.A. 201 (05/11), to participate in work activities and alternative activities.

Ohio Adm. Code 5101:1-3-15.

Analysis

Appeal Number: 3966010, Ohio Works First, Sanction

In this case, the Appellant's AG size, at all relevant times, was four (4) and consisted of the Appellant, a twenty-seven (27) year old married individual, the Appellant's thirty-four (34) year old spouse, and two (2) minor children. Records show that on March 24, 2025, the Appellant submitted an application and completed an intake interview and assessment for OWF cash assistance benefits for her AG.

That same date, the Appellant and the Appellant's spouse signed an OWF SSC in which the Appellant's spouse was assigned and agreed to complete the following activities: April 7, 2025 – April 11, 2025 PFP - Virtual Workshops - ten (10) hours; April 14, 2025 -April 18, 2025 Job Search - ten (10) hours; April 21, 2025 – May 16, 2025 Job Search – one hundred fifty-two (152) hours; and, May 19, 2025 – February 28, 2026 Scope – one hundred fifty-two (152) hours. The record in this matter indicates that, on March 24, 2025, the CDJFS, the Appellant, and the Appellant's spouse went over and reviewed the SSC, including the provisions regarding sanctions, good cause, compliance, and change reporting, updated the database and work activities screens, and mailed a copy of the SSC, including the PFP assignment, to the AG. It is undisputed that, by signing the SSC on March 24, 2025, the Appellant and the Appellant's spouse stated that they understood the requirements contained in the SSC and understood what would happen if either of them failed to meet the requirements and conditions set out in the SSC.

However, the documents submitted for this matter demonstrate that, on April 8, 2025, the CDJFS was notified by ULA, which is the agency administering the virtual workshop to the Appellant's spouse, that the Appellant's spouse had failed to accurately and/or correctly complete the scheduled and assigned virtual workshop.

Contrary to the information submitted to the CDJFS by the ULA, the Appellant's spouse testified that he received a certificate of completion for the assigned virtual workshop, and that once the system advised that he had completed the workshop, that there was nothing else for him to do, and the Appellant's spouse also stated that he did everything he was asked for. Per the testimony of the CDJFS and the records including in the CDJFS' Appeal Summary, the certificate of completion, which the Appellant's spouse reported to have received, was noted to not indicate the successful fulfillment of the assigned virtual workshop by the Appellant's spouse.

According to the workshop administering agency, ULA, as asserted by the CDJFS, that there is a difference between finishing a virtual workshop and completing the virtual workshop satisfactorily, and that it is the agency's (ULA's) determination as to whether the virtual workshop, although finished by an individual, was satisfactorily and accurately completed. It was explained that in completing the virtual workshop, participants are instructed to upload certain documents, such as a resume, but that some participants will upload other documents, such as utility bills, etc., which are not what was requested, but will allow participants to push through the workshop's curriculum, while other participants, when requested to answer questions in a text box, will enter random data simply to push through the curriculum. It was reiterated that if a participant does something like the examples given, that is not considered successful completion of the assigned virtual workshop.

The ULA conveyed to the CDJFS that it determined that the April 7, 2025 virtual workshop assigned to the Appellant's spouse was not accurately and/or satisfactorily completed, based upon a review of the virtual workshop information as reportedly completed by the Appellant's spouse. As noted above, the SSC states that the Appellant's/Appellant's spouse's failure to carry out any portion of the SSC, without demonstrating good cause, may result in a sanction being applied to her case, including the denial and/or termination of OWF cash assistance benefits. Additionally, the SSC provides that failure or refusal to follow the contract and plan includes failing to attend and/or complete the required and assigned activities and failing to notify the CDJFS that the participant had good cause for the failure.

Having determined that the Appellant's spouse had not satisfactorily and/or accurately completed the assigned April 7, 2025 virtual workshop, on April 18, 2024, the CDJFS mailed a Notice of Action to the Appellant, indicating that a second (2nd) occurrence

sanction was being imposed on the OWF cash assistance benefits for the Appellant's AG, and that the Appellant's March 24, 2025 application for OWF cash assistance benefits for the Appellant's AG was being denied, as a result of the sanction imposed, due to the failure of the Appellant's spouse to comply with and/or complete his assigned virtual workshop activity in a satisfactory and accurate manner, without good cause. It is noted that the OWF cash assistance benefits for the Appellant's AG had been previously sanctioned in August 2016.

In reviewing the evidence in this matter, the preponderance of the evidence in this matter reveals that the Appellant's spouse did not satisfactorily and/or accurately complete his assigned April 7, 2025 virtual workshop, and did not provide good cause and/or good cause verification to the CDJFS for his failed assignment, as required under the terms and conditions in the SSC. Therefore, the OWF benefits for the Appellant's AG were, per the rules and policies cited above, subject to a sanction and or denial/termination. As the AG's OWF benefits had already been sanctioned once, the imposition of a second (2nd) occurrence sanction would be correct. Therefore, for the reasons discussed above, I find that the CDJFS was correct in imposing a second (2nd) sanction on the OWF cash assistance benefits for the Appellant's AG. Thus, this OWF appeal should be overruled.

Hearing Officer's Recommendation

Appeal Number: 3966010

Based on the record and Agency policy before me, I recommend that Appeal Number 3966010 (OWF) be **OVERRULED**.

Final Administrative Decision and Order

Regarding Appeal Number 3966010, since I find that the Hearing Officer's recommendation is supported by policy and the evidence, I hereby adopt the recommendation. Thus, Appeal Number 3966010 (OWF) is **OVERRULED**.

John Fitzmaurice

05/21/2025

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)

Agency Exhibits

A. Appeal Summary (62 pages)