

**VAN WERT COUNTY
DEPARTMENT OF JOB AND FAMILY SERVICES
HARDSHIP DETERMINATIONS**

PURPOSE:

Pursuant to Ohio Revised Code Section 5107.18 qualified individuals can participate in the Ohio Works First Program (“OWF”) for up to thirty-six months. The thirty-six month time limit rule applies to assistance group members that satisfy any of the following characteristics: the adult head of household, the spouse of the adult head of household, a pregnant minor head of household, minor parent head of household, or spouse of such a head of household.

An assistance group member is ineligible for OWF assistance after receipt of the thirty-sixth month of assistance, regardless of whether the thirty-six months of participation and assistance are consecutive. Following receipt of the thirty-sixth month of assistance, a qualified individual cannot receive further aid, absent a hardship exemption.

Ohio Revised Code 5107.18 permits the Van Wert County Department of Job and Family Services (“County”) to exempt participants from the thirty-six month OWF time restriction. The County may continue to extend OWF benefits to members satisfying certain exemption requirements. Pursuant to O.R.C. 5107.18 the County at their own discretion, may exempt up to 20% of the average monthly number of OWF assistance groups from the thirty-six month time limit because of the presence of a hardship. Nothing in this policy shall be construed so as to require the County to grant any request for a hardship exemption solely because it has not reached the 20% maximum.

The County retains the sole discretion to determine whether OWF assistance group members qualify for a hardship exemption. Such determination shall be made in accordance with this policy and applicable law. If the County determines that there is the presence of a hardship that justifies an exemption within the scope of this policy and the County has not reached its 20% maximum, then the assistance group member is entitled to a hardship exemption and continued assistance for a period determined by the County.

HARDSHIP DEFINED

For purposes of this policy, hardship shall be defined as an event or a significant condition creating privation, suffering or adversity to the assistance group.

THE HARDSHIP EXEMPTION:

The County shall not exempt an OWF assistance group participant from OWF benefits until the participant has exhausted the thirty-six month time limit. A participant shall not be exempted prior to the grant of the thirty-sixth month of OWF assistance. The thirty-six month period does not have to be consecutive.

The Hardship Exemption when granted shall be for a two (2 -month period at which time it shall be reviewed.

Although the County is prohibited from exempting an assistance group member from the participation in OWF prior to the thirty-six month time limit, the County can make preparations for review prior to the completion of the thirty-six month time limit. The County may make decisions regarding the extension of a hardship exemption to a member prior to the conclusion of the thirty-six month time limit.

For example, the County may in its sole discretion hold a face-to-face meeting with an assistance group prior to the thirty-six month time limit to discuss possible solutions for resolving a potential hardship. The County may conduct face-to-face interviews with assistance groups facing a thirty-six month time limit. During the interview, held prior to the expiration of the thirty-six month limit, the County may discuss with the assistance group the presence of viable options for obtaining continued assistance. At these meetings, the County shall obtain information necessary to determine whether the assistance group is eligible for a hardship exemption. At this time, the County may also consider the duration of the hardship exemption for the assistance group. No hardship exemption shall be granted for more than six months at any one time.

The County maintains the sole control and discretion to determine whether an OWF participant is eligible for the continued receipt of a hardship exemption. The duration of the hardship exemption is contingent upon the presence or absence of specific factors relating to the basis for the hardship exemption as set forth in this policy and the determinations of the County.

The County retains the authority to prioritize which assistance groups are entitled to continue or begin their receipt of a hardship exemption. The County may revoke or limit a previous hardship request that it granted if, in the County's discretion, another assistance group presents a more compelling need for a hardship exemption and the county is at or near the 20% hardship exemption limit. In the event that a County is considering revocation or modification of a previously granted hardship exemption, the County shall notify the assistance group at least fifteen (15) days in advance of the potential change. The County shall offer the assistance group an opportunity for a face-to-face meeting and shall consider any additional information submitted by the assistance group prior to making a final determination concerning the proposed revocation or modification. If the County has agreed to provide a hardship exemption for a specified duration, the County shall not revoke or limit the duration of a hardship exemption until the completion of the specified exemption period unless the County has reserved the right to revoke the hardship exemption at the time it was granted. The County reserves the right to revoke the hardship exemption at any time it is warranted.

PROCEDURE:

The County shall notify the assistance group that it has reached the thirty-six months of eligibility within five days of the last OWF payment. Such notice shall also inform the assistance group of the hardship process.

Assistance groups who wish to be considered for an exemption shall make their request using the OWF exemption Request form. The exemption request may be filed by a member seeking an exemption no earlier than the 15th day of the month prior to the month that OWF assistance terminates using the OWF Hardship Exemption Request Form. For example, if OWF benefits terminate effective September 30, then a hardship exemption request may be filed beginning August 15. No requests will be granted or accepted prior to the 15th of the month prior to the cessation of benefits.

The assistance group seeking the hardship exemption must provide the County any required documentation with the exemption request form. If a hardship exemption request is based on medical circumstances, the assistance group must provide appropriate medical documentation and be under the care of a medical professional. The assistance group shall cooperate with the County during the hardship review process.

If an individual has been sanctioned for non-compliance with the OWF self-sufficiency contract within the preceding eighteen (18) calendar months, their household will not be eligible for an extension of OWF benefits.

The County shall make a ruling on the hardship exemption status within thirty days of the date of the receipt of a completed Exemption Request Form. If the required documentation is not provided within thirty days of the receipt of the form making the request, then the County may deny the request for a hardship exemption.

When the County denies a request for a hardship exemption, the agency shall provide the assistance group seeking the exemption with a notice outlining its hearing rights. The County shall provide the assistance group with the reasons for denial of a hardship request.

If an OWF assistance group chooses not to file a request for a hardship exemption on the 15th of the preceding month, then the County shall provide notice informing the assistance group of the impending thirty-six month time limit.

All hardship exemptions shall be granted for a time period determined by the County. The County shall make this determination on a case-by-case basis. During the last month of the exemption period, the assistance group must request a hardship exemption renewal if they wish the exemption to continue. Additional documentation may be required when seeking an extension. Granting an extension will be determined based upon other hardship exemption claims, the priorities of the exemptions and the assistance group's need for an extension of the hardship exemption. The County shall prioritize all claims for a hardship exemption pursuant to the list of priorities provided below.

In the event that the County is at risk of exceeding the number of allowed exemption slots, a priority system shall be utilized for granting hardship exemptions. The priority of hardship exemptions shall be determined and adjusted by the agency director. All adjustments in priority shall be made in a manner as is deemed necessary by the County. Assistance groups adversely affected by the change

in priorities shall be sent a notice in accordance with this policy.

Although evidence may be presented in support of a claim for a hardship exemption, the County maintains the sole authority to determine whether the assistance group member is entitled to the hardship exemption. The hardship exemption determination shall be based upon the written exemptions listed in this document. The County shall not apply the written standards for determining a hardship exemption in an arbitrary, unreasonable, or capricious manner. The County shall administer all hardship exemptions in a manner consistent with the County policy and Ohio law for the purpose of aiding an assistance group member in achieving self-sufficiency.

The failure of an assistance group to cooperate in any aspect of the hardship review shall be just and sufficient cause to deny a hardship request or to revoke a request that may have been previously granted.

In order to be eligible for the exemption, the assistance group member(s) must have satisfactorily complied with his/her self-sufficiency contract or have not failed without good cause for the last twelve (12) months, meet OWF cash eligibility requirements, and **be able to verify at least one of the following conditions:**

EXEMPTION #1

The individual is pending SSI/SSD for a mental or physical disability and has been unable to participate in an assigned work activity due to that disability as verified by a licensed physician. The County reserves the right to a second opinion. Additionally, individuals pending a determination by a “recognized medical disability insurance” program that have been unable to participate in an assigned work activity due to a verified medical disability may be considered.

EXEMPTION #2

The individual is providing care for a disabled (as verified by a licensed physician) immediate family living in the home, and other arrangements for the disabled member’s care are not available as verified by the County. An immediate family member is defined as a mother, father, child, spouse, grandchild or legal guardian.

EXEMPTION #3

The individual is a single custodial parent caring for their child and child care is not available as determined by County.

EXEMPTION #4

The individual is not employed, and has not been given an opportunity to participate in a work activity for at least twelve months.

The County retains the discretion to determine whether assistance group members satisfy a listed hardship exemption. Any hardship presented by an assistance group member that is not listed in the above-listed written exemptions shall not result in the awarding of an OWF hardship exemption.

The County cannot grant a hardship exemption to an OWF assistance group member once the County has filled the 20% limit unless it exercises its discretion to terminate any hardship exemption that has been previously granted.

PRIORITY OF EXEMPTIONS:

Priority will be given to the exemptions in the same order as their listing.