

5101:6-2-05 EXCEPTIONS TO PRIOR NOTICE.

(A) PUBLIC ASSISTANCE AND SOCIAL SERVICES

(1) UNDER THE FOLLOWING CIRCUMSTANCES, PRIOR NOTICE OF ADVERSE ACTION IS NOT REQUIRED, BUT THE ASSISTANCE GROUP SHALL BE PROVIDED WRITTEN NOTICE ON OR BEFORE THE EFFECTIVE DATE OF THE ACTION.

- (a) THE AGENCY HAS FACTUAL INFORMATION CONFIRMING THE DEATH OF AN INDIVIDUAL, OR OF THE PAYEE WHEN THERE IS NO RELATIVE AVAILABLE TO SERVE AS A NEW PAYEE.
- (b) THE AGENCY RECEIVES A CLEAR, WRITTEN STATEMENT, SIGNED BY THE INDIVIDUAL, THAT HE OR SHE NO LONGER WISHES TO RECEIVE BENEFITS, OR THAT GIVES INFORMATION WHICH REQUIRES REDUCTION OR TERMINATION, AND INDICATES THAT THE INDIVIDUAL UNDERSTANDS THAT THIS MUST BE THE CONSEQUENCE OF SUPPLYING THE INFORMATION.

IN NO WAY DOES THIS EXCEPTION PERMIT THE PREPARATION OF ANY TYPE OF BLANKET STATEMENT TO BE SIGNED AT THE TIME OF APPLICATION OR AT ANY OTHER TIME WHICH WOULD ALLOW THE AGENCY TO TAKE ACTION AT SOME FUTURE DATE WITHOUT PROVIDING PRIOR NOTICE.

- (c) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT THE INDIVIDUAL HAS BEEN ADMITTED OR COMMITTED TO AN INSTITUTION WHERE HE OR SHE IS INELIGIBLE FOR FURTHER BENEFITS.
- (d) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT THE INDIVIDUAL HAS BEEN PLACED IN SKILLED NURSING CARE, INTERMEDIATE CARE, OR LONG-TERM HOSPITALIZATION WHERE HE OR SHE IS INELIGIBLE FOR FURTHER BENEFITS.
- (e) THE ASSISTANCE GROUP'S WHEREABOUTS ARE UNKNOWN AND AGENCY MAIL DIRECTED TO THE ASSISTANCE GROUP HAS BEEN RETURNED BY THE POST OFFICE INDICATING NO KNOWN FORWARDING ADDRESS.

HOWEVER, THE ASSISTANCE GROUP'S BENEFIT MUST BE MADE AVAILABLE IF THE ASSISTANCE GROUP'S WHEREABOUTS BECOME KNOWN DURING THE PERIOD COVERED BY THE RETURNED BENEFIT.

- (f) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT THE ASSISTANCE GROUP HAS BEEN ACCEPTED FOR BENEFITS IN A NEW STATE.
- (g) A CHILD IS REMOVED FROM THE HOME AS A RESULT OF A JUDICIAL DETERMINATION OR IS VOLUNTARILY PLACED IN FOSTER CARE BY THE CHILD'S LEGAL GUARDIAN.
- (h) A SPECIAL ALLOWANCE GRANTED FOR A SPECIFIC PERIOD IS TERMINATED AT THE END OF THE SPECIFIED PERIOD. THE ASSISTANCE GROUP MUST BE

INFORMED, IN WRITING, WHEN THE ALLOWANCE IS INITIATED, OF THE EXACT DATE UPON WHICH THE ALLOWANCE WILL AUTOMATICALLY TERMINATE.

- (2) THE NOTICE SHALL CONTAIN A CLEAR AND UNDERSTANDABLE STATEMENT OF THE ACTION BEING TAKEN AND THE REASONS FOR IT, CITE THE APPLICABLE REGULATIONS, EXPLAIN THE ASSISTANCE GROUP'S RIGHT TO AND THE METHOD OF OBTAINING A COUNTY CONFERENCE AND A STATE HEARING, EXPLAIN THE CIRCUMSTANCES UNDER WHICH A TIMELY HEARING REQUEST WILL RESULT IN REINSTATED BENEFITS, AND CONTAIN A TELEPHONE NUMBER TO CALL ABOUT FREE LEGAL SERVICES.
- (3) "NOTICE OF RIGHT TO A STATE HEARING," ODHS 4085, OR ITS CRIS-E EQUIVALENT, SHALL BE USED.

(B) FOOD STAMPS

UNDER THE FOLLOWING CIRCUMSTANCES, INDIVIDUAL NOTICES OF ADVERSE ACTION SHALL NOT BE PROVIDED.

- (1) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT ALL MEMBERS OF THE ASSISTANCE GROUP HAVE DIED.
- (2) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT THE ASSISTANCE GROUP HAS MOVED FROM THE COUNTY.
- (3) THE ASSISTANCE GROUP HAS BEEN RECEIVING AN INCREASED ALLOTMENT TO RESTORE LOST BENEFITS, THE RESTORATION IS COMPLETE, AND THE ASSISTANCE GROUP WAS PREVIOUSLY NOTIFIED IN WRITING OF WHEN THE INCREASED ALLOTMENT WOULD TERMINATE.
- (4) THE ASSISTANCE GROUP JOINTLY APPLIED FOR PA AND FOOD STAMP BENEFITS, HAS BEEN RECEIVING FOOD STAMP BENEFITS PENDING THE APPROVAL OF THE PA GRANT, AND WAS NOTIFIED IN WRITING AT THE TIME OF CERTIFICATION THAT FOOD STAMP BENEFITS WOULD BE REDUCED UPON APPROVAL OF THE PA GRANT.
- (5) AN ASSISTANCE GROUP MEMBER IS DISQUALIFIED FOR INTENTIONAL PROGRAM VIOLATION IN ACCORDANCE WITH RULE 5101:4-9-15 OF THE ADMINISTRATIVE CODE, OR THE BENEFITS OF THE REMAINING ASSISTANCE GROUP MEMBERS ARE REDUCED OR TERMINATED TO REFLECT THE DISQUALIFICATION OF THAT ASSISTANCE GROUP MEMBER.
- (6) THE AGENCY HAS ELECTED TO ASSIGN A LONGER CERTIFICATION PERIOD TO AN ASSISTANCE GROUP WHICH WAS CERTIFIED ON AN EXPEDITED BASIS AND FOR WHOM VERIFICATION WAS POSTPONED, UNDER THE PROVISIONS OF RULE 5101:4-6-09 OF THE ADMINISTRATIVE CODE.

THE ASSISTANCE GROUP MUST HAVE RECEIVED WRITTEN NOTICE THAT THE RECEIPT OF FUTURE BENEFITS IS CONTINGENT ON ITS PROVIDING THE VERIFICATION WHICH WAS INITIALLY POSTPONED AND THAT THE AGENCY MAY ACT ON THE VERIFIED INFORMATION WITHOUT FURTHER NOTICE.

- (7) THE ASSISTANCE GROUP IS CONVERTED FROM CASH AND/OR FOOD STAMP COUPON REPAYMENT TO BENEFIT REDUCTION AS A RESULT OF FAILURE TO MAKE AGREED UPON REPAYMENT OF AN OVERISSUANCE.

- (8) THE AGENCY IS TERMINATING THE ELIGIBILITY OF A RESIDENT OF A DRUG OR ALCOHOL TREATMENT CENTER OR A GROUP LIVING ARRANGEMENT IF THE FACILITY LOSES EITHER ITS CERTIFICATION FROM THE APPROPRIATE AGENCY OR AGENCIES OF THE STATE OF OHIO, AS DEFINED IN RULE 5101:4-6-01 OF THE ADMINISTRATIVE CODE, OR HAS ITS STATUS AS AN AUTHORIZED REPRESENTATIVE SUSPENDED DUE TO FNS DISQUALIFYING IT AS A RETAILER.

- (9) THE ASSISTANCE GROUP VOLUNTARILY REQUESTS, IN WRITING OR IN THE PRESENCE OF A CASEWORKER, THAT ITS PARTICIPATION BE TERMINATED. IF THE ASSISTANCE GROUP DOES NOT PROVIDE A WRITTEN REQUEST, THE AGENCY SHALL SEND THE ASSISTANCE GROUP A LETTER CONFIRMING THE VOLUNTARY WITHDRAWAL. WRITTEN CONFIRMATION DOES NOT ENTAIL THE SAME RIGHTS AS A NOTICE OF ADVERSE ACTION EXCEPT THAT THE ASSISTANCE GROUP MAY REQUEST A STATE HEARING.

- (10) THE AGENCY DETERMINES, BASED ON RELIABLE INFORMATION, THAT THE ASSISTANCE GROUP WILL NOT BE RESIDING IN THE COUNTY AND, THEREFORE, WILL BE UNABLE TO OBTAIN ITS NEXT ALLOTMENT. THE AGENCY SHALL INFORM THE ASSISTANCE GROUP OF ITS TERMINATION NO LATER THAN ITS NEXT SCHEDULED ISSUANCE DATE. WHILE THE AGENCY MAY INFORM THE ASSISTANCE GROUP BEFORE ITS NEXT ISSUANCE DATE, THE AGENCY SHALL NOT DELAY TERMINATING THE ASSISTANCE GROUP'S PARTICIPATION IN ORDER TO PROVIDE ADVANCE NOTICE.

Effective Date: June 1, 1993

Certification: Arnold R. Tompkins

May 18, 1993
Date

Promulgated Under: Revised Code Chapter 119.

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Rule Amplifies: Revised Code Section 5101.35

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