



October 18, 2022

Cash Assistance Manual Transmittal Letter No. 188

TO: All Cash Assistance Manual Holders
FROM: Matt Damschroder, Director
SUBJECT: **Five Year Rule Review: The Application Process for Ohio Works First, and Refugee Cash Assistance.**

In accordance with section 106.03 of the Ohio Revised Code (ORC), each state agency is required to review each of its rules in the Ohio Administrative Code a minimum of once every five years. The intent of the review is to ensure that Administrative Code rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, local agencies will be given increased flexibility, and any adverse impact on businesses will be eliminated or reduced. As a result of the review, the agency may amend the rule; rescind the rule; or continue the rule without amendment.

The rule has been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The rule will become effective on 11/01/2022.

Chapter 1000

5101:1-2-01 " The Application Process for Ohio Works First, and Refugee Cash Assistance."

This rule describes the procedures for county agencies to follow regarding Ohio Works First, and Refugee Cash Assistance. OFA has rescinded and replaced this rule as a new rule as more than 50 percent of the language has been stricken. The rule has been reorganized to improve clarity. Changes to the rule include:

- Paragraph (A) was updated to described how an individual applies for Ohio works first (OWF) or refugee cash assistance (RCA) benefits. Added to this paragraph are what forms will be provided, a description of a complete application as well as the minimum requirements for a telephonic application. Previously this paragraph described "application processing definitions" which was stricken from this rule;
- Paragraph (B) was modified to described when an application packet is provided, which was previously contained in former paragraph (D). Former (B)(1) was stricken as the format of the current rule establishes the application process for OWF and RCA programs. Previous (B)(2) was moved to new paragraph (E)(5). Former (B)(3) and (B)(4) were stricken from rule. Previous (B)(5) regarding a county's administrative duties was moved under (E)(4). Former (B)(6) was moved to paragraph (O). These changes to paragraph (B) were done to improve clarity;

- Paragraph (C) was updated to describe the methods for filing an application. (C)(1)(a) through (C)(1)(f) were added to describe the methods by which an assistance group can submit an application to a county agency; these methods were added to align with the supplemental assistance nutrition program (SNAP). Former paragraph (C) regarding what is included in an application packet was moved under new paragraph (A) to improve clarity;
- Paragraph (D) was updated and describes who can sign the application and types of valid signatures. New language under (D)(3)(c) was added regarding telephonic signatures. This paragraph was moved from the previous paragraph (E);
- Paragraph (E) now describes the other responsibilities that both the county agency and assistance group must meet during the application process. Paragraph (E)(5) was moved from former paragraph (B)(2) to improve clarity and flow of the rule;
- Paragraph (F) was moved from former paragraph (H) and describes the application date and how an application is registered;
- Paragraph (G) was moved from former paragraph (I) and describes what role the county has in completing the application process;
- Paragraph (H) now describes the interview requirements, which was previously contained in paragraph (J). (H)(3) was added in order to align with the SNAP requirement to provide a summary when an application is signed telephonically;
- Paragraph (I) describes how the interview can be conducted. This was moved from former paragraph (K) to improve clarity and flow of the rule;
- Paragraph (J) now describes county agencies interview responsibilities, which was previously contained in paragraph (L);
- Paragraph (K) now describes what is covered in the application interview, which was formally contained in paragraph (O). Paragraph (K)(15) regarding the requirement for the county agency to offer assistance in obtaining verifications was moved from paragraph (P) to improve clarity;
- Paragraph (L) now describes the time frame to determine eligibility. The determination of eligibility time frame was previously contained under paragraph (M);
- Paragraph (M) now describes the requirements for authorized representatives. The definition of “authorized representative” was moved here from the previous paragraph (A);
- Paragraph (N) was replaced with what is considered a failure in the application process. The contents of the previous paragraph (N) regarding the interview requirements were moved to new paragraph (H);
- New paragraph (O) now describes what the difference between a request for public assistance and a request for information. This information was formally contained under (B)(6) but was moved to (O) to improve clarity and flow of the rule;
- Paragraph (Q) was stricken and moved to paragraph (N); and
- Minor language changes to improve clarity.

5101:1-2-01

The application process for Ohio works first and refugee cash assistance.

(A) How does an individual apply for Ohio works first (OWF) or refugee cash assistance (RCA) benefits?

(1) The application process begins with a request for OWF or RCA. Upon request to apply, the county agency is to provide the individual or authorized representative with all of the following forms:

(a) A JFS 07200 "Application for Supplemental Nutrition Assistance Program (SNAP), Cash Assistance, Medical Assistance or Child Care Assistance," JFS 07204 "Request to Reapply for Cash Assistance, SNAP and/or Child Care," or the electronic or telephonic equivalent.

(b) A JFS 07217 "Voter Registration Notice of Rights and Declination" and a voter registration form (for requirement and procedures of the National Voter Registration Act of 1993 refer to rule 5101:1-2-15 of the Administrative Code); and

(c) A JFS 07501 "Program Enrollment and Benefit Information."

(2) Assistance groups wanting to participate in the program(s) are to file a complete application.

(a) An "application" is a JFS 07200, JFS 07204, or its electronic or telephonic equivalent; and

(b) Except as outlined in paragraph (A)(2)(c) of this rule, a "complete application" is an application that includes, at a minimum, the name, address and signature of the person completing the application.

(c) A complete telephonic application includes, at a minimum:

(i) A name, address;

(ii) A completed interview as described in paragraph (H) of this rule; and

(iii) A telephonic signature of the person completing the application. A telephonic signature is an audio recording of the assistance group's verbal assent and a summary of the information to which the assistance group assents.

(B) When is an application packet provided?

(1) The county agency is to provide an application packet upon request.

(a) When the request is made in person at the county agency, the application packet is to be given the same day as the request.

(b) When the county agency receives the request by telephone or letter, the application packet is mailed the day that the request is received.

(2) The right to apply is not to be discouraged or denied. An individual/family who appears ineligible is allowed to apply for assistance.

(3) When an assistance group is currently receiving supplemental nutrition assistance program (SNAP) benefits and decides to apply for cash assistance at recertification, a new application for cash assistance is to be filed.

(C) What are the methods for filing an application?

(1) An assistance group may submit an application to the county agency:

(a) In person;

(b) Through an authorized representative;

(c) By fax;

(d) By electronic transmission;

(e) By mail; or

(f) By telephone.

(D) Who signs the application?

(1) The application is to be signed by one of the following individuals in order to register the application:

(a) A payee for the assistance group;

(b) A caretaker for the assistance group;

(c) Another responsible member of the assistance group;

(d) A spouse or natural or adoptive parent of a member of the assistance group who is not an assistance group member, who resides with the assistance

group, and can reasonably be determined to be acting responsibly for the assistance group; or

(e) An authorized representative for the assistance group.

(2) For other assistance groups identified on the application, an individual meeting one of the definitions provided in paragraph (D)(1) of this rule is to sign the application in order to register the request for assistance for the assistance group. The county agency is to notify the potential assistance groups of this requirement in writing no later than one working day following the interview.

(3) The types of signatures include:

(a) Handwritten signatures include signatures that are transmitted by facsimile or other electronic submission. When the signatory cannot sign with a name, an "X" is valid signature. It may be necessary for the county agency to have a witness attest to an "X" signature. An employee of the agency may serve as a witness.

(b) Electronic signatures which include the following:

(i) A digital signature;

(ii) A handwritten signature input on electronic signature pad or display screen; or

(iii) A digitized image of a handwritten signature that is attached to an electronic record or a typed name on an online application. This excludes telephonic signatures as described in paragraph (A)(2)(c) of this rule.

(c) Telephonic signatures obtained in accordance with procedures approved by the Ohio department of job and family services.

(4) Since initial benefits are affected by the date of application, the county agency should provide a potential assistance group identified on the application an opportunity to sign and complete the minimum application requirements described in paragraph (A)(2)(b) of this rule as soon as possible.

(5) A handwritten signature is not required when there is an electronic or telephonic signature. Electronic and telephonic signatures have the same legal effect and are enforced in the same way as a handwritten signature.

(E) During the application process what other responsibilities need to be met?

- (1) Each question on the application is to be completed to the fullest extent possible and any missing information is to be supplied during the interview or through the required verifications.
- (2) The assistance group and/or authorized representative is to make an accurate and complete disclosure of all information necessary for a determination of eligibility. Such disclosure are to be made at the time of initial application, at reapplication, and within ten days of the date that any change specifically identified in rule 5101:1-2-20 of the Administrative Code occurs.
- (3) The assistance group's report of an impending change in circumstances does not negate its responsibility to report any change identified in rule 5101:1-2-20 of the Administrative Code as reporting requirement within ten days from the date the change actually occurs.
- (4) Administrative duties are to be performed in such a manner as to secure for every assistance group the full amount of benefits that is legally entitled according to program regulations.
- (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 5101:1-3-11 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.

(F) What is the application date and how is an application registered?

- (1) The county agency is to accept the application on the day it is turned into the county agency. The "date of application" is the date that the county agency receives an application for existing assistance groups completing a interview, that contains the minimum requirements described in paragraph (A)(2)(b) or (A)(2)(c) of this rule. When an application is submitted by fax, electronically, or telephonic equivalent, the date of application is to be the date the county agency receives the application. When an application is received after business hours the date of application is the next business day.
- (2) Upon receipt of an application containing the minimum requirements described in paragraph (A)(2)(b) or (A)(2)(c) of this rule, the county agency is to enter the information into the statewide automated eligibility system.
- (3) The county agency is not to delay the date of application because of any local office procedure. The date of the interview is not to be used to delay the application date.
- (4) The assistance group is to be given the opportunity to complete and return the application on the same date the application is requested. When this occurs, the date of application is the same day as the request.
- (5) The county agency is to advise that the date of the application and the beginning date of benefits are dependent upon the date the application containing the minimum requirements described in paragraph (A)(2)(b) or (A)(2)(c) of this rule is returned to the county agency provided all other eligibility factors are met on or before the date received.
- (6) When an application containing the minimum requirements described in paragraph (A)(2)(b) of this rule is returned by mail, the date of application is to be the date the county agency receives the application. When the county

agency receives an application containing the minimum requirements described in paragraph (A)(2)(b) of this rule from the social security administration, the date of application for all public assistance programs, except SNAP, is to be the date the county agency receives the application. All applications received by mail are to be date stamped the day received.

(G) What is the role of the county agency in the completion of the application process?

- (1) The county agency is to help complete the application when assistance is requested and no other family member, close friend, authorized representative, or other appropriate individual is available.
- (2) When the county agency assists or completes an application, the employee of the county agency is to sign his or her name and title on the application.
- (3) A county agency employee is not to alter any answers given by the assistance group on the application. The county agency employee may assist in completing the application by asking the assistance group for answers needed to complete the application. The county agency employee may then mark or fill in the answer on the application.
- (4) The normal process of inputting data provided by the applicant during the interview is not to be construed to mean that the county agency has assisted with the completion of the application.
- (5) When the application is signed with a telephonic signature the county agency is to provide the assistance group a written copy of the JFS 07008 "Benefit Application Summary" form, or its electronic equivalent of the information attested to during the interview.

(H) What are the interview requirements?

- (1) An interview is to be scheduled as promptly as possible after the receipt and registration of an application containing the minimum requirements described in paragraph (A)(2)(b) of this rule, to ensure that an eligible assistance group receives an opportunity to participate within the time frames for completion of the application process pursuant to paragraph (L) of this rule.
- (2) The interview is used to inform the assistance group of all required verifications, the time period that the verifications is to be submitted to the county agency, and the responsibility of the county agency to assist when help is needed in obtaining any items. The interview is also used to determine if the application has been thoroughly completed and if the information provided accurately represents the assistance group's situation.

- (3) When the primary language of the individual completing the interview is not English, the county agency is to offer an interpreter at no cost to the individual. The individual is not to be required to provide his or her own interpreter or use a family member, unless they desire to do so.
- (4) When the individual who satisfies the interview requirement for the assistance group is not an assistance group member (e.g., authorized representative), and the county agency questions the information provided by that individual, the county agency retains the right to contact the assistance group to clarify the information.
- (5) When the interview cannot be conducted in the county agency offices or by telephone, alternative locations and/or hours are to be arranged.

(I) How can the interview be conducted?

- (1) The county agency may conduct an:

 - (a) Office interview;
 - (b) Telephone interview; or
 - (c) Home visit (as long as it is scheduled in advance with the assistance group).

- (2) The type of interview conducted is left to the county agency's discretion unless the applicant requests a face-to-face interview. The county agency is to grant a face-to-face interview to any assistance group that requests one.

(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?

- (1) The eligibility requirements for cash programs, and SNAP, including issuance and use.
- (2) All information contained on the JFS 07501.
- (3) The required verifications and information that is to be provided. This is to include a review of those verifications already provided and those verifications remaining to be secured. The county agency is to also inform the assistance group of assistance that they can provide in securing the required verifications and information.
- (4) The importance of abiding by the time limits for providing the verifications and additional information. The county agency is to emphasize that the application cannot be processed until the verifications and additional information are submitted.
- (5) The joint responsibility for exploring all the factors of eligibility and the circumstances that the assistance group is to be held responsible for presenting records or documents in its possession to support statements.
- (6) The consequences for failing to accurately report the circumstances of the assistance group at the point of application and later when the circumstances should change. Possible recoupment of overpayments and/or referral to law enforcement officials for civil or criminal prosecution could result from a failure to fully and honestly report the circumstances at all times.
- (7) The availability, purpose, and provision of appropriate social services programs within and outside the agency regardless of an individual's receipt of financial assistance.
- (8) The responsibility of the parent for minor children and spouses for each other.

- (9) The ability of the assistance group to meet its needs pending the receipt of the first benefit.
 - (10) The availability of free legal services through legal aid.
 - (11) An explanation of eligibility for a pregnant minor or minor parent and child to receive assistance as described in section 5107.24 of the Revised Code.
 - (12) An explanation of the SSC and the time limit requirements and extensions for the OWF program.
 - (13) An explanation of the waiver of OWF eligibility requirements due to domestic violence, including the good cause exception for refusal to cooperate with child support when applicable.
 - (14) An explanation of the individual's rights under the ADA, including the right to request reasonable modification in program activities.
 - (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.
 - (2) The time frames may be exceeded in situations where completion of the determination of eligibility is delayed because of circumstances that are considered beyond the control of the county agency or assistance group such as:
 - (a) Failure, with good cause, to secure necessary verifications;

- (b) Failure or delay on the part of an examining physician to provide all needed information.
- (3) When calculating the thirty or forty-five day time periods, the following provisions are applicable:
 - (a) The initial day is excluded from the computation and the last day is included;
 - (b) When the last day of the time period falls on a Saturday, Sunday or legal holiday, the time period is to end on the next working day;
 - (c) This method is to be used in calculating all time periods, unless specified as working days.
- (4) When the application pends longer than thirty days, running record comments are to be documented at least every thirty days with the reason for the delay.

(M) What are the requirements for authorized representatives?

An "authorized representative" is an individual, eighteen years of age or older, who is authorized to act on behalf of the assistance group.

- (1) The assistance group is to provide a written statement naming the authorized representative and the duties that the named authorized representative may perform on the assistance group's behalf.
- (2) When written authorization cannot be obtained because of the individual's incompetency or incapacity, the county agency may waive the written statement and assist in naming a responsible party to act as authorized representative for the assistance group.
- (3) The assistance group is responsible for notifying the county agency of any change in the named authorized representative.
- (4) When the assistance group has an authorized representative named to act on its behalf, all notices and correspondence issued by the county agency on behalf of the assistance group is to be issued to both the authorized representative and the assistance group.
- (5) In situations where an authorized representative provides incorrect or fraudulent eligibility information, the assistance group may still be held liable for any overpayments that occur. The authorized representative is to be held responsible for overpayments when the authorized representative is the legal guardian or legal trustee for the assistance group.

(6) When it is determined that the authorized representative has given incorrect information intentionally through no fault of the assistance group, a referral is to be made to the county prosecutor to determine when fraud has occurred on the part of the authorized representative. When the prosecutor's determination is that the authorized representative committed fraud, the authorized representative may be found liable for the overpayment.

(N) What is considered a failure in the application process?

Failure to cooperate in the application process and the verification requirements results in a denial of the OWF or RCA application. Failure occurs:

(1) When the information/verification is not provided after the county agency properly advised what information/verification is needed to determine eligibility provided no request for assistance in obtaining information/verification is received by the county agency; or

(2) When the county agency is not given necessary information to assist in obtaining the verification needed to determine eligibility; or

(3) When the assistance group fails to participate in a scheduled application interview.

(4) For OWF, when any work eligible individual, minor head of household, or adult member of the assistance group fails to enter into a written SSC with the county agency.

(O) What is the difference between a "request for public assistance" and a "request for information"?

The distinction is to be drawn between a "request for public assistance" (an application) and a "request for information" (an inquiry). An inquiry is not always going to result in an application. Any individual has the right to apply for benefits for themselves or on behalf of another individual.

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CERTIFIED ELECTRONICALLY

Certification

10/17/2022

Date

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