



May 20, 2022

**Food Assistance Transmittal Letter No. 430  
(Five-Year Review)**

**TO:** All Food Assistance Manual Holders

**FROM:** Matt Damschroder, Director

**SUBJECT:** Five-Year Review: Ohio works first 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 Office of Family Assistance (OFA) has completed a review of the following rules and these rules have been subject to a review by the Joint Committee on Agency Rule Review (JCARR). The changes will become effective on 6/1/2022.

**Chapter 3000**

**5101:4-3-09 "Food assistance: Ohio Works First Assistance Groups."**

This rule describes the actions a county agency must take on SNAP benefits when a member of an assistance group in which all members are receiving Ohio works first (OWF) is sanctioned or disqualified from the OWF program for failing a requirement in the OWF program. OFA amended this rule. Changes to the rule include:

- Replacing "job search" with the word "work" in the lead in paragraph because participation is not limited to "job search activities";
- Added reference to the Ohio Administrative code in paragraph (L); and
- Minor non-substantive changes for clarity.

5101:4-3-09

**Food assistance: Ohio works first assistance groups.**

This rule sets forth the actions a county agency shall take on supplemental nutrition assistance program (SNAP) benefits when a member of an assistance group in which all members are receiving Ohio works first (OWF) is sanctioned or disqualified from the OWF program for failing a behavioral requirement in the OWF program designed to improve the well being of the recipient family, such as participating in ~~job search~~work activities; or other provisions of the self sufficiency contract.

(A) What is an OWF assistance group?

- (1) An OWF assistance group is defined as an assistance group in which all members are receiving benefits under Title IV-A of the Social Security Act. The penalties and sanctions that should be imposed for these assistance groups are described in rules 5101:1-3-14 and 5101:1-3-15 of the Administrative Code.
- (2) Assistance groups in which not all members are receiving OWF shall be treated in accordance with rules 5101:4-3-11, 5101:4-3-11.1, 5101:4-3-11.2 and 5101:4-3-19 of the Administrative Code.

(B) When should a county agency apply this rule?

(1) This rule shall be applied when:

- (a) An individual is receiving OWF benefits at the time the sanction or disqualification was imposed; or
- (b) The sanction or disqualification is imposed at the time of application for continued OWF benefits ~~if~~when there is no break in participation.

(2) This rule shall not be applied when an individual has:

- (a) Reached a time limit for time-limited benefits;
- (b) Failed to reapply or complete the application process for continued OWF benefits;
- (c) Failed to perform an action that the individual is unable to perform as opposed to refusing to perform;
- (d) Failed to perform purely procedural requirements required by the OWF program. A procedural requirement, which would not trigger a SNAP sanction or disqualification, is a step that an individual must take to continue receiving benefits in the OWF program such as providing verification of circumstances; or

(e) Been sanctioned or disqualified at the time the individual initially applied for OWF benefits.

(C) What circumstances cause an individual to become ineligible for SNAP rather than sanctioned or disqualified?

(1) Failure or refusal without good cause of an individual who is an adult or a minor head of household to complete the appraisal process, as set forth in rule 5101:1-3-11 of the Administrative Code.

(2) Failure or refusal of an individual who is an adult or a minor head of household to sign the self sufficiency contract, as set forth in rule 5101:1-3-11 of the Administrative Code.

(3) Failure or refusal of a minor parent to attend the learning, earning and parenting (LEAP) program assessment, failure to enroll in school, or withdrawal from school, as set forth in rule 5101:1-23-50 of the Administrative Code.

(D) What circumstances cause an individual to be disqualified from SNAP?

In accordance with rule 5101:1-3-11 of the Administrative Code, a member of an OWF assistance group who is an adult or a minor head of household shall be disqualified to participate in SNAP for six payment months when the county agency determines that the member of the assistance group terminated his or her employment without justgood cause.

(E) What circumstances cause an individual to be sanctioned from SNAP?

(1) Failure by an individual who is an adult or a minor head of household to comply with provision(s) contained in the self sufficiency contract without good cause, as described in rule 5101:1-3-11 of the Administrative Code, shall result in the imposition of a sanction for that individual as described in rule 5101:1-3-15 of the Administrative Code.

(a) Provisions contained within the self sufficiency contract that could result in a sanction are work activities, alternative activities as described in rule 5101:1-3-12.12 of the Administrative Code and child support noncooperation as described in rule 5101:1-3-10 of the Administrative Code.

(b) Subsequent failures to comply with provision(s) contained in the self sufficiency contract that occur up until the imposition of the sanction shall be considered the same occurrence. The SNAP sanction or disqualification period shall be imposed concurrently with the sanction

or disqualification in the OWF program to the extent allowed by normal SNAP processing times and notice requirements.

(2) Failures resulting in the imposition of a sanction as described in rule 5101:1-3-15 or 5101:4-3-11.2 of the Administrative Code are to be cumulative.

(F) What happens when a sanctioned or disqualified individual changes OWF assistance groups?

An individual who causes the sanction or disqualification carries that sanction or disqualification into another OWF assistance group until that individual complies.

(G) What happens to the sanction ~~if~~when the individual leaves the OWF program prior to the imposition of the sanction?

When an OWF individual leaves the OWF program prior to the actual imposition of the sanction or disqualification, the sanction or disqualification will not be held in abeyance.

(H) How long does an individual remain sanctioned from SNAP under the provisions of this rule?

(1) The length of the SNAP sanction or disqualification period shall not exceed the OWF sanction or disqualification period in accordance with paragraph (C) of rule 5101:1-3-15 of the Administrative Code.

(a) When the sanction or disqualification is still in effect at the end of one year, the county agency shall review the case to determine ~~if~~when the sanction or disqualification continues to be appropriate. Sanctions or disqualifications extended beyond one year must be reviewed at least annually but may be ended by the county agency at any time.

(b) The county agency shall stop the SNAP sanction or disqualification when it becomes aware that the person has become ineligible for OWF for some other reason.

(2) After a sanction or disqualification has ended, the individual may apply for SNAP benefits according to rule 5101:4-2-01 of the Administrative Code or be added to the assistance group according to paragraph (K)(3)(a) of rule 5101:4-7-01 of the Administrative Code.

(I) How is a SNAP sanction that is imposed in accordance with rule 5101:1-3-15 of the Administrative Code ended and eligibility regained?

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" (~~rev. 11/2016~~) or the equivalent from the statewide automated eligibility system; 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 in accordance with paragraph (H) of rule 5101:1-3-15 of the Administrative Code.

(J) How are the income and resources of a sanctioned individual treated?

Individuals sanctioned in accordance with this rule shall have their income and resources treated as described in rule 5101:4-6-13 of the Administrative Code.

(K) How is the SNAP benefit allotment affected?

In accordance with rule 5101:4-6-16 of the Administrative Code, the county agency shall not increase the SNAP allotment as the result of a decrease in OWF when the decrease is due to the failure of an assistance group member to perform a required action.

(L) How does the county agency process changes that are not related to the OWF violation?

The county agency shall act on changes which are not related to the OWF violation and that would affect the assistance group's benefits in accordance with rule 5101:4-7-01 of the Administrative Code. All individuals who enter the OWF assistance group after the time of the failure, and otherwise meet eligibility requirements, shall be eligible to receive SNAP benefits for the appropriate assistance group size.

Effective: 6/1/2022  
Five Year Review (FYR) Dates: 3/3/2022 and 06/01/2027

CERTIFIED ELECTRONICALLY

---

Certification

05/18/2022

---

Date

Promulgated Under: 119.03  
Statutory Authority: 5101.54  
Rule Amplifies: 5101.54, 5107.14, 5107.16, 5107.22, 5107.26,  
5107.41, 5107.42  
Prior Effective Dates: 10/01/1997 (Emer.), 12/01/1997, 01/08/1998,  
10/11/2001, 08/29/2003 (Emer.), 11/01/2003,  
05/24/2007, 10/01/2007 (Emer.), 12/31/2007,  
10/15/2009, 08/01/2011, 02/01/2012, 09/01/2013,  
07/01/2017