



Ohio Administrative Code

Rule 5101:4-5-07 Food assistance: delayed eligibility determinations for initial applications.

Effective: September 1, 2021

(A) What happens when an eligibility determination on an initial application is not made within thirty days?

When the county agency cannot make an eligibility determination within thirty days from the date of application, the cause of the delay must be determined. Depending on the cause of the delay, a notice of either denial or of pending status must be provided on the thirtieth day for applications that are delayed in processing. The county agency shall determine the cause of the delay using the following criteria:

(1) Assistance group caused delays

(a) The assistance group is at fault when the assistance group fails to complete the application process (e.g. failure to provide required verifications or complete an interview) even though the county agency has taken the required actions to assist the assistance group as described in paragraph (A)(2) of this rule.

(b) When the assistance group fails to participate in the first interview and a subsequent interview has been requested by the assistance group but is postponed at the assistance group's request or cannot otherwise be rescheduled until after the twentieth day but before the thirtieth day following the date the application was filed, the assistance group must participate in the interview and provide verification by that thirtieth day; otherwise, the delay shall be the fault of the assistance group.

(c) When the assistance group fails to participate in the first interview, fails to schedule a second interview, and/or the subsequent interview is postponed at the assistance group's request until after the thirtieth day following the date the application was filed, the delay shall be the fault of the assistance group. When the assistance group has missed both scheduled interviews and requests another interview, any delay shall be the fault of the assistance group.



(2) County agency caused delays

The county agency is at fault when it fails to comply with the following:

(a) Offer assistance with completing the application;

(b) Provide the assistance group with a statement of required verification, offer to assist in obtaining required verification and allow the assistance group sufficient time prior to the thirtieth day following the date of application to provide the missing verification. Sufficient time shall be at least ten days from the date of the county agency's initial request for the particular verification that was missing;

(c) Send the assistance group a JFS 04218 "Notice of Missed Interview" or its equivalent from the statewide automated eligibility system and notify the assistance group that it is responsible for rescheduling a missed interview pursuant to rule 5101:4-2-07 of the Administrative Code. When the assistance group contacts the county agency within the thirty day processing period, the county agency must schedule a second interview; or

(d) Process a case by the thirtieth day when the assistance group has met all of its application obligations.

(B) What happens to an application when the assistance group caused the delay in the initial thirty days?

When the assistance group causes the delay, the application shall be processed as follows:

(1) The county agency shall send a notice of denial in accordance with rule 5101:4-2-11 of the Administrative Code.

(2) The assistance group shall lose its entitlement to benefits for the month of application. However, the assistance group shall be given an additional thirty days to take the required action.

(3) When a notice of denial is sent and the assistance group takes the required action within sixty



days of the date the application was filed, the county agency shall reopen the case without requiring a new application. No further action by the county agency is required after the notice of denial is sent when the assistance group fails to take the required action within sixty days of the date the application was filed.

(C) How is an application processed when the county agency caused the delay in the initial thirty days?

(1) A notice of pending status must be sent on the thirtieth day or the business day prior to the thirtieth day. A notice of denial cannot be sent for county agency caused delays.

(2) The county agency shall notify the assistance group of any action it must take to complete the application process. When the application is to be held pending because some action by the county agency is necessary to complete the application process, the county agency shall provide the assistance group with a written notice informing the assistance group that its application has not been completed and is being processed. When some action by the assistance group is also needed to complete the application process, the notice shall also explain what action the assistance group must take and that its application will be denied when the assistance group fails to take the required action within sixty days of the date the application was filed.

(D) How is an application processed when the application has pended sixty days and all information is received?

(1) When the county agency is at fault for not completing the application process by the end of the second thirty-day period and the case file is otherwise complete, the county agency shall continue to process the original application until an eligibility determination is reached.

(2) When the assistance group is determined eligible and the county agency is at fault for the delay in the initial thirty days, the assistance group shall receive benefits retroactive to the month of application.

(3) When the initial delay is the assistance group's fault, the assistance group shall receive benefits retroactive only to the month following the month of application.



(E) How is an application processed when the application has pended sixty days and information is still incomplete?

(1) When the county agency is at fault for not completing the application process by the end of the second thirty-day period, but the case file is not complete enough to reach an eligibility determination, the county agency may continue to process the original application, or deny the application. The notice of denial shall be accompanied by notification to the assistance group to file a new application and of its possible entitlement to benefits lost as a result of county agency delay.

(2) When the assistance group is determined eligible and the county agency is at fault for the delay in the initial thirty days, the assistance group shall receive benefits retroactive to the month of application.

(3) When the initial delay is the assistance group's fault, the assistance group shall receive benefits retroactive only to the month following the month of application.

(4) When the assistance group is at fault for not completing the application process by the end of the second thirty-day period, the county agency shall deny the application and require the assistance group to file a new application.