

5101:1-23-70.2

1

## APPENDIX A

**Rules Regarding Work Allowance Overpayments That Occurred Prior to October 1, 1997**

5101:1-47-20 Participant Expense Allowance

5101:6-2-20 Notice of Overpayment/Overissuance

5101:1-47-20 Participant expense allowance.

(A) Participants in jobs program activities approved by the CDHS shall be authorized to receive a monthly expense allowance as payment for cost of participation. Participants in these activities shall be authorized to receive an expense allowance for cost of transportation expense associated with participation. However, individuals participating in a SEP component, an OJT component, or regular unsubsidized employment are not eligible to receive the participant expense allowance.

(1) The transportation allowance is determined by the following criteria:

- (a) If publicly available transportation is utilized, the reasonable cost of transportation will equal the transportation costs for the month of participation.
- (b) If the individual's own vehicle is utilized, the state standard of twenty-five dollars will be paid for the transportation costs for the month of participation.

(2) LEAP – learning, earning, and parenting program participants who have volunteered to participate in another jobs component, in addition to their mandatory participation in LEAP, pursuant to rule 5101:1-47-11 of the Administrative Code, are also eligible to receive the participant expense allowance.

(B) If a CDHS or authorized provider provides transportation at no cost to the participant, no participant allowance is to be issued. At its option, the CDHS may provide for transportation in the form of daily transportation passes, e.g., tokens, etc.

(1) The CDHS may determine the minimum distance required to receive the participant expense allowance for transportation. A plan shall be submitted to ODHS pursuant to rule 5101:1-47-03 to establish this standard.

(2) When an individual walks to a site or uses a nongasoline, nondiesel, or nonelectric-powered conveyance, or otherwise incurs no expense for transportation, no transportation expense allowance should be paid.

EXISTING  
Appendix  
5101:1-23-70.2

- (C) If transportation is not provided, and if a participant can furnish proof of monthly transportation costs exceeding the state standard per month pursuant to paragraph (A)(1)(b), the CDHS shall:
- (1) Reassign the participant to another site; or
  - (2) Excuse the individual from participation until suitable assignment can be made; or
  - (3) Increase the amount of the participant expense allowance over the state standard of twenty-five dollars by:
    - (a) Determining the mileage between the participant's residence and the site, and
    - (b) Multiplying the round-trip mileage by a rate. As established by the CDHS times the number of days assigned.
    - (c) The result is the new monthly participant expense allowance amount.
- (D) The monthly reimbursement shall not exceed a cap of one hundred and fifty dollars per month.
- (E) If there are costs directly related to and necessary for jobs participation, an incidental allowance as needed may be issued, not to exceed a total of one hundred twenty dollars for each participant per twelve month period. This cap is to be considered separate from the cap for the transportation allowance in paragraph (D) of this rule.
- (1) The need for these incidental expenses shall be documented by the CDHS whenever it is determined to issue an incidental allowance; and
  - (2) The CDHS shall be the final authority on establishing whether the items are necessary for jobs participation.
- (F) Neither the transportation nor the incidental expense reimbursement may be issued in order to allow the individual to purchase a motorized conveyance or insurance.
- (G) The expense allowance may be paid as a reimbursement or paid in advance. The participant shall not be eligible for retroactive payments prior to the month of CDHS authorization of the assignment.

- (H) The expense allowance check is paid to the assistance group name on behalf of the participant.
- (I) If the actual number of hours of participation are greater than zero, no part of the expense allowance shall be considered an overpayment and there will be no adjustment in the amount paid. However, if the hours of participation are zero, the CDHS may recoup the expense allowance as an overpayment after following procedures for prior notice and hearing rights in accordance with chapters 5101:6-1 to 5101:6-9 of the Administrative Code. The only allowable method of repayment for work allowance claims is cash, as the ADC benefit may not be reduced for recoupment. For food stamp AGs, the food stamp benefit allotment may not be reduced in order to recoup the expense allowance.
- (J) A participant may receive other payments which are made by a public or private agency for the purpose of supplementing standards, e.g., the participant expense allowance, so long as there is no duplication of payment. This includes, but is not limited to, payments made by an agency providing vocational rehabilitation, pell grants, etc., issued to the individual that include a portion for transportation and payment made to the individual. When payments made by another agency varies over a time period, the CDHS may prorate or average the participant expense allowance as necessary in accordance with the payments.
  - (1) If the individual is receiving grant funds, these funds must list transportation as an expense in order for the CDHS to consider these to be a duplicate payment.
  - (2) For the purpose of this rule, loans are not considered duplicate payments.
- (K) The CDHS shall submit a plan to ODHS pursuant to rule 5101:1-47-03 of the Administrative Code to establish participant expense allowance standards.

Effective Date: SEP 29 1996

Certification: \_\_\_\_\_

Date SEP 18 1996

Promulgated under Revised Code Chapter 119.

Statutory Authority is Revised Code Section 5101.81.

Rule Amplifies Revised Code Sections 5101.20 and 5101.80 to 5101.99.

Prior Effective Dates: 3/1/83, 7/1/84, 8/1/85, 3/1/87, 12/1/87 (Emer.), 2/15/88, 6/30/89 (Emer.), 9/23/89, 4/2/90, 4/1/91, 10/1/91 (Emer.), 12/2/91, 5/1/92, 5/29/92 (Emer.) 6/1/92, 12/1/95 (Emer.), 2/19/96, 7/1/96 (Emer.)

## 5101:6-2-20 Notice of overpayment/overissuance.

(A) When the local agency has determined that an ADC overpayment has occurred, responsible parties from whom repayment is being sought shall be provided written notice of the overpayment determination.

Notice is also required whenever a previous overpayment determination is revised to change the amount or period of the overpayment.

Notice is not required when the overpayment involves possible fraud and has been referred to the county prosecutor, or when recovery has been waived under the provisions of rule 5101:1-25-32 of the Administrative Code.

- (1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overpayment and any offsetting done to reduce it, cite the applicable regulations, explain the available methods of repayment and the individual's right to and the method of obtaining a county conference and a state hearing, unless there has already been a state hearing on the issue, and contain a telephone number to call about free legal services.

(2) "Notice of ADC Overpayment," ODHS 7345, or its CRIS-E equivalent, shall be used.

- (B) When the agency has determined that a food stamp overissuance has occurred, assistance groups from which repayment is being sought shall be provided written notice of the overissuance determination.

Notice is also required whenever a previous overissuance determination is revised to change the amount or period of the overissuance or to change the claim type from administrative error (AE) to inadvertent household error (IHE).

Notice is not required when the overissuance involves possible fraud and has been referred to the county prosecutor, or when recovery has been waived under the provisions of rule 5101:4-8-17 of the Administrative Code.

- (1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overissuance and any offsetting done to reduce it, cite the applicable regulations, explain the available methods of repayment and the assistance group's right to and the method of obtaining a county conference and a state hearing, unless there has already been a state hearing on the issue, and contain the name and telephone number of the person to contact for more information and a telephone number to call about free legal services.

- (2) For inadvertent household error and intentional program violation claims, the assistance group shall also be informed of the length of time it has to choose a method of repayment and notify the agency of its decision, and that its allotment will be reduced if it fails to agree to make restitution. For administrative error claims, the assistance group shall also be informed of the availability of allotment reduction as a method of repayment if the assistance group prefers to use this method.
- (3) The notice shall provide space for the assistance group to indicate the method of repayment, a signature block, and an explanation of the assistance group's right to request renegotiation of any repayment schedule to which it has agreed should its economic circumstances change.
- (4) "Food Stamp Repayment Agreement," ODHS 7442, or its CRIS-E equivalent, shall be used.
- (C) When the agency has determined that a work allowance overpayment has occurred, the assistance group shall be provided written notice of the overpayment determination.

Notice is not required when recovery has been waived under the provisions of rule 5101:1-47-20 or rule 5101:4-8-26 of the Administrative Code.

- (1) The notice shall contain a clear and understandable statement of the determination and the reasons for it, including the amount and period of the overpayment, cite the applicable regulations, explain the available methods of repayment and the assistance group's right to and the method of obtaining a county conference and a state hearing, unless there has already been a hearing on the issue, and contain the name and telephone number of the person to contact for more information and a telephone number to call about free legal services.
- (2) The notice shall provide space for the assistance group to indicate the method of repayment, a signature block, and an explanation of the assistance group's right to request renegotiation of any repayment schedule to which it has agreed should its economic circumstances change.
- (3) "Notice of Work Allowance Overpayment," ODHS 7307, or its CRIS-E equivalent, shall be used.

Effective Date: OCT 01 1996

Certification:

(Date) SEP 18 1996

Promulgated Under: Revised Code Chapter 119.

Statutory Authority: Revised Code Section 5101.35

Rule Amplifies: Revised Code Section 5101.35

Prior Effective Dates: 9-1-76, 4-1-80, 6-2-80, 10-1-81, 5-1-82, 7-1-82, 3-20-83, 4-1-83, 7-1-83 (Temp.), 8-1-83, 8-19-83, 9-24-83, 11-1-83 (Temp.), 12-1-83, 1-1-84, 3-1-84 (Temp.), 6-1-84, 10-3-84 (Emer.), 12-22-84, 4-1-86, 1-16-87 (Emer.), 4-1-87, 4-6-87, 9-1-87, 7-1-88 (Emer.), 9-25-88, 4-1-89, 2-1-90, 10-1-90, 6-1-93, 9-1-94

HISTORY: Eff 7-1-83; 7-11-83; 11-11-83; 7-15-84; 10-1-84 (Emer.); 12-27-84; 1-1-85 (Emer.); 4-1-85; 4-1-86; 11-1-86; 10-1-87; 4-1-88 (Emer.); 6-10-88; 6-30-88; 7-1-88 (Emer.); 9-25-88; 5-1-91 (Emer.); 7-11-91; 9-1-93; 9-1-94; 6-11-95; 10-1-96 (Emer.); 12-15-96; 5-1-97; 12-30-97; 7-1-98 (Emer.); 9-29-98; 10-1-99

Rule promulgated under: RC 119.03

Rule authorized by: RC 5107.05

Rule amplifies: RC 5107.05

Review 119.032 review date 9/29/03