[Cite as *Pinkney v. Ohio Dept. of Job & Family Servs.*, 2010-Ohio-5252.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94696

PAMELA M. PINKNEY

PLAINTIFF-APPELLANT

vs.

OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DEFENDANT-APPELLEE

JUDGMENT:
AFFIRMED

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CV-699474

BEFORE: Gallagher, A.J., McMonagle, J., and Sweeney, J.

RELEASED AND JOURNALIZED: October 28, 2010

FOR APPELLANT

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SEAN C. GALLAGHER, A.J.:

{¶ 1} This cause came to be heard upon the accelerated calendar pursuant to App.R. 11.1 and Loc.R. 11.1, the trial court records, and briefs of counsel.

{¶ 2} Appellant, Pamela M. Pinkney, pro se, appeals the judgment of the Cuyahoga County Court of Common Pleas that upheld the decision of the Ohio Department of Job and Family Services, which found the amount of Pinkney's food assistance was properly calculated under Ohio law, Pinkney did not have grounds for a state hearing regarding the Medicaid program, and Pinkney was ineligible to participate in the Ohio Works First and Disability Financial Assistance programs. For the reasons stated herein, we affirm the decision of the lower court.

{¶ 3} Pinkney is a public assistance recipient who is receiving benefits under the food assistance and Medicaid programs. After receiving notice of her food assistance allotment in November 2008, Pinkney requested a state hearing to challenge her benefit and eligibility determinations.

{¶ 4} The Ohio Department of Job and Family Services ("ODJFS"), Bureau of State Hearings, issued a decision on May 22, 2009, that determined the following: (1) Pinkney is receiving the appropriate amounts for food assistance given her income and verified expenses; (2) she had no grounds for a state hearing on her Medicaid benefit because no adverse action had been taken on her Medicaid benefit, and issues regarding the quality and availability of care with Medicaid are not addressable through a state hearing; (3) she is not eligible to receive Ohio Works First cash benefits because she does not have a minor child residing with her; and (4) she is not eligible to receive Disability Financial Assistance because her monthly supplemental security income exceeds the payment standard.

{¶ 5} Pinkney filed an administrative appeal from the state hearing decision. The Cuyahoga County Court of Common Pleas affirmed the decision of the ODJFS upon determining that the decision is "supported by reliable, probative, and substantial evidence and is in accordance with law." The lower court found that "because Ms. Pinkney's benefits were properly calculated, the court is without the authority to increase the amount of her

benefits" and that the court is without authority "to change the procedure and eligibility requirements as set forth in [Ohio Adm. Code] Chapter 5101:4-4[.]" The court also concluded Pinkney's challenge to the quality of care under Medicaid is not a proper ground for a state hearing in accordance with Ohio Adm. Code 5101:6-3-01(A). Finally, the court concluded the ODJFS did not err in finding Pinkney ineligible to participate in the Ohio Works First and the Disability Financial Assistance programs pursuant to the requirements of Ohio Adm. Code 5101:1-3-03(B) and Ohio Adm. Code 5101:1-501(A)(1).

{¶ 6} Pinkney filed this appeal seeking "cash and food assistance as well as improved medical care." She does not identify any error in the lower court decision or claim that her benefit and eligibility determinations for the various assistance programs are not in accordance with existing law. Rather, she believes the public assistance system is unfair and unjust, and she asks this court to order necessary corrections and adjustments to the various programs to meet the needs of the public.

{¶ 7} An appellate court exercises plenary review on issues of law in an administrative appeal from a common pleas court's decision. *Bartchy v. State Bd. of Edn.*, 120 Ohio St.3d 205, 2008-Ohio-4826, 897 N.E.2d 1096, ¶ 43. The scope of an administrative appeal from a state hearing decision regarding an individual's benefits is set forth in Ohio Adm. Code 5101:6-8-01(C), which includes whether a state hearing decision properly

applied the law. In this matter, Pinkney does not assert an improper application of the law or otherwise challenge the evidence or proceedings. Instead, she seeks to change and expand the benefits provided by various public assistance programs. An administrative appeal is not the appropriate forum for obtaining this action.

{¶ 8} We are very sensitive and cognizant of the needs of individuals on public assistance and the need for government support systems and private enterprise to provide viable options for individuals and families on public assistance in distressed areas. While we are cognizant of the dire circumstances individuals and families trapped on public assistance face, this court does not possess the power to order legislative changes to the challenged public assistance programs. To do so would amount to an invasion of legislative power by the judicial branch of government. While we understand that Pinkney feels she and others should receive greater benefits under these programs, the relief Pinkney seeks must come from the legislative branch of government. For these reasons, Pinkney's sole assignment of error is overruled.

Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this

judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

SEAN C. GALLAGHER, ADMINISTRATIVE JUDGE

CHRISTINE T. McMONAGLE, J., and
JAMES J. SWEENEY, J., CONCUR