

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

V.30, NO.3 FALL 2014

IN THIS ISSUE:

Dealing with
Administrative Agencies
1

New Job Search
Requirements for
UC Benefits
2

Consumer Problems
Being Reviewed
3

Healthcare Enrollment
3

Your Right
to an Interpreter
4

Using the
Social Security Website
4

Interacting with the IRS
5

Legal Aid Help
6

Thing to Know when Dealing with Administrative Agencies

Many different administrative agencies are responsible for important parts of our life, such as income, health insurance, and housing. But dealing with the agencies that handle these benefits can be very difficult. The following information will help when trying to solve a problem with an administrative agency.

Some common administrative agencies are the Social Security Administration, Veterans Administration, Internal Revenue Service, Ohio Department of Job and Family Services, public housing authorities, and the Office of Child Support Services. Even though each agency has its own rules, there are some common policies. All administrative agencies:

- Must give written notice when benefits or services are denied, reduced or terminated and tell you the reason for that decision;
- The notice must tell you how to “appeal” or challenge the decision if you disagree with it;
- The notice must tell you how much time you have to request an appeal, and whether or not your benefits will continue while you appeal;
- You have a right to appoint an authorized representative to deal with the administrative agency for you, and each agency usually has a form to fill out if you want to do so;
- Administrative agencies all have complaint or grievance procedures you can use if you have a problem with the agency, and the procedure for each agency should be available online or at the office;

- Most final decisions of administrative agencies can be appealed to court but only AFTER you follow the agency process first.

When dealing with an administrative agency, you can maximize your chances for success and minimize your frustration if you:



- Keep copies of all papers that you give the agency;



- Keep a phone log of all calls you place to the agency, and who you speak with when you call;



- Keep a calendar where you write down important deadlines in your appeal;



- Attend all appointments scheduled with the agency or call at least 24 hours in advance to cancel;



- Respond to all requests from the agency for additional information, and keep a record of what you provide and when you provided it; and



- Give the agency your current phone number and address any time your contact information changes.

While these tips may help you deal directly with administrative agencies, some times you might need help from a lawyer. Call Legal Aid at **1-888-817-3777** to apply for help with denials, reductions, terminations and overpayments of many public benefits.

New Job Search Requirements for Unemployment Compensation Benefits

By Anita Myerson

Unemployment Compensation claimants must complete **NEW** work search activities on *OhioMeansJobs.com* by certain deadlines or risk losing benefits. These new requirements are for people who applied for unemployment after April 11, 2014.

FIRST, UC Claimants must set up an account with *OhioMeansJobs*. To set up an account, go to <https://ohiomeansjobs.com> and click on 'Individuals.' Then, find:

Unemployment
Compensation
Claimant



Clicking there will take you to the "OhioMeansJobs Unemployment Guide". You must enter the *OhioMeansJobs.com* site through the Guide so that your information is sent to the Office of Unemployment.

SECOND, by the 8th week of the unemployment benefits, UC Claimants must upload a resume to *OhioMeansJobs*. When you upload your resume you need to click 'public' so that employers can see it.

THIRD, by the 14th week of the unemployment benefits, UC Claimants must take 3 tests: math, reading, and locating information. Each test takes up to 55 minutes to complete.

FOURTH, by the 20th week of the unemployment benefits, UC Claimants must create a career profile. After you answer 60 questions, you will receive a list of jobs that match your interests. ODJFS has created step by step guides for each requirement. You can find these on the unemployment web site <http://unemployment.ohio.gov>, or call your Unemployment Processing Center for help. The telephone number is on your "New Claim Instruction Sheet."

Some UC Claimants do NOT have to meet these requirements if the Office of Unemployment finds that you:

1. Were laid off subject to recall within 45 days (the employer notifies unemployment),
2. Were laid off due to a plant closing for up to 26 weeks (the employer must apply for a waiver),
3. Are in an approved training course or unemployed while attending school, or
4. Are a union member in good standing who is hired through a hiring hall, or
5. Have already completed the same or similar activities within the past 12 months.

If one of those exceptions applies to your situation, then you must fill out a questionnaire for the Office of Unemployment and they will send you notice that you are not required to register with *OhioMeansJobs.com*.

Some other groups of UC Claimants must call an Ohio Means Jobs Center at **1-888-296-7541** to sign up for work search activities instead of registering online. Those groups are people:

1. With a limited ability to read, write, speak or understand English.
2. With a physical or visual impairment that prevents them from using a computer.
3. Who are legally prohibited from using a computer.

If you do not meet one of the new OhioMeansJobs requirements by the deadline for that activity, you can be cut off from unemployment benefits until you complete the activity!

You should check to see if you have completed the required activities by the deadlines. If not, you should complete the activity immediately! When you have completed the activity you should call your Processing Center. If you have completed the activity after the original deadline, you should also call the Processing Center so that your benefits start again from the date you completed the activity.

If you miss a deadline, you should be sent a "Notice of Eligibility Issue". This Notice will give you a deadline to explain why your benefits should not be stopped.

You should reply to the notice by phoning or faxing your Processing Center with information:

- That you have either done the required activity, OR
- That you have justifiable cause for failure to complete the activity, OR
- That you are exempt or should have been waived from the requirement.

If you do not reply to the Notice within the deadline or if the Office of Unemployment does not agree with you, you will receive a Determination decision stating that your benefits will stop until that activity is completed.

If you disagree with a decision that stops your benefits, you should file an appeal right away. Instructions for how to appeal are included in the decision.

New Consumer Problems Now Being Reviewed by Legal Aid

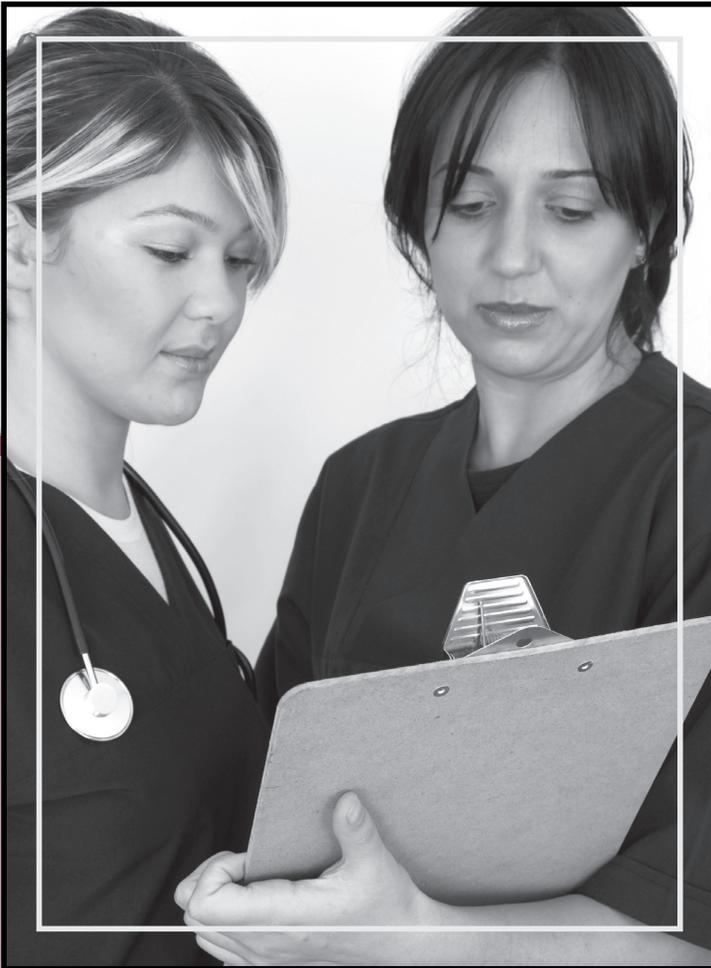
Consumers facing tax foreclosure after a tax lien sale, or with certain loans and vehicle issues, should call Legal Aid to apply for assistance. Legal Aid will evaluate and might be able to assist with problems related to:

- student loans
- used auto purchases involving fraud
- payday loans
- auto repossessions
- auto title loans

Additionally, Legal Aid will evaluate cases involving a tax foreclosure or potential tax foreclosure where the county has sold the tax lien debt to a debt collector and the debt collector is actively collecting on the debt and/or initiating foreclosure.

Some of these matters are new areas of service and are in addition to the numerous other types of problems Legal Aid handles. Please call **1-888-817-3777** to apply for legal assistance.

Health Care Enrollment – Medicaid and the Marketplace



All low-income Ohioans should be enrolled in free or reduced cost health care. People between the ages of 19-64 whose income is below 138% of the federal poverty level should apply for Medicaid immediately and contact Legal Aid if denied coverage. Ohioans can apply for Medicaid at www.benefits.ohio.gov or in person at their local Department of Job and Family Services any time.

Anyone whose income is between 100% – 400% of the federal poverty level is eligible for tax credits to reduce the cost of health coverage through the Marketplace. Anyone who has or needs health coverage through the Marketplace should be aware of the following dates and deadlines:

MARKETPLACE DEADLINES

November 15, 2014

Open Enrollment begins.

Apply for, keep, or change your coverage.

December 15, 2014

Enroll by the 15th if you want new coverage that begins on January 1, 2015. If your plan is changing or you want to change plans, enroll by the 15th to avoid a lapse in coverage.

December 31, 2014

Coverage ends for 2014 plans.

Coverage for 2015 plans can start as soon as January 1st.

February 15, 2015

This is the last day you can apply for 2015 coverage before the end of Open Enrollment.

www.healthcare.gov/quick-guide/dates-and-deadlines/

To buy Marketplace insurance outside of Open Enrollment, you must qualify for a Special Enrollment Period due to a qualifying life event like marriage, birth or adoption of a child, or loss of other health coverage. For more information or to apply, go to www.healthcare.gov.

Right to an Interpreter in Administrative Hearings

By Megan Sprecher and
Jessica Baaklini

Federal law states that you have the right to an interpreter in an administrative hearing if you are a person with limited English proficiency (LEP). This means that you do not speak, read, write, or understand English fluently. Additionally, LEP individuals who are not involved in the administrative hearing, but who need to be there, like a parent or guardian, also have the right to an interpreter. Your family members or children should not be used instead of a qualified interpreter from the agency/organization. LEP individuals have the right to participate in administrative hearings in the same way as someone who speaks and understands English fluently.

Examples of agencies that must provide you with an interpreter: courts; U.S. Citizenship & Immigration Services; Social Security; Veterans Administration; IRS; Ohio Department of Jobs & Family Services (Unemployment Compensation & welfare office); Medicaid office; Bureau of Motor Vehicles; public housing agencies; and public and charter/community schools.

Asking for an interpreter:

- Ask an employee of the court, agency, or organization for an interpreter.
- If the person you ask says no: ask for a supervisor, customer service representative, or ombudsman (person who hears complaints).

What to do if you do not receive an interpreter:

- If you still do not receive an interpreter, you may file a complaint with the U.S. Department of Justice (DOJ).
- You can file a complaint by either sending a letter or using DOJ's complaint form. The form is on DOJ's website. You can do this in either English or your first language.
- The complaint should explain when and how the agency did not give you an interpreter or how they did not speak to you in a language you can understand.
- Please keep a copy of the complaint for your records.
- The letter or form should be sent to:

Federal Coordination & Compliance Section- NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

- DOJ Website: <http://www.justice.gov/crt/complaint/>
- DOJ Phone: **1-888-848-5306**
- DOJ will respond to you with a letter or phone call

Using the Social Security Website

By Karla Perry

Social Security's website is www.socialsecurity.gov. Like any government website, the official website of the Social Security Administration is full of helpful information. There are long lists of publications, forms and other web resources.

There are many things that can be done through Social Security online. This includes applying for benefits, appealing decisions, finding out if you can get benefits, and estimating future benefits. The website is where folks can set up an account with Social Security. Up to 14 million people have established a personalized my Social Security account at www.socialsecurity.gov/myaccount. With an account, folks can see information from their home, office or library.

The Social Security Statement is one thing that you can get on the website. It is a good planning tool. It provides people age 18 and older with important information about their wages and taxes.

Individuals who currently receive benefits can manage their benefit



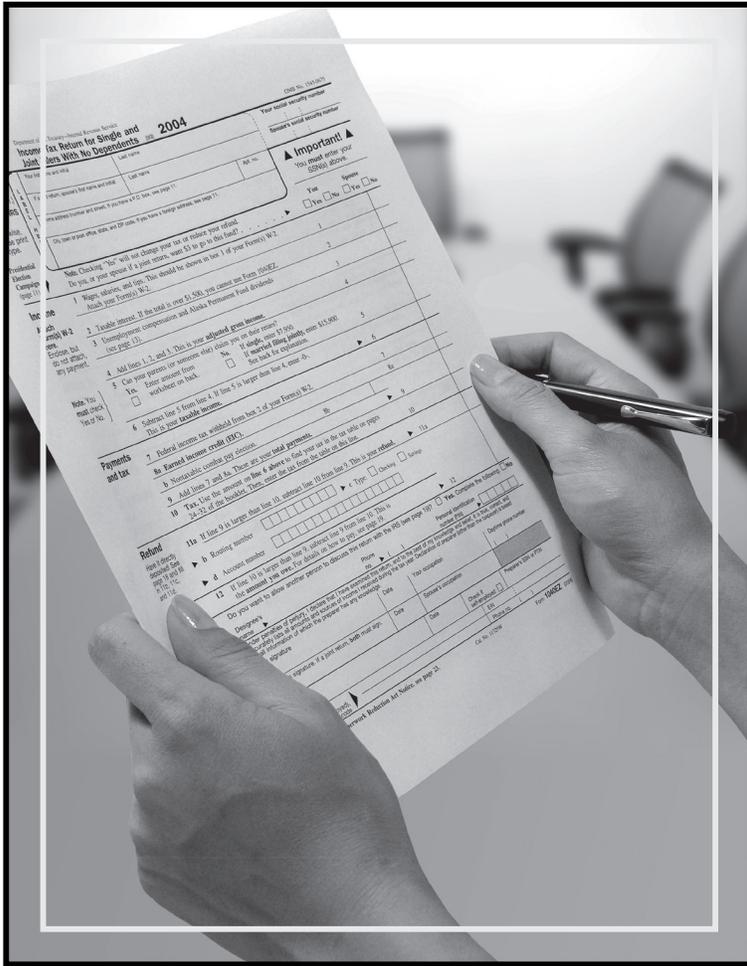
payments. Folks can get an instant benefit verification letter, change their address and phone number, and start or change direct deposit of their benefit payment.

You can't apply for a card online because the Social Security office has to verify certain documents. You can, however, complete and print the application to bring to your local office.

The Social Security website has undergone changes to make it easier to read and navigate. You can find more answers by first going to the Frequently Asked Questions tab at the very top of the home page. This tab section also allows you to convert the website to its Spanish version as well.

Interacting with the Internal Revenue Service

by Dennis Dobos



800-829-1954. If you haven't received your refund within 20 days of filing an electronic return or six weeks from the time of mailing your paper return, you may contact the IRS at **800-829-1040** and a representative will figure out the status of your refund.

Contact the Taxpayer Advocate Service. If you have a problem with the IRS that you can't resolve, the Taxpayer Advocate Service (TAS) is available to help you. TAS is an independent organization within the IRS that works on behalf of taxpayers. TAS may help taxpayers who have financial difficulties, who face an immediate threat of adverse action, or who have not heard back from the IRS in response to a question. You can contact the Local Taxpayer Advocate (LTA) at **216-522-7134** or send Form 911 to the LTA by fax at **855-824-6409** or by mail to 1240 E. Ninth St., Room 423, Cleveland, Ohio 44199.

Protect yourself from refund fraud related to identity theft. Refund fraud can cause lots of problems for taxpayers. Determine if any of the following problems have occurred:

- More than one tax refund was filed for you for a single tax year;
- IRS records show you received more wages than you actually earned; or
- Your state or federal benefits were reduced or cancelled because the agency received incorrect information concerning a change in your income.

If so, you should immediately act in the following ways to protect yourself from identity theft:

- Contact the IRS Identity Protection Specialized Unit at **800-908-4490** and complete and submit to the IRS Identity Theft Affidavit Form 14039;
- Notify your local police department to make a report;
- Contact the Federal Trade Commission (FTC) through its Identity Theft Hotline at www.consumer.ftc.gov or by calling **877-438-4338**; and,
- Contact the three major credit bureaus:
Equifax - www.equifax.com or **800-525-6285**;
Experian - www.Experian.com or **888-397-3742**; and,
TransUnion - www.transunion.com or **800-680-7289** to tell them you were a victim of identity theft.

Guard against tax preparer abuse. If you believe your tax return was not prepared correctly, immediately complete and submit to the IRS Form 14157. Fraud by tax preparers occurs when the preparer claims inflated personal or business expenses, false deductions, unallowable credits and/or excessive exemptions on returns prepared for their clients. For suspected cases of fraud, contact the Ohio Attorney General at **800-282-0515**, local law enforcement agencies and an attorney who specializes in civil litigation who will counsel you on your rights and remedies.

The Internal Revenue Service (IRS) has made it easier for taxpayers to file their tax returns, as well as to monitor and protect their federal income tax accounts. Here are some examples:

Complete your tax return for free. If your income is below \$58,000 – you can use free federal income tax preparation software. It is available online 24/7. The IRS states the process is safe and secure. Refunds may be directly deposited into your bank account. Visit IRS.gov/freefile for more details.

Obtain tax return and income transcripts at no cost. If you need your past income tax or earnings records, for example, because you are applying for a mortgage or a student loan, you may obtain a copy for free. Tax return and income transcripts may be ordered online, without charge, and delivered electronically or by mail. Taxpayers also may sign and submit to the IRS Form 4506-T or call **800-908-9946** to obtain their free tax return transcripts. IRS forms can be found at <http://www.irs.gov/Forms-&Pubs>.

Monitor the status of your refund. The most up to date information about your refund can be found using the IRS tool "Where's My Refund?" (<http://www.irs.gov/Refunds>). Taxpayers also can learn the status of their refund by calling the IRS Refund Hotline at



The
Legal Aid Society
of Cleveland
Since 1905

1223 West Sixth Street
Cleveland, OH 44113

Non Profit
U.S. Postage
PAID
Cleveland, OH
Permit No. 104

RETURN SERVICE REQUESTED

Legal Aid has improved its intake system to better serve the Northeast Ohio community.
Please share this information with your constituents:

**If you need legal assistance,
you can contact Legal Aid any weekday for help.**

New intakes are processed via phone:
888-817-3777 (toll-free)

Monday, Wednesday, Friday: 9 a.m. – 4 p.m.

Tuesday, Thursday: 9 a.m. – 2 p.m.

If you prefer an in-person intake application, those are handled:

Tuesday, Thursday: 9 a.m. – 1 p.m.

at any of our four Northeast Ohio offices (Cleveland, Elyria, Jefferson & Painesville).

Visit www.lasclev.org for more information!



Legal Aid sometimes invites community members to give their opinion on different topics during a focus group. If you might like to participate in a focus group in the future, please send an email with your name and contact information to focusgroup@lasclev.org.

This newsletter is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

If you have a communications limitation, contact us through the Ohio Relay Service. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.

Publication of The Alert is made possible, in part, by a grant from the Ohio Department of Aging through the Western Reserve Area Agency on Aging and District XI Area Agency on Aging.