



defendant reasoned acts of FCCSEA are not controlled by ODJFS and consequently, ODJFS is not the proper party to sue for reimbursement of overpaid funds collected by FCCSEA. Defendant advised this court has no jurisdiction to hear the instant action.

Defendant stated ODJFS did not retain any funds collected from plaintiff. Defendant also stated plaintiff "had an administrative hearing at the child support agency concerning his child support case and the findings of the agency were adopted by the court on January 8, 2004." (FCCSEA findings adopted by the Court of Common Pleas of Franklin County, Ohio Division of Domestic Relations and Juvenile Branch.) Defendant suggested plaintiff's proper remedy for the adopted acts of FCCSEA is an appeal to the Court of Appeals for the Tenth Ohio Appellate District and not an original action in this court.

{¶ 3} In his response to defendant's investigation report, plaintiff countered by offering all his support overpayment was received by the state and therefore, defendant should be responsible for returning the overpayment. Plaintiff insisted ODJFS is liable to return the wrongfully collected funds.

{¶ 4} Plaintiff has failed to state a claim cognizable in this court. *Anderson v. Ohio Department of Job and Family Services*, (11-29-05), Court of Claims No. 2005-09570. Plaintiff's proper remedy in this type of claim is through the appeals process. The actions of a county child support enforcement agency cannot be imputed to the state. *Wynn v. Ohio Dept. of Job & Family Serv.*, Court of Claims Case No. 2002-03856, 2004-Ohio-307. FCCSEA is a county agency run by a political subdivision and is not a state entity as defined by R.C. 2743.02(A). Since the only proper defendant in this court is the state, not political subdivisions and their agencies, the court does not have jurisdiction to hear plaintiff's claim.



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