



Ohio Administrative Code

Rule 5101:6-20-14 State hearings - failure to attend the administrative disqualification hearing.

Effective: March 1, 2019

(A) If the accused individual or authorized representative fails, without good cause, to appear at the hearing, the hearing shall still be conducted, without the individual being represented, if:

(1) The bureau of state hearings has proof of either receipt or refusal to accept delivery of the advance notice of the administrative disqualification hearing provided as required by paragraph (B) of rule 5101:6-20-12 of the Administrative Code, or

(2) Certified mail delivery of the advance notice of the administrative disqualification hearing, as described in rule 5101:6-20-12 of the Administrative Code, is returned unclaimed and the ordinary mailing of the advance notice, required by rule 5101:6-20-12 of the Administrative Code, does not return undelivered.

(B) Even though the individual is not represented, the hearing officer shall consider the evidence carefully and determine, based on clear and convincing evidence, whether an intentional program violation was committed.

(C) When good cause for failure to appear is based upon non-receipt of the advance notice of the hearing required by rule 5101:6-20-12 of the Administrative Code, the individual or authorized representative shall have thirty days from the date of the hearing decision to contact the hearing authority and present good cause for failing to attend.

In all other instances, the individual or authorized representative shall have ten days from the date of the hearing to contact the hearing authority and present good cause for failing to attend.

The hearing officer shall enter the good cause determination into the hearing record.

(D) When the hearing officer finds that an intentional program violation was committed but good cause for failure to appear is subsequently shown, the hearing decision shall be vacated and a new



hearing scheduled.

- (1) In this instance, the bureau of state hearings shall immediately notify the local agency and order discontinuation of the disqualification and reinstatement of assistance if otherwise appropriate.
- (2) The new hearing shall be scheduled in accordance with rule 5101:6-20-12 of the Administrative Code.
- (3) The original hearing officer may conduct the new hearing.