



Ohio Administrative Code

Rule 5101:6-7-01 State hearings: state hearing decisions.

Effective: April 1, 2023

(A) Hearing authority

(1) The bureau of state hearings is responsible for preparing and issuing state hearing decisions under the authority of the director of the Ohio department of job and family services (ODJFS). For this purpose, the chief of the bureau of state hearings shall designate hearing authorities in addition to the chief to review the findings, conclusions, and recommendations of the hearing officers and to issue decisions under the authority of the ODJFS director.

(2) No person designated as hearing authority shall have previously participated in the agency decision being appealed, nor shall the hearing authority and the hearing officer who conducted the hearing be the same person.

(B) Timely issuance

(1) Hearing decisions involving public assistance, social services, and child support services shall be issued within seventy calendar days from the date of the hearing request. No extension of the seventy-day requirement is permitted because the individual requests a delay in the scheduling of the hearing.

(2) Hearing decisions involving the prevention, retention and contingency (PRC) program shall be issued within thirty calendar days from the date of the hearing request.

(3) Hearing decisions involving supplemental nutrition assistance program (SNAP) shall be issued within sixty calendar days from the date of the hearing request, with the following exceptions:

(a) When the hearing has been postponed, as described in rule 5101:6-5-02 of the Administrative Code, the sixty day time limit shall be extended by as many days as the hearing was postponed.



(b) Hearing decisions involving a denial of expedited SNAP shall be issued within thirty calendar days from the date of the hearing request.

(c) When the hearing has been requested in response to the simultaneous proposal of public assistance and SNAP adverse actions, the hearing decision shall be issued according to public assistance timeliness standards.

(4) Hearing decisions involving the medicaid program shall be issued within seventy calendar days from the date of the hearing request. This period shall be reduced to three working days in the following instance:

(a) The hearing request is from an enrollee of a medicaid managed care plan or "MyCare Ohio" plan; and

(b) The enrollee, or the enrollee's authorized representative, claims that the request requires an expedited resolution because taking the time for a standard resolution could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function; and

(c) The bureau of state hearings agrees that an expedited resolution is required.

(C) Basis

(1) The hearing officer's findings of fact shall be based exclusively on the evidence introduced at the hearing, or after the hearing and subject to examination and rebuttal by both parties as described in rule 5101:6-6-02 of the Administrative Code.

(a) The hearing officer may be guided, but shall not be bound, by the Ohio Rules of Evidence (as in effect on July 1, 2022) in conducting hearings and in making findings of fact. The hearing officer shall consider all relevant evidence offered at the hearing.

(b) Hearsay evidence may be considered by the hearing officer in arriving at the findings of fact. However, such evidence must be critically evaluated, since it is not given under oath and cannot be cross-examined to test the perception, memory, and veracity of the declarant.



Direct evidence shall normally be given more weight than hearsay evidence when the two are in conflict.

(c) It shall be the responsibility of the agency to show, by a preponderance of the evidence, that its action or inaction was in accordance with rules of the Administrative Code.

(d) The hearing officer's findings of fact shall be binding upon the hearing authority. However, the hearing authority may return the case to the hearing officer if it is determined that additional facts not already established by the hearing officer are essential to a correct decision or if the evidence relied upon was taken in violation of rule 5101:6-6-02 of the Administrative Code.

(2) The hearing officer's conclusions of policy and recommendations shall be based solely on rules of the Administrative Code, or local agency policy adopted pursuant to options authorized in state law, except when these regulations and policies are silent and reference to the Revised Code or other statutory source is necessary to resolve the issue.

(a) When a hearing is regarding the prevention, retention and contingency (PRC) program, the hearing officer's conclusions of policy and recommendations shall be based on the PRC statement of policies if it was submitted at the hearing and if the submitted plan was effective as of the date of the action being appealed.

(b) The hearing authority shall review conclusions and recommendations by the hearing officer and adopt them when they constitute a correct application of the appropriate regulations.

(c) The hearing authority shall amend conclusions and recommendations that do not correctly apply the appropriate regulations, clearly explaining the reason and basis for any such amendment.

(3) The hearing decision shall address the issues raised in the request or otherwise included upon agreement of all parties, subject to the conditions of rule 5101:6-3-01 of the Administrative Code.

If it is discovered at the hearing that the request or issue meets one of the denial criteria in rule 5101:6-5-03 of the Administrative Code, the decision shall overrule the appeal on that basis.



(4) When a hearing request involves multiple issues, and when the appellant withdraws, in writing, notice of dismissal of the withdrawn appeals, as required by rule 5101:6-5-03 of the Administrative Code, may be included in the hearing decision.

(a) If the appellant withdraws some, but not all of the appeals, because there is no longer need for review by a higher authority on those appeals, the withdrawal is to be included in the decision, requiring no additional action on those appeals.

(b) If during the hearing, the appellant withdraws some or all of the issues under appeal, contingent upon some corrective action agreed to by the agency, the hearing officer shall issue a state hearing decision, indicating that agreement and requiring the agency to comply with the action as agreed to during the hearing. This decision shall be issued via the JFS 04005 "State Hearing Decision."

(D) Content

The hearing decision shall separately set forth the issue or issues to be decided, the hearing officer's findings of fact, conclusions of policy and recommendations, and the decision and order.

(1) The issue section shall fully describe the action or lack of action being appealed. It shall include the date and specific nature of the action, including benefit amounts where appropriate, as well as the specific eligibility factor on which the action was based and shall include a summary of the hearing officer's recommendations for resolution of the issue. When multiple issues are involved, they shall be set forth separately and numbered for reference in the remainder of the decision.

(2) The procedural matters shall first address such preliminary matters as delays due to postponement, resolution of disputes as to standing, and amendments or additions to the issue or issues as stated on the agency's written notice or in the hearing request, the dates the appeal summary was received by the bureau of state hearings and the appellant, continuation of benefits (if applicable), and status of subpoena request (if applicable).

(3) The findings of fact shall follow procedural matters. The findings of fact shall be clear and orderly chronological discussion of the facts and events relevant to the issue.



(4) The conclusions of policy shall cite and summarize relevant portions of rules of the Administrative Code and other applicable regulations as necessary and shall clearly demonstrate how they apply to the facts established. The decision shall clearly indicate the basis for each such finding, to include discussion of the relative weight given to conflicting evidence in arriving at the decision as to where the preponderance of evidence lies.

SNAP decisions shall also cite applicable federal regulations.

Budget computations, where relevant, shall be clearly set forth.

(5) The hearing officer's recommendations shall separately indicate the outcome of the appeal on each issue addressed, sustaining those in which the agency is found to have acted incorrectly, overruling those in which the agency's action was correct, and, if the provisions of paragraph (C)(4) of this rule apply, dismissing those that have been withdrawn in writing. Clear instructions to the parties shall be given when additional action is necessary to resolve the matter at issue.

Compliance shall be required, via the JFS 04068 "Order of Compliance Notice," as necessary to assure that the individual promptly receives all benefits ordered by a favorable decision.

(6) The decision and order, signed by the hearing authority, shall indicate adoption or amendment of the hearing officer's recommendations, whether each issue is sustained or overruled, and whether compliance is required.

(E) Notification

(1) The individual and authorized representative shall be provided with the written state hearing decision via the JFS 04005. The decision shall provide notice of the right to and the method of obtaining an administrative appeal. A copy of the decision shall also be sent to the local agency electronically, as an e-mail attachment.

(2) When the hearing involves one of the medical determination issues listed in paragraph (C)(1) of rule 5101:6-6-01 of the Administrative Code, a copy of the decision shall also be sent to the medical



determination unit.

(3) When the hearing involves a managed care plan or "MyCare Ohio" plan, copies of the decision shall also be sent to the managed care plan or the "MyCare Ohio" plan, and upon request to the Ohio department of medicaid.

(F) Hearing record

The state hearing decision, together with documents introduced at the hearing and all papers and requests filed in the proceeding, shall constitute the exclusive record. The hearing record shall be maintained by the bureau of state hearings in accordance with applicable record retention requirements. It will be made available for review by the individual and authorized representative upon request. The local agency shall be provided a copy upon request as well.

(G) Library of decisions

The chief of the bureau of state hearings shall maintain a library of all state hearing decisions. The decisions shall be available for public inspection and copying, subject to applicable disclosure safeguards.

(H) Binding effect

State hearing decisions shall be binding on the agency or managed care plan or "MyCare Ohio" plan for the individual case for which the decision was rendered.