



Ohio Administrative Code Rule 123:1-33-04 Appeal of a denial.

Effective: July 30, 2020

If a request for disability leave benefits is denied the employee shall be informed of the denial in writing. The employee may file, in writing and within thirty days of the notice of the denial, a request for an appeal of the denial with the director or designee. Information regarding the denial of the employee's application may be submitted with the employee's request for an appeal and such information will be considered during the appeal process. If an appeal is not filed within thirty days of the original notification of the denial, the director or designee shall enter the determination as a final decision.

Where a medical question is at issue, the director or designee shall, upon receiving a written request for an appeal, obtain a medical opinion from an independent third party. The selection of a third party shall be made within fifteen days of the appeal request unless an extension is agreed to by the parties. The third party shall render a medical opinion within thirty days of the selection and the decision of the third party shall be binding. If the third party review results in a denial of benefits, a hearing will be scheduled pursuant to Chapter 119. of the Revised Code.

Where a medical question is not at issue, the director or designee will schedule a hearing pursuant to Chapter 119. of the Revised Code.
