



Ohio Administrative Code

Rule 1513-3-11 Motions.

Effective: November 1, 2018

(A) Except for oral motions which must be made at a hearing on the record, or where the commission otherwise directs, any motion made to the commission shall:

(1) Be in writing;

(2) State with particularity the grounds on which it is based;

(3) Set forth the relief sought;

(4) Be filed with the commission and served upon all parties to the appeal at least ten days in advance of the hearing, unless the movant demonstrates that unusual circumstances exist justifying an exception to this rule.

(B) Motions for reconsideration of any decision of the commission shall be made in writing within five business days, calculated in accordance with paragraph (A)(3) of rule 1513-3-06 of the Administrative Code, after the issuance of the commission's decision. A motion for reconsideration shall state with particularity the grounds on which it is based. The filing of a motion for reconsideration does not extend the time for filing a notice of appeal in the appellate court.

(C) A party may file a motion for the admission of additional evidence. Such motion shall include an affidavit averring that the evidence is newly discovered and could not have been ascertained with reasonable diligence prior to the proceeding before the commission.

(D) In compliance with the requirements of paragraph (D)(2) of rule 1513-3-13 of the Administrative Code, motions for continuance of a hearing must be filed with the commission and served upon all parties to an appeal at least fourteen days in advance of a hearing.

(E) Unless the commission orders otherwise, any party to an appeal shall have ten days from service



of the motion or until hearing, whichever is earlier, to file a response to a motion.

(F) If a party fails to make a motion in compliance with the commission's scheduling orders, the commission may refuse to consider said motion. If a party fails to respond to a motion, or fails to respond within a time established by the commission, the commission may construe this failure as a waiver of objection.

(G) Objections to jurisdiction are not waivable and may be raised at any point in an appeal. Motions to dismiss on jurisdictional grounds should be filed as expeditiously as practicable.