



Ohio Administrative Code

Rule 5101:12-55-03.3 Administrative mistake of fact hearing process.

Effective: February 11, 2019

(A) The JFS 07083, "Notice to Obligor Regarding Default and 20% Payment on Arrears" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), and the JFS 04049, "Notice to Obligor of Default and Potential Action" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), inform the obligor of the obligor's right to contest the default and any new payment on arrears by requesting an administrative mistake of fact hearing. The obligor must file the request for an administrative mistake of fact hearing with the child support enforcement agency (CSEA) within fourteen days of the date the JFS 07083 or JFS 04049 was issued. When an obligor submits a request for an administrative mistake of fact hearing within fourteen days of the date the JFS 07083 was issued and a second request for an administrative mistake of fact hearing within fourteen days of the date the JFS 04049 was issued, the CSEA shall combine both requests into one administrative mistake of fact hearing.

(B) When an obligor files a timely request for an administrative mistake of fact hearing with the CSEA, the CSEA shall:

(1) Schedule the administrative mistake of fact hearing to be held on a date no later than ten days after the date that the obligor files the administrative mistake of fact hearing request; and

(2) Issue a JFS 07052, "Notice of Administrative Mistake of Fact Hearing" (effective or revised effective date as identified in rule 5101:12-55-99 of the Administrative Code), to the last known addresses of the obligor and obligee no later than five days before the date on which the administrative mistake of fact hearing is scheduled to be conducted.

(C) The CSEA may deny a request for an administrative mistake of fact hearing if the request is not timely filed.

(D) At the administrative mistake of fact hearing, the CSEA shall:



- (1) Consider testimony and evidence regarding an obligor's assertion that a mistake of fact exists on the JFS 04049 or the JFS 07083;
- (2) Determine whether a mistake of fact exists on the JFS 04049 or the JFS 07083;
- (3) When the obligor disputes the new arrears payment, consider any evidence the obligor presents regarding household expenditures, income variables, extraordinary health care issues, and other reasons for a deviation from the presumed minimum payment on arrears, pursuant to section 3123.21 of the Revised Code, and determine whether to deviate from the presumed payment on arrears;
- (4) Issue the administrative determination to the obligor within five business days of the date the administrative mistake of fact hearing is held;
- (5) Record the results of the administrative mistake of fact hearing in the support enforcement tracking system (SETS); and
- (6) Make any necessary changes in SETS based on the administrative mistake of fact hearing determination.