



Ohio Administrative Code

Rule 5101:6-10-01 State hearings: hearings for the comprehensive case management and employment program.

Effective: April 16, 2020

(A) This rule describes the hearing process for an individual who has been referred for or received comprehensive case management and employment program (CCMEP) services. Nothing in this rule would preclude an appellant from pursuing appeal rights under Section 181(c) of the Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128 (as in effect on December 1, 2019) or 45 C.F.R. 205.10 (as in effect on December 1, 2019) for "Temporary Assistance for Needy Families" (TANF).

(B) Definitions.

(1) "Appellant," for the purposes of this rule, means an individual who has been referred for CCMEP services, or who is already receiving CCMEP services, who appeals to the bureau of state hearings any CCMEP-related dispute, and includes an individual younger than age eighteen, if the individual is represented by a parent, legal guardian or custodian, or authorized representative.

(2) "Authorized representative" has the same meaning as described in rule 5101:6-1-01 of the Administrative Code.

(3) "Exit notice" means a written notice of adverse action terminating CCMEP eligibility in accordance with rule 5101:14-1-06 of the Administrative Code.

(4) "Federal timeliness period" means the date on which a state hearing request is first received by the bureau of state hearings plus ninety calendar days. If the ninetieth calendar day falls on a weekend or holiday, then the next business day shall be the ninetieth day for the purpose of timeliness.

(5) "Individual" means any person, who at the time of initial enrollment is at least age fourteen but not more than age twenty-four years, who is referred for CCMEP services, or who is already receiving CCMEP services; and, if the person is under age eighteen, includes the person's parent,



legal guardian or custodian, or authorized representative.

(6) "Informal conference" means a meeting facilitated by the "Equal Opportunity Officer" (EEO) or the EEO designee during which the facts and circumstances attending a complaint are examined in an effort to informally resolve a complaint.

(7) "Issued" and "mailed," when used in reference to notices, decisions, and other documents, means the date the document is sent by either electronic mail or U.S. mail, or hand-delivered, whichever is earlier.

(8) "Local agency" means a county department of job and family services, a workforce development agency, or both. A local agency may also be considered a lead agency for the purposes of this rule.

(9) "Local area" has the same meaning as described in Section 3 of WIOA.

(10) "Local hearing" means a quasi-judicial forum convened and presided over by the local agency hearing officer.

(11) "Parent" means a natural or adoptive parent, or step-parent.

(12) "Services" has the same meaning as described in paragraph (E) of rule 5101:14-1-02 of the Administrative Code.

(C) Basis for CCMEP appeals.

Any individual referred for CCMEP services, receiving CCMEP services, or who believes he or she should have been receiving CCMEP services, may file a complaint and/or request a hearing, as described in paragraph (D) of this rule, whenever the individual believes the local agency has failed to fulfill its duties, as described in Chapter 5101:14-1 of the Administrative Code. Any such request may be verbal or in writing and identify how the alleged violation of Chapter 5101:14-1 of the Administrative Code affects the individual's receipt of CCMEP services.

(D) Complaint and appeal process for CCMEP.



(1) The complaint and appeal process described in this rule shall not apply to an individual who receives an Ohio works first (OWF) sanction termination notice, as described in rule 5101:1-3-15 of the Administrative Code, as an OWF sanction appeal may be pursued in accordance with rule 5101:6-3-01 of the Administrative Code.

(2) Process for appeals when an exit notice is received, as described in rule 5101:14-1-06 of the Administrative Code.

(a) In the event the individual receives an exit notice from the local agency, the individual shall be permitted to appeal by requesting a state hearing. The individual shall be provided ninety calendar days from the date the CCMEP exit notice is mailed to submit a timely state hearing request. If the ninetieth day falls on a weekend or holiday, then the next business day shall be recorded as the ninetieth day. The appellant may withdraw the state hearing request at any time prior to a state hearing being held or a decision being issued.

(b) Exit notices or notifications issued by the bureau of state hearings, the local area, or the local agency may be sent by either U.S. mail or its electronic equivalent, or hand delivered to the individual.

(3) Except as provided in paragraphs (D)(1) and (D)(2) of this rule, the process for all CCMEP-related complaints and appeals shall be as provided:

(a) An individual who wishes to file a CCMEP-related complaint shall first file a complaint with the local agency with sufficient details to identify the parties and to describe generally the alleged actions, practices, or violations that caused the complaint to be filed. The individual is to file the complaint within three hundred sixty-five days of the date of the CCMEP-related incident that caused the dispute. Within ten calendar days of the date the complaint is received, the local agency shall hold an informal conference with the individual.

(b) If a satisfactory resolution is not reached through the informal conference, the local agency shall afford the individual an opportunity for a local hearing. If the individual requests a local hearing, the local agency shall assign an independent, objective, and impartial individual (preferably a third party)



to schedule and hold a local hearing and issue a decision within sixty calendar days of the date the CCMEP-related complaint was initially filed.

(c) If a timely local hearing decision is issued, and either the individual or local agency disagrees with the decision, then that party may appeal by requesting a state hearing with the bureau of state hearings. A request for a state hearing shall be made within ninety calendar days of the date the local hearing decision is issued by the independent, objective, and impartial individual designated by the local agency.

(d) If, within sixty calendar days of the date the individual first files a timely complaint with the local agency, the local agency fails to conduct the informal conference or local hearing, or issue the local hearing decision, then the individual shall be permitted to request a state hearing directly with the bureau of state hearings. A state hearing request made under this provision shall be made either within three hundred sixty-five calendar days of the date of the initial CCMEP-related incident that caused the complaint to be filed with the local agency, or within one hundred fifty calendar days of the date the complaint was timely filed with the local agency, whichever date comes later.

(E) Denial notices sent by the bureau of state hearings shall be issued to the appellant and, when applicable, to the local agency, in writing or by its electronic equivalent, as permitted by federal law. Denials of state hearing requests for CCMEP shall occur when:

- (1) The request is not timely, as described in paragraph (D) or (J)(2)(c) of this rule.
- (2) The request was not made by the appellant, or his/her authorized representative.
- (3) The issue is not appealable as a basis described in paragraph (C) of this rule.
- (4) The sole issue is a change in federal or state policy.
- (5) The issue was previously decided through the state hearing process.
- (6) The appellant has not complied with paragraphs (D)(3)(a) and (D)(3)(b) of this rule, and a scheduling notice was issued in error.



(F) An appellant who fails to participate on the day of the scheduled state hearing date may not be rescheduled without providing evidence of good cause, as defined in rule 5101:6-5-03 of the Administrative Code. The appellant shall have ten calendar days from the mailing date of the abandonment notice to provide evidence of good cause. Any denial of good cause shall be sent by the bureau of state hearings to the appellant in writing or by its electronic equivalent, as permitted by federal law.

(G) The state hearing shall be conducted in accordance with rules 5101:6-6-01 to 5101:6-6-04 of the Administrative Code.

(H) The state hearing decision shall be processed in accordance with rule 5101:6-7-01 of the Administrative Code, except for the timely issuance provision. The state hearing decision shall be issued within the federal timeliness period.

(I) When a state hearing officer issues a decision ordering compliance, the local agency shall have fifteen calendar days or the federal timeliness period, whichever is less, to comply with the order. Compliance is achieved upon review and approval of the compliance documentation demonstrating the hearing officer's recommendations have been followed by the local agency.

(J) Second level appeal rights.

(1) Appeal to the U.S. department of labor. If the state hearing decision identifies the services as being funded under WIOA, the party adversely affected by the decision may appeal to the department of labor, as described in Section 181(c) of WIOA.

(a) The appellant or local agency shall file the appeal request with the "U.S. Department of Labor Secretary" by certified mail, return receipt requested. The appellant shall also send a copy of the appeal by U.S. mail to the:

(i) "Employment and Training Regional Administrator," and the

(ii) "Ohio Department of Job and Family Services, Bureau of State Hearings."



(b) Upon receipt of the department of labor response, for those issues not addressed by the department of labor, the appellant may request an administrative appeal as described in paragraph (J)(2) of this rule.

(2) Requesting an administrative appeal.

(a) The appellant may request an administrative appeal if the appellant disagrees with the outcome of the state hearing decision and the state hearing decision identifies the service as being funded under TANF.

(b) An administrative appeal may also be requested:

(i) If the appellant disagrees with:

(a) A denial of a state hearing request; or

(b) The denial of a good cause exception; or

(ii) For any issues appealed to the department of labor, which the department of labor declined to address.

(c) The appellant shall have fifteen calendar days from the mailing date of any decision described in paragraph (J)(2)(a) or (J)(2)(b) of this rule to request an administrative appeal. The administrative appeal must be in writing. The appellant may withdraw the administrative appeal request at any time prior to an administrative appeal decision being issued.

(d) The administrative appeal process is outlined in rule 5101:6-8-01 of the Administrative Code. However, the administrative appeal decision must be issued within the federal timeliness period for CCMEP administrative appeals.

(e) When an administrative appeal examiner issues an administrative appeal decision ordering compliance, the local agency shall have fifteen calendar days or the federal timeliness period,



whichever is less, to comply with the order. Compliance is achieved upon review and approval of the compliance documentation demonstrating the administrative appeal examiner's recommendations have been followed by the local agency.

(K) A missed deadline by either the local agency or the bureau of state hearings does not preclude an appellant who was referred for or received services funded under WIOA from making a complaint to the department of labor pursuant to Section 181(c) of WIOA.

(L) An appellant who was referred for or received services funded under TANF and disagrees with the administrative appeal decision may pursue further appeal rights, as described in rule 5101:6-9-01 of the Administrative Code.

(M) Local agency responsibilities. The CCMEP local agency shall do all of the following:

(1) Provide the individual notice of his or her CCMEP hearing rights, and issue any required notices to the individual.

(2) Assist the individual, at the individual's request, in drafting and filing the initial complaint, as described in paragraph (D)(3) of this rule, and provide the appellant the opportunity to first utilize the informal conference and local hearing to address CCMEP issues, as described in paragraphs (D)(3)(a) and (D)(3)(b) of this rule.

(3) Assist the individual, at the individual's request, in initiating a state hearing request, when the individual receives services under paragraph (D)(2) of this rule.

(4) Utilize the CCMEP rules outlined in Chapter 5101:14-1 of the Administrative Code to address CCMEP complaints and hearings. If the issue cannot be resolved using rules found in Chapter 5101:14-1 of the Administrative Code, the local agency may utilize the CCMEP program plan submitted in accordance with Chapter 5101:14-1 of the Administrative Code.

(5) Submit an electronic state hearing request to the bureau of state hearings via the state hearings electronic hearings and appeals tracking system within twenty-four hours of receipt of the state hearing request.



(6) Prepare an appeal summary and, upon request, make it available to the appellant at least three business days in advance of the scheduled state hearing. In addition, the local agency shall submit the appeal summary to the bureau of state hearings via the electronic hearings and appeals tracking system at least three business days in advance of the scheduled hearing.

(7) Follow through with the hearing authority's final administrative decision and order, including compliance and due dates, as instructed in the state hearing decision. Compliance with the state hearing decision is required even if a second level appeal is filed under paragraph (J)(1) of this rule.