



Ohio Administrative Code

Rule 5101:6-20-12 State hearings: advance notice of the administrative disqualification hearing.

Effective: March 1, 2019

(A) The bureau of state hearings shall provide written notice to the accused individual at least thirty days prior to the hearing date, unless the thirty-day advance notice period has been waived under the provisions of rule 5101:6-20-11 of the Administrative Code.

(B) The notice shall be provided by one of the following methods:

(1) Certified mail - return receipt requested.

Notice provided by this method shall be mailed certified mail - return receipt requested.

(2) Personal service.

Notice provided by this method shall be hand-delivered, to the accused individual, by a person designated to do so by the Ohio department of job and family services (ODJFS) or by the local agency.

The person so designated shall record the date and location of delivery and the person to whom notice was delivered and maintain the information in the case file. The personal service record shall be made a part of the hearing record. Failure to make delivery shall be similarly recorded.

(3) Residence service.

Notice provided by this method shall be hand-delivered, to some person of suitable age and discretion residing at the accused individual's current place of residence, by a person designated to do so by (ODJFS) or by the local agency.

The person so designated shall record the date and location of delivery and the person to whom notice was delivered and maintain the information in the case file. The residence service record shall



be made a part of the hearing record. Failure to make delivery shall be similarly recorded.

(C) In addition to delivery by one of the methods described in paragraph (B) of this rule, notice shall simultaneously be sent by ordinary mail.

(D) The notice shall be accompanied by the JFS 04058 "Explanation of Administrative Disqualification Hearing Procedures" (rev. 1/2015) and by the JFS 04026 "Waiver of Administrative Disqualification Hearing" (rev. 1/2015) or their computer-generated equivalents.

(E) The notice, in conjunction with the JFS 04058, shall include the following:

(1) The date, time, and place of the hearing.

(2) A statement of the charges against the individual.

(3) A summary of the evidence, and how and where the evidence can be examined.

(4) A statement of the individual's right to request a postponement of the hearing.

(5) A warning that the decision will be based solely on the information provided by the local agency if the individual or authorized representative fails, without good cause, to appear at the hearing.

(6) A statement that the individual or representative shall have ten days from the date of the hearing to contact the hearings section and present good cause for failure to appear in order to receive a new hearing.

(7) A description of the penalties that can result from a determination that the individual has committed an intentional program violation, and a statement of which penalty is applicable to the individual.

(8) A statement that the hearing does not preclude collection of the overpayment/overissuance.

(9) An explanation that the individual may waive the right to an administrative disqualification



hearing, under the provisions of rule 5101:6-20-30 of the Administrative Code.

(10) A statement that the accused individual has the right to remain silent concerning the charges, and that anything said or signed by the individual concerning the charges can be used against the individual in a court of law.

(11) A statement that the individual may obtain a copy of the department's published hearing rules from the local agency upon request.

(12) A telephone number to call about free legal services.

(F) In all cases, the JFS 04061 "Notice to Appear for an Administrative Disqualification Hearing" (rev. 1/2015) or its computer-generated equivalent, shall be used. The JFS 04061 is generated in the hearings and appeals tracking system (HATS X).