AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
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Ohio Administrative Code

Rule 5101:6-9-01 State hearings: further appeal rights.

Effective: January 1, 2018

(A) Judicial review

(1) Individuals who disagree with an administrative appeal decision have the right to appeal that decision to the court of common pleas, with the following exceptions:

(a) Judicial review does not apply to administrative appeals subject to the appeal process described in paragraph (B) of this rule.

(b) Judicial review does not apply to appeals involving the child support program, except for appeals that involve the child support disregard payment.

(2) Residents of the state of Ohio shall appeal to the court of common pleas in the county in which they reside. Individuals who do not reside in the state of Ohio shall appeal to the court of common pleas in Franklin county, Ohio.

(3) Judicial review is available only to the individual, and not to the local agency.

(4) Notice of appeal

(a) The individual shall mail a notice of appeal to the "Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street 31st Floor, Columbus, Ohio 43215-3414." The individual shall also file notice of appeal with the appropriate court of common pleas.

(b) In accordance with section 5101.35 of the Revised Code, the mailing and filing of notice of appeal shall be no later than thirty calendar days after the date the office of legal and acquisition service mails the administrative appeal decision. However, the court may extend the time for mailing and filing notice when good cause is shown. The extension shall not exceed six months from the date the office of legal and acquisition services mails the administrative appeal decision.

(c) The notice of appeal shall state the names of the individual and the Ohio department of job and family services (ODJFS), the docket number and the date of the administrative appeal decision from which appeal is being made, and the grounds upon which it is being appealed.

(5) Hearing record

Upon receipt of the notice of appeal, the office of legal and acquisition services shall certify the records to the court.

(6) Recording/transcript of the hearing

(a) The individual or authorized representative may request a copy of the tape recording of the hearing from the office of legal and acquisition services.

Such requests must be in writing and received by the office of legal and acquisition services within thirty calendar days following the filing of the notice of appeal.

One copy of the recording shall be provided, within two workdays whenever possible, free of any charge.

(b) If the court orders ODJFS to file a transcript of the state hearing, in accordance with section 5101.35 of the Revised Code, ODJFS shall do so within thirty days of the date of the order.

(7) Implementation of the court order

(a) Upon receipt of the order of the court, the office of legal and acquisition services shall immediately forward a copy to the appropriate agency.

(b) The agency shall be responsible for promptly and fully implementing the order.

(c) If implementation of the order is the responsibility of the local agency, the office of legal and acquisition services shall send a copy of the order to state hearings, which shall be responsible for

assuring prompt and full implementation of the order.

(d) When the appeal involves a managed care plan or "MyCare Ohio" plan, the office of legal and acquisition services shall immediately forward a copy to the managed care plan or "MyCare Ohio" plan and the , Ohio department of medicaid (ODM).

The managed care plan or "MyCare Ohio" plan shall be responsible for promptly and fully implementing the order.

ODM shall be responsible for assuring prompt and full implementation of the order.

(B) Appeal of certain issues to the U.S. department of labor

(1) Administrative appeal decisions involving complaints by regular employees about violation of the regular employee displacement prohibitions, and complaints by Ohio works first (OWF) participants about on-the-job working conditions, workers compensation coverage or work experience program (WEP) wage rates, may be appealed to the U.S. department of labor. Judicial review, as described in paragraph (A) of this rule, does not apply to this category of administrative appeal decisions.

(2) Appeal must be made within twenty days of receipt of the administrative appeal decision.

(3) The appeal must be sent to:

	"Chief Docket Clerk
	Office of Administrative Law Judges
	Suite 400
	800 K Street NW
	Washington, DC 20001-8002"

(4) The appeal must contain:

(a) The full name, address, and telephone number of the individual.

(b) The provisions of the Social Security Act (as in effect on 2/28/2014) or regulations believed to have been violated.

(c) A copy of the original state hearing request.

(d) A copy of the administrative appeal decision being appealed.

(5) In addition, the individual must send a copy of the appeal, as well as any brief in support of the appeal, to each of the following:

	"Assistant Secretary for Employment and Training
	U.S. Department of Labor
	200 Constitution Avenue, NW
	Washington, DC 20210"

	"Assistant Secretary for Administration for Children and Families
	Department of Health and Human Services
	370 L'Enfant Promenade, SW, 6th Floor
	Washington, DC 20447"

(6) Upon receipt of an appeal, the office of administrative law judges will request the entire hearing record from ODJFS.

(a) Upon receipt of such a request, the office of legal and acquisition services shall request the original of the complete state hearing record, as defined in rule 5101:6-7-01 of the Administrative Code, and the original of the complete administrative appeal hearing record, as defined in rule 5101:6-8-01 of the Administrative Code.

(b) Upon receipt of the state hearing record and the administrative appeal hearing record, the office of legal and acquisition services shall certify the records to the office of administrative law judges.

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(c) ODJFS may also submit a brief or report to the office of administrative law judges.

(7) Upon notification of the decision of the office of administrative law judges, the office of legal and acquisition services shall immediately forward copies to the appropriate local agency and state hearings. State hearings shall be responsible for assuring prompt and full implementation of the decision.