



Ohio Administrative Code Rule 5160-80-07 Recording of hearing.

Effective: June 13, 2016

(A) The hearing examiner shall make an audio recording of the hearing. The recording shall be started at the beginning of the hearing and shall continue until the hearing is concluded. There shall be no testimony or other proceedings off the record. The recording shall not be altered or edited in any manner or for any reason.

(B) The recording of the hearing shall be a part of the hearing record. The recording shall be maintained pursuant to the departments record retention schedule.

(C) The appellant, the appellants attorney or authorized representative, or departments or county departments legal representative may request a copy of the recording. The department shall respond to such requests within twenty-one business days whenever possible, and shall provide the copy free of any charge. Non-receipt of a copy of a recording within the administrative appeal period shall not result in an extension of the administrative appeal period.

(D) If, during the administrative appeal process, it is found that the recording is lost or unusable (for example, because it has been damaged or because material portions of the recording are inaudible), the director shall remand the case to the hearing examiner for a new hearing if any party takes material issue with the recitation of the testimony set forth in the hearing decision.
