



Ohio Revised Code

Section 3119.38 Request for administrative hearing based on mistake of fact.

Effective: February 11, 2019

Legislation: Senate Bill 70 - 132nd General Assembly

A person who receives a notice of medical support enforcement activity under section 3119.35 of the Revised Code may file a written request for an administrative hearing with the child support enforcement agency that issued the notice. The hearing shall address whether a mistake of fact was made in the national medical support notice referred to in the notice issued by the agency. The request must be filed not later than fourteen days after the date on which the notice of medical support enforcement activity is sent.

If the person makes a timely request, the agency shall conduct the administrative hearing not later than ten days after the date on which the person files the request for the hearing. Not later than five days before the date on which the hearing is to be conducted, the agency shall send the person and any other individual the agency determines appropriate written notice of the date, time, place, and purpose of the hearing. The notice to the person and any other appropriate individual also shall indicate that the person may present testimony and evidence at the hearing only in regard to the issue of whether a mistake of fact has been made in the national medical support notice.

At the hearing, the agency shall determine whether there is a mistake of fact in the national medical support notice. The agency shall send its determination to the person. That agency's determination is final unless, within fourteen days after the agency issues its determination, the person files a written motion with the court for a hearing to determine whether there is still a mistake of fact in the national medical support notice.

If an agency's determination becomes final under this section, the agency shall take further action as required by section 3119.41 of the Revised Code.
