



Ohio Administrative Code Rule 124-11-03 Continuances.

Effective: [March 24, 2014](#)

(A) Upon its own motion or upon the motion of any party, the board may continue a hearing.

(1) Requests for continuance shall be addressed to the administrative law judge assigned to the appeal or, if the appeal is set before the state personnel board of review, addressed to the board's chairperson or principal administrative officer. A request for continuance will not automatically stay the hearing, but must be expressly granted.

(2) Requests for continuance shall be filed at least ten calendar days prior to a scheduled hearing date, unless good cause is shown for failing to do so. Exceptions to this rule may be made at the discretion of the board. If a party requests a continuance less than ten calendar days prior to hearing, then that party shall inform the board of the opposing party's consent or opposition to the continuance request.

(3) Each party shall contact its subpoenaed witnesses and inform them of the continuance. Failure to notify the opposing party or opposing party's counsel of a continuance which has been granted may be treated as a failure to appear by the party requesting the continuance if the opposing side appears for the hearing.

(4) The board will not re-issue subpoenas when a hearing has been continued unless the party requesting subpoenas files a timely request to do so.

(B) Absent compelling circumstances, hearings shall not be continued due to the unavailability of a subpoenaed witness. The board may hold the record open or accept a testimonial deposition. The cost of testimonial depositions taken under this rule shall be borne by the requesting party.
