



Ohio Administrative Code

Rule 4146-25-03 Disposition of a request for review.

Effective: August 17, 2015

The review commission shall allow or disallow any request for review after an examination and consideration of the entire record, and the request for review.

(A) Disallowance of request for review

If a request for review is disallowed by order of the review commission, a copy of the order, setting forth the date of mailing, shall be sent by electronic means or mailed to each interested party, and shall include a statement of statutory appeal rights as required by paragraph (A) of rule 4146-9-01 of the Administrative Code.

(B) Allowance of request for review

If a request for review is allowed by the review commission, notification of the allowance shall be sent by electronic means or mailed to each interested party. In addition to cases where the review commission allows a request for review on its merits, the review commission will allow any timely request for review where the appellee at the hearing officer level hearing, now the appellant, shows good cause for having failed to appear at a hearing officer level hearing on the initial appeal. The commission will also allow a timely request for review whenever a material point is involved on which the record is silent or incomplete or appears to be erroneous, or it appears that there may have been a denial of a fair hearing under these rules of procedure.

(C) Notice of allowed request; response.

(1) Notice that a request for review has been allowed shall be sent by electronic means or mailed to each interested party.

(2) Notice that a request for review has been allowed shall advise the appellee that the appellee may respond to the request for review prior to the review commission's disposition of the allowed request



for review.

(3) In order to respond to the request for review, the appellee may obtain a copy of the first level hearing record and/or file at cost. The request must be filed with the commission within ten days after the date the notice that a request for review has been allowed was sent or mailed.

(4) Any response to a notice of an allowed request for review must be filed with the review commission within:

(a) Ten days of the date the notice that a request for review has been allowed was sent or mailed or,

(b) Ten days of the date the first level hearing record referred to in paragraph (C)(3) of this rule was sent or mailed.

(5) Responses are considered to be timely filed when they are received by the review commission, and one of the following occurs:

(a) Receipt is before the close of business on the last day of the filing period;

(b) The response is mailed, and the enclosing envelope bears a postmark date, as governed by the United States postal regulations, before midnight of the last day of the filing period; or

(c) The response is mailed, the postmark date is illegible or missing, and it is received no later than the third calendar day following the last day of the filing period.

(d) The response is sent by facsimile device or other electronic means and received by the commission by midnight of the last day of the filing period.

(D) Disposition of an allowed request for review

The review commission may dispose of an allowed request for review by taking one of the following actions:



- (1) Without further hearing, rewrite the hearing officer's decision, affirming, modifying, or reversing such decision.

- (2) Affirm the hearing officer's decision without further hearing or issuing a decision.

- (3) Hold further proceedings at review level or assign such to a hearing officer to conduct a hearing for the review commission.

- (E) Notice of any further proceeding shall be sent by electronic means or mailed to each interested party as provided in paragraph (A) of rule 4146-5-04 of the Administrative Code.