



Ohio Administrative Code

Rule 4146-5-03 Matters which may be considered.

Effective: November 17, 2013

(A) Any issue within the jurisdiction of the director in an initial determination, reconsidered decision or redetermination from which an appeal is filed with the review commission, or filed with the director and transferred to the review commission shall be heard, considered and decided by the review commission or the hearing officer to whom the case is assigned for decision.

(B) The issue(s) need not be specifically considered or referred to by the director in the director's determination, reconsidered decision or redetermination, referred to specifically in the appeal, or raised by an interested party.

(C) Failure to include notice of an issue in the "notice of hearing," as provided in rule 4146-5-04 of the Administrative Code, shall not preclude consideration of the issue on appeal, but if any interested party is surprised by a new issue, and unprepared to proceed, a continuance shall be granted.

(D) The hearing officer shall advise all parties of any new issue not contained in the notice of hearing. If a party does not waive notice of this new issue and agree to proceed, the case shall be continued.
