



## Ohio Administrative Code

### Rule 5101:6-20-16 State hearings: administrative disqualification hearing decisions.

Effective: January 17, 2025

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(A) The bureau of state hearings is responsible for preparing and issuing administrative disqualification hearing decisions under the authority of the director of the Ohio department of job and family services (ODJFS). The bureau of state hearings will designate hearing authorities to review the findings, conclusions, and recommendations of the hearing officers and to issue decisions under the authority of the ODJFS director.

(1) No person designated as the hearing authority will have previously participated in the local agency decision being appealed, nor will the hearing authority and the hearing officer who conducted the hearing be the same person.

(2) Administrative disqualification hearing decisions will be issued within ninety days of the mailing date of the JFS 04061 "Notice to Appear for an Administrative Disqualification Hearing," or an ODJFS approved equivalent. The JFS 04061 form is generated in the hearings and appeals tracking system (HATS X).

(3) If the hearing was postponed, under the provisions of rule 5101:6-20-15 of the Administrative Code, the ninety-day time limit will be extended by as many days as the hearing was postponed.

(B) The hearing officer's findings of fact will be based exclusively on the evidence introduced at the hearing, or, if the accused individual was represented at the hearing, after the hearing and subject to examination and rebuttal by both parties as described in rule 5101:6-6-02 of the Administrative Code.

(1) The hearing officer may be guided, but will not be bound, by the Ohio Rules of Evidence (as in effect on August 1, 2024) in conducting hearings and in making findings of fact. The hearing officer will consider all relevant evidence offered at the hearing.

(2) Hearsay evidence may be considered by the hearing officer in arriving at the findings of fact.



However, such evidence will be critically evaluated, since it is not given under oath and cannot be cross-examined to test the perception, memory, and veracity of the declarant.

(3) Direct evidence will normally be given more weight than hearsay evidence when the two are in conflict. Whenever possible, the hearing officer will avoid basing a finding of fact solely on hearsay evidence.

(4) It will be the responsibility of the local agency to show, by clear and convincing evidence, that the accused individual committed an intentional program violation.

(5) The hearing officer's findings of fact will be binding upon the hearing authority. However, the hearing authority may remand the case to the hearing officer if the hearing authority determines that additional facts not already established by the hearing officer are essential to a correct decision, or if the evidence relied upon was taken in violation of paragraph (B) of this rule.

(6) The scope of the remand will be limited to those additional facts which the hearing authority deems necessary. The remand will not be the occasion for a new determination of any of the facts already established.

(C) The hearing officer's conclusions of policy and recommendations will be based solely on rules of the Administrative Code, except when these regulations are silent and reference to the Revised Code or other statutory source is necessary to resolve the issue.

(1) The hearing authority will review conclusions and recommendations by the hearing officer, and adopt them when they constitute a correct application of the appropriate regulations.

(2) The hearing authority will amend conclusions and recommendations that do not correctly apply the appropriate regulations, clearly explaining the reason and basis of any such amendment.

(D) The administrative disqualification hearing decision will be limited to determining whether the accused individual committed an intentional program violation and whether the sanction period being proposed is appropriate.



(E) The administrative disqualification hearing decision will separately set forth the issue, the hearing officer's findings of fact, conclusions of policy and recommendations, and the decision and order.

(1) The issue section will include the programs for which administrative disqualification is proposed, the length of the proposed disqualification period, and a brief statement of the alleged activity upon which the local agency has based its proposal. When disqualification in multiple programs has been proposed, they will be stated separately in the issue statement, and treated separately in the remainder of the decision.

(2) When the disqualification hearing has been combined with a state hearing, the state hearing issues will be decided in a separate state hearing decision, not in the administrative disqualification hearing decision. Both decisions will be issued at the same time.

(3) Procedural matters, such as delays due to postponement or amendments to the issue, will be followed by a clear and orderly chronological discussion of the facts and events relevant to the issue. Findings of fact upon which all parties agree will normally be set forth first, followed by discussion and resolution of factual disputes. The decision will clearly indicate the basis for each such finding, to include discussion of the relative weight given to the conflicting evidence in arriving at the decision.

(4) The conclusions of policy will cite and summarize relevant portions of departmental rules or program manuals, and other applicable regulations as necessary, and will clearly demonstrate how they apply to the facts established.

(5) The hearing officer's recommendations will address each program for which administrative disqualification is proposed and will state whether or not the accused individual is found to have committed an intentional program violation. When the hearing officer recommends that the accused individual be disqualified, the hearing officer will state the length of the disqualification period to be imposed.

(6) When disqualification is ordered, compliance will be necessary, via the JFS 04068 "Order of Compliance," or an ODJFS approved equivalent.



(7) The decision and order, signed by the hearing authority, will indicate adoption or amendment of the hearing officer's recommendations and whether the accused individual is found to have committed an intentional program violation. If the accused individual is to be disqualified, it will state the program(s) for which disqualification will be implemented and the length of the disqualification period to be imposed.

(F) The individual and authorized representative will be provided with a written administrative disqualification hearing decision via the JFS 04007 "Administrative Disqualification Hearing Decision," or an ODJFS approved equivalent. The JFS 04007 form is generated in the hearings and appeals tracking system (HATS X). A copy of the decision will be sent to the local agency.

When the disqualification hearing is combined with a state hearing, a separate decision will be issued for the state hearing issue(s) in accordance with rule 5101:6-7-01 of the Administrative Code, using the JFS 04005 "State Hearing Decision," or an ODJFS approved equivalent. The JFS 04005 form is generated in the hearings and appeals tracking system (HATS X).

(G) The administrative disqualification hearing decision, together with documents introduced at the hearing and all papers and requests filed in the proceeding, will constitute the exclusive record. The hearing record will be compiled and maintained by the bureau of state hearings in accordance with applicable record retention requirements and made available for review by the individual and authorized representative.

(H) The bureau of state hearings will maintain a library of all administrative disqualification hearing decisions. The decisions will be available for public inspection and copying, subject to applicable disclosure safeguards.

(I) Administrative disqualification hearing decisions will be binding on the local agency for the individual case for which the decision was rendered.