



Ohio Administrative Code

Rule 5101:6-5-03 State hearings: denial and dismissal of state hearing requests.

Effective: April 1, 2023

(A) The local agency shall not deny or dismiss any request for a state hearing. All requests shall be sent to the bureau of state hearings, in accordance with rule 5101:6-5-01 of the Administrative Code.

(B) When a state hearing request is denied or dismissed, the individual and authorized representative shall be provided written notice describing the denial or dismissal, with a copy to the local agency.

When a hearing request involves multiple issues, and when the appellant withdraws his or her request with regard to some but not all of the issues under appeal, notice of dismissal of the withdrawn appeals may be included in the JFS 04005 "State Hearing Decision" rather than provided via separate notice.

When the hearing request involves one of the medical determination issues listed in paragraph (C)(2) of rule 5101:6-6-01 of the Administrative Code, a copy of the notice shall be sent to the appropriate medical determination unit.

When the hearing request involves a managed care plan or "MyCare Ohio" plan, copies of the notice shall be sent to the managed care plan or "MyCare Ohio" plan and to the unit within the Ohio department of medicaid (ODM) administering the medicaid managed care programs.

(C) Except as provided in paragraph (D)(1) of this rule, a state hearing request may only be denied prior to the mailing of the JFS 04002 " Notice to Appear for a Scheduled Hearing," and only for the following reasons:

(1) The request is untimely, as defined by rule 5101:6-3-02 of the Administrative Code.

If the request indicates that proper notice was not received, the request shall be accepted and the issue of timeliness shall be determined as a preliminary matter at the hearing.



(2) The request was not made by the individual or authorized representative, or written authorization specifically designating the person making the request to act on the individual's behalf was not submitted with the request.

Such a denial must be consistent with the provisions of rule 5101:6-3-02 of the Administrative Code.

(3) The request concerns an issue that is not appealable under the provisions of rule 5101:6-3-01 of the Administrative Code.

If the issue as stated in the request is unclear, the bureau of state hearings shall request clarification from the individual.

(4) The sole issue of the request is a change in state or federal law, or local agency policy adopted pursuant to options authorized in state law, that requires automatic adjustments of benefits for classes of recipients, unless the reason for the request is the misapplication of the change to the appellant's individual circumstances.

(5) The request concerns the placement of the assistance group for the supplemental nutrition assistance program (SNAP) on an alternate issuance system or the length of time the assistance group remains on this system.

(6) It is clear that the issue has been previously decided through the state hearing process.

(D) After a state hearing request is scheduled.

(1) A state hearing request may be denied after it is scheduled:

(a) In accordance with rule 5101:6-10-1 of the Administrative Code,

(b) When the appellant has not exhausted all managed care plan appeal processes in accordance with rule 5160-26-08.4 of the Administrative Code, or

(c) When the appellant has not exhausted all "MyCare Ohio" plan appeal processes in accordance



with rule 5160-58-08.4 of the Administrative Code.

(2) For any program or issue not identified in paragraph (D)(1) of this rule, a state hearing request may no longer be denied, but must be heard, or dismissed as described in paragraphs (E)(1) and (E)(2) of this rule. Dismissal of a state hearing request constitutes a binding decision on the hearing request.

(3) In the event that a dismissal notice is issued in error, it may be reversed by the hearing authority allowing for the state hearing process to continue.

(E) A request for a state hearing may be dismissed only for the following reasons:

(1) The appellant or authorized representative withdraws the hearing request, before the state hearing decision is issued.

(2) The request is abandoned. A state hearing request is "abandoned" when the individual or authorized representative fails, without good cause, to attend the state hearing. A "state hearing" is defined as the initial state hearing, a hearing that has been rescheduled, or a hearing that has been continued.

(a) When the hearing has been abandoned, the individual and authorized representative shall be notified that the hearing request will be dismissed if good cause for failing to attend is not shown within ten days of the mailing date of the notice.

(b) The hearing shall be rescheduled if the individual or authorized representative contacts the hearing authority, in writing or by telephone, within the ten-day period and establishes good cause.

(c) The request shall be dismissed as abandoned if the bureau of state hearings does not receive a showing of good cause within the ten-day period. The date of dismissal is the day after the ten-day period ends.

(d) If the individual contacts the hearing authority but fails to establish good cause, the individual shall be given written notice of that determination and of the right to and the method of obtaining an



administrative appeal. Copies shall be sent to the local agency.

(e) "Good cause" is defined as death in the immediate family, sudden illness or injury of the individual or a member of the individual's immediate family, or other circumstances that reasonably prevented attendance at the hearing.

(f) The hearing authority shall have final authority to determine if good cause was timely shown. Verification of good cause may be required.