



Ohio Administrative Code

Rule 5101:6-6-03 State hearings: recording the hearing.

Effective: March 1, 2019

(A) All state hearings shall be recorded by the hearing officer. The recording shall be started at the beginning of the hearing and shall continue until the hearing is concluded. There shall be no testimony or other proceedings off the record. The recording shall not be altered or edited in any manner or for any reason.

(B) The recording of the hearing shall not be a part of the official hearing record. The recording shall be maintained for thirty days after the issuance of the hearing decision unless an administrative appeal has been requested. If an administrative appeal is requested, the recording shall be maintained for seven months after all administrative appeal proceedings have been completed. The recording may be erased after expiration of the period identified in this paragraph.

(C) The individual, authorized representative, or agency may request a copy of the recording. The bureau of state hearings shall respond to such requests within two business days whenever possible, and shall mail the copy free of any charge. Nonreceipt of a copy of a recording within the administrative appeal period shall not result in an extension of the administrative appeal period.

(D) The individual, authorized representative, and/or the agency may record the hearing, at their own expense, so long as it does not seriously interfere with the orderly conduct of the hearing.

(E) If, during the administrative appeal process, it is found that the hearing officer's recording is lost or unusable (for example, because it has been damaged or because material portions of the recording are inaudible), the administrative appeal hearing examiner shall remand the case to the state hearing officer for a new hearing if the individual takes material issue with the recitation of the testimony set forth in the hearing decision.