



## Ohio Administrative Code

### Rule 5160-80-04 Denial and dismissal of hearing requests.

Effective: June 13, 2016

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(A) All hearing requests shall be made in one of the methods set forth in rule 5160-80-02 of the Administrative Code.

(B) A hearing request may be denied prior to the issuance of the departments notice scheduling a hearing for only the following reasons:

(1) The hearing request is untimely, as defined by rule 5160-80-02 of the Administrative Code.

(2) The request was not made by the medical assistance recipient or the medical assistance recipients authorized representative or attorney, or written authorization specifically designating the person making the request to act on the medical assistance recipients behalf was not submitted with the request.

(3) The request fails to raise the issue of whether the amount determined for reimbursement of medical assistance paid by the department or county department reimbursement should be different than set forth in section 5160.37 of the Revised Code.

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

(C) When a hearing request is denied, the department shall issue to the medical assistance recipient and to the medical assistance recipients authorized representative or attorney written notice describing the reason for the denial.

(D) Once the hearing examiner has issued a notice scheduling a hearing, a request for a hearing may be dismissed only for the following reasons:

(1) The medical assistance recipient or medical assistance recipients authorized representative or attorney withdraws the hearing request with prejudice before the hearing decision is issued.



(2) The medical assistance recipient or the medical assistance recipients authorized representative or attorney fails, without good cause, to appear at the hearing. The hearing examiner shall have final authority to determine if good cause was timely shown. Verification of good cause may be required.

(E) When a hearing request is dismissed pursuant paragraph (D)(2) of this rule, the hearing examiner shall issue to the medical assistance recipient and to the medical assistance recipients authorized representative or attorney written notice describing the reason for the dismissal, with a copy to counsel for the department or county department.

(F) Dismissal or denial of a hearing request under this rule constitutes a binding decision on the parties. In the event that a dismissal notice or hearing denial is issued in error, it may be reversed by the director on appeal as provided for in rule 5160-80-09 of the Administrative Code.