



## Ohio Administrative Code Rule 5160-80-08 Hearing decisions.

Effective: June 13, 2016

---

(A) The hearing examiner is responsible for preparing and issuing the hearing decisions under the authority of the department.

### (B) Basis

(1) The hearing examiners findings of fact shall be based exclusively on the evidence introduced at the hearing, and upon the submission of additional evidence after the hearing and subject to examination and rebuttal by the parties as described in rule 5160-80-06 of the Administrative Code.

(a) The hearing examiner may be guided, but shall not be bound, by the Ohio Rules of Evidence in conducting hearings and in making findings of fact. The hearing examiner shall consider all relevant evidence offered at the hearing.

(b) Hearsay evidence may be considered by the hearing examiner in arriving at the findings of fact. However, such evidence must be critically evaluated, since it is not given under oath and cannot be cross-examined to test the declarants perception, memory, and veracity. Direct evidence shall normally be given more weight than hearsay evidence when the two are in conflict.

### (C) Content of hearing decision.

The hearing decision shall separately set forth the issue to be decided of whether the amount determined for reimbursement of medical assistance paid by the department or county department should be different than set forth in section 5160.37 of the Revised Code, the hearing examiners findings of fact, conclusions of law, and the decision and order.

(1) The procedural matters shall be addressed first. These include, but are not limited to, delays due to postponement, resolution of disputes as to standing, and status of subpoena requests.



(2) The findings of fact shall follow procedural matters. The findings of fact shall be a clear and orderly chronological discussion of the facts and events relevant to the reimbursement issue.

(3) Conclusions of law shall follow findings of fact. The decision shall clearly indicate the basis for each conclusion of law, to include discussion of the relative weight given to conflicting evidence in arriving at the decision as well as a discussion of any relevant law.

(D) Notification

The hearing examiner shall file its hearing decision with the depository agent. The decision shall provide notice to the appellant of the right to and the method of obtaining an administrative appeal. Within five business days of the decisions filing with the depository agent, the depository agent shall mail a copy of the hearing decision by regular U.S. mail to the appellant and to the appellants attorney or authorized agent and to counsel for the county or county department.

(E) Hearing record

The hearing decision, together with the hearing recording, documents admitted into evidence at the hearing and all papers and requests filed in the proceeding, shall constitute the hearing record. The hearing record shall be maintained by the department in accordance with applicable record retention requirements. It will be made available for review by a party upon request.

(F) Binding effect

A hearing held on an appellants hearing request resulting in a hearing decision is final and binding upon the parties, has res judicata effect, and only subject to review through the appeal process set forth in section 5160.37 of the Revised Code and rule 5160-80-09 of the Administrative Code.