

5101:6-20-14 Failure to attend the administrative disqualification hearing.

- (A) If the accused individual or authorized representative fails, without good cause, to appear at the hearing, the hearing shall still be conducted, without the individual being represented, if:
- (1) The district hearings section has proof of either receipt or refusal to accept delivery of the advance notice of the administrative disqualification hearing provided as required by paragraph (B) of rule 5101:6-20-12 of the Administrative Code, or
  - (2) Certified mail delivery of the advance notice of the administrative disqualification hearing, as described in paragraph (B)(1) of rule 5101:6-20-12 of the Administrative Code, is returned unclaimed and the ordinary mailing of the advance notice, required by paragraph (C) of rule 5101:6-20-12 of the Administrative Code, does not return undelivered.
- (B) Even though the individual is not represented, the hearing officer shall consider the evidence carefully and determine, based on clear and convincing evidence, whether intentional program violation was committed.
- (C) WHEN GOOD CAUSE FOR FAILURE TO APPEAR IS BASED UPON NON-RECEIPT OF THE ADVANCE NOTICE OF THE HEARING REQUIRED BY RULE 5101:6-20-12 OF THE ADMINISTRATIVE CODE, THE INDIVIDUAL OR AUTHORIZED REPRESENTATIVE SHALL HAVE THIRTY DAYS FROM THE DATE OF THE HEARING DECISION TO CONTACT THE DISTRICT HEARING SECTION AND PRESENT GOOD CAUSE FOR FAILING TO ATTEND.

IN ALL OTHER INSTANCES, ~~The~~ THE individual or authorized representative shall have ten days from the date of the scheduled hearing to contact the district hearings section and present good cause for failing to attend.

The hearing officer shall enter the good cause determination into the hearing record.

- (D) When the hearing decision finds that intentional program violation was committed but good cause for failure to appear is subsequently shown, the hearing decision shall be vacated and a new hearing scheduled.
- (1) In this instance, the district hearings section shall immediately notify the local agency and order discontinuation of the disqualification and reinstatement of assistance if otherwise appropriate. A copy of the written notification shall be sent to the bureau of state hearings, ODHS.
  - (2) The new hearing shall be scheduled in accordance with rule 5101:6-20-12 of the Administrative Code.
  - (3) The original hearing officer may conduct the new hearing.

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Certification: Arnold R. Tompkins

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Date

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