

IN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES  
BUREAU OF STATE HEARINGS  
ADMINISTRATIVE APPEAL DIVISION

**IN RE APPEAL OF:**

DOCKET NO.	2005-AA-0090
APPEAL No(S).	1203910 / DMA
AG No.	
HEARING REQUEST DATE:	11/29/2004
HEARING DECISION DATE:	12/29/2004
APPEAL REQUEST DATE:	01/25/2005

**Trumbull CDJFS**

Administrative Appeal Decision

The Appellant is appealing the dismissal on December 27, 2004, of a state hearing he requested on November 29, 2004, of a county denial of a November, 2004, application for Disability Medical Assistance (DMA). The state hearing was scheduled for December 13, 2004, but the Appellant failed to appear. In response to the hearing dismissal notice the Appellant requested a rescheduled hearing because he claims to have not received the December 2, 2004, scheduling notice for the hearing until December 17, 2004, which would have been about the same time he received the dismissal notice. All notices were sent to the same address.

OAC 5101:6-5-03(E) provides that a scheduled state hearing can be dismissed when an individual fails without good cause to attend. Good cause includes illness, injury, "or other circumstances which reasonably prevented attendance..." Although failure to receive notice of the hearing can constitute good cause, the record in the present case does not support such a finding. We also note that county approval of any new applications for the DMA program has been suspended since a September, 2004, order of the Director of Job & Family Services.

**DECISION**

Accordingly, we must ORDER that the state hearing dismissal be AFFIRMED



Robert J. Frankart  
Administrative Appeal Officer

**CONCUR:**



Margaret Adams  
Administrative Appeal Officer



Chris Barley, Attorney-at-Law  
Chief Administrative Hearing Officer

DATE OF ISSUANCE February 4, 2005

This Administrative Appeal Decision is the final administrative decision on your case from the Ohio Department of Job and Family Services. If you disagree with this decision, you may have the right to appeal to common pleas court pursuant to Section 5101.35 of the Ohio Revised Code. Your appeal must be filed within thirty days of the date this decision was issued to you. If you have questions about appealing to a court, contact your attorney, local legal aid society, or bar association. If you want information about free legal services, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888.

cc: Director, Trumbull County Department of Job and Family Services  
Hearings Supervisor, Bureau of State Hearings  
Anita Fogle  
Appellant