

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS**

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-2387	
Appeal No(s)	1385320	IVD
AG No.	5002294220	
Hearing Request Date:	11/29/2007	
Hearing Decision Date:	02/26/2008	
Appeal Request Date:	03/03/2008	
Agency:	FRANKLIN CSEA	

Administrative Appeal Decision

The appellant requests an administrative appeal of the February 13, 2008 denial of her request to reschedule her state hearing that was scheduled for January 8, 2008. The appellant's reschedule request was denied because the state hearing supervisor requested verification that the appellant was ill on the day of the hearing. The appellant failed to provide this verification by February 4, 2008 as requested by the state hearing supervisor.

The appellant requested a state hearing on November 29, 2007 regarding child support. The appellant's hearing was scheduled for December 18, 2007. The appellant requested the hearing be rescheduled because she needed time to review the CSEA's appeal summary. The hearing was rescheduled to January 8, 2008. The appellant called the day of the hearing, indicating that her son was ill and she could not attend the hearing. On January 22, 2008, the state hearing supervisor requested verification that the child was ill be submitted by February 4, 2008. On February 13, 2008, a state hearing dismissal notice was issued and a notice denying the reschedule request was sent. The appellant provided documentation of her son's illness on February 21, 2008.

Ohio Admin. Code 5101:6-5-03 states, "A request for a state hearing may be dismissed if the state hearing request is "abandoned." A state hearing is abandoned when the individual fails, without good cause, to attend the state hearing. The rule defines good cause as, "death in the immediate family, sudden illness or injury of the individual or a member of the individual's immediate family, or other circumstances which reasonably prevented attendance at the hearing. If good cause is established

within ten days of the mailing of the state hearing dismissal notice, the hearing will be rescheduled. However, “[T]he request shall be dismissed as abandoned if the hearings section does not receive a showing of good cause within the ten-day period.”¹ While the hearing supervisor requested the verification by February 4th, the rule requires that the verification be provided within ten days of the State Hearing Dismissal Notice. The appellant provided verification of good cause on February 22, 2008, within ten days of the February 13th notice.

DECISION

Accordingly we hereby ORDER that the hearing dismissal is VACATED and the case is REMANDED to the Columbus Hearings Office to be rescheduled.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Administrative Hearing Officer

Date of Issuance: March 12, 2008

Notice to Appellant

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

An Appellant who disagrees with this decision may appeal it to the court of common pleas pursuant to sections 119.12 and 5101.35(E) of the Revised Code. The Appellant shall mail the original notice of appeal to the department at the following address:

**Ohio Department of Job & Family Services
Office of Legal Services
30 E. Broad Street, 31st Floor
Columbus, OH 43215-3414**

The Appellant must also file a copy of the notice of appeal with the court of common pleas in the county in which the Appellant resides (Franklin County, if the Appellant does not reside in Ohio). Please note: Both the mailing to the

¹ Ohio Admin. Code 5101:6-5-03(E)(2)(c)

department and the filing with the court must occur within thirty (30) calendar days of the date of issuance of this decision.

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, FRANKLIN CSEA

WOLFFB, Bureau of State Hearings