

5101:6-1-01 State hearings - general.

- (A) Chapters 5101:6-1 to 5101:6-9 of the Administrative Code describe the hearing rights and procedures applicable to public assistance, food stamps, and social services, pursuant to section 5101.35 of the Revised Code, and to child support services, pursuant to section 2301.35 of the Revised Code.
- (B) All rules contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code shall be interpreted in a manner consistent with section 1.11 of the Revised Code, which requires that they be liberally construed in order to promote their objective and assist the individual in obtaining justice. All rules relating to the right to a hearing and limitations on that right shall be interpreted in favor of the right to a hearing.
- (C) When it appears that an individual may not be able to understand or exercise the right to a state hearing due to factors such as limited mental capability or language barriers, the local agency shall assist the individual in naming a responsible party (guardian, relative, legal aid attorney, etc.) to act as authorized representative and receive a copy of notice in addition to the original to the individual. This requirement applies to notice at the time of application and to all subsequent hearing notices. A referral to social services for assistance in naming a responsible party may be appropriate.
- (D) In counting the days contained in timely appeal and other time periods specified in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the date on which notice was mailed or otherwise provided is not counted.

If the last day of the time period falls on a Saturday, Sunday, or state or federal legal holiday, then the time period is extended to include the next workday.

As an example, if a prior notice is mailed October tenth, the fifteen-day prior notice period extends from October eleventh through October twenty-fifth. If October twenty-fifth falls on a Sunday, the prior notice period is extended to include the next workday, Monday, October twenty-sixth.

- (E) Local agencies may modify the format, but not the content, of state hearing notices mandated in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code to accommodate computer generation of the notice. All such modifications must be prior approved by the office of legal services, ODHS.
- (F) Definitions

As used in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the following terms shall have the following meanings unless otherwise specified.

- (1) "Local agency" shall refer to any or all of the following:
  - (a) The county department of human services, pursuant to section 5101.35 of the Revised Code.
  - (b) The county public children services agency, pursuant to section 5101.35 of the Revised Code.
  - (c) The county child support enforcement agency, pursuant to section 2301.35 of the Revised Code.
- (2) "Agency" shall refer to either the local agency or to the Ohio department of human services (ODHS).

- (3) "Social services" shall refer to any or all of the following:
  - (a) ~~JOBS and LEAP~~ supportive services, AND SUPPORT SERVICES provided TO PARTICIPANTS IN A WORK ACTIVITY ~~pursuant to rule 5101:1-47-26 of the Administrative Code~~ UNDER THE OHIO WORKS FIRST (OWF) PROGRAM OR THE FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM.
  - (b) Publicly funded child care services provided pursuant to Chapter 5101:2-16 of the Administrative Code.
  - (c) Title XX services provided pursuant to Chapter 5101:2-29 of the Administrative Code.
- (4) "Benefits" shall refer to benefits under any or all of the following programs:
  - (a) Public assistance
    - (i) REFUGEE RESETTLEMENT PROGRAM
    - (ii) DISABILITY ASSISTANCE
    - (iii) OWF CASH ASSISTANCE
    - (iv) PREVENTION, RETENTION AND CONTINGENCY PROGRAM
    - (v) MEDICAID
  - (b) Food stamps
  - (c) Social services

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Certification: Arnold R. Tompkins

December 19, 1997  
Date

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