

5101:6-5-02 Postponement of the state hearing.

- (A) Postponement rights vary depending upon the program at issue.
  - (1) Public assistance, social services and child support services
    - (a) The hearing may be postponed at the request of the individual or authorized representative when good cause, as defined in rule 5101:6-5-03 of the Administrative Code, exists.
    - (b) The request for postponement and good cause showing must be received by the district hearings section before the scheduled time of the hearing.
    - (c) The district hearing authority shall have final authority to determine whether good cause exists. Verification of good cause may be required.
    - (d) The hearing authority shall have final authority to deny repeated requests for postponement.
    - (e) Postponement shall not extend the time limit for issuing a state hearing decision.
  - (2) Food stamps
    - (a) The assistance group is entitled to postponement of its scheduled hearing date, not to exceed thirty calendar days.
    - (b) If postponement is requested, the district hearings section shall reschedule the hearing at the earliest available time and date convenient to the assistance group.
    - (c) The sixty-day time limit for issuing a decision shall be extended by as many days as the hearing is postponed.
- (B) Postponement shall not affect continuation of assistance.
- (C) When a request for postponement is denied, the individual or authorized representative must attend the scheduled hearing or be subject to dismissal as described in rule 5101:6-5-03 of the Administrative Code.
- (D) The postponement rights described in PARAGRAPHS (A), (B) AND (C) OF this rule apply only to the individual, and not to the agency.
- (E) THE LOCAL AGENCY MAY REQUEST ONE POSTPONEMENT SEVEN DAYS PRIOR TO THE HEARING. NO POSTPONEMENT WILL BE GRANTED IF IT WILL PREVENT THE DISTRICT HEARING SECTION FROM ISSUING THE DECISION WITHIN APPLICABLE TIME LIMITS.

Effective Date: December 30, 1997

Certification: Arnold R. Tompkins

December 19, 1997  
Date

Promulgated Under: Revised Code Chapter 119.

Statutory Authority: Revised Code Sections 2301.35, 5101.35

Rule Amplifies: Revised Code Sections 2301.35, 5101.35

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