

## Explanation of State Hearing Procedures

### WHAT IS A STATE HEARING?

If you think there has been a mistake or delay on your case, you may want to ask for a state hearing. You can ask for a hearing about actions by either the State Department of Human Services or the local agency. Local agencies include the County Department of Human Services (CDHS), the County Child Support Enforcement Agency (CSEA), and agencies under contract with them.

A state hearing is a meeting with, someone from the local agency, and a hearing officer from the Ohio Department of Human Services (ODHS). The local agency will explain the action it has taken or wants to take on your case. Then you will have a chance to tell why you think it is wrong. The hearing officer will listen to you and to the local agency, and may ask questions to help bring out all the facts. The hearing officer will review the facts presented at the hearing, and recommend a decision based on whether or not the rules were correctly followed in your case.

### HOW TO ASK FOR A HEARING

To ask for a hearing, call or write your local agency or write to the Ohio Department of Human Services, State Hearings, 30 East Broad Street, 31st floor, Columbus, Ohio 43266-0423. If you receive a notice about denying, reducing or stopping your assistance or service, fill out that form and mail it to State Hearings.

We must receive your hearing request within 90 days of the mailing date of the notice of action. However, if you receive food stamps, you may request a hearing on the amount of your food stamps at any time during your certification period.

If someone else makes a written request for you, it must include a written statement, signed by you, telling us that person is your representative. Only you can make a request by telephone.

### CONTINUING ASSISTANCE OR SERVICES

If you receive a notice that your assistance or services will be reduced, stopped or restricted, the action will not be taken until the hearing is decided if the agency received your hearing request within 15 days of the mailing date on the notice.

In the food stamp program, your benefits will continue only until the end of your certification period. After that you may reapply and be found eligible.

If your assistance or services have been changed without written notice, or if the change was made, even though you requested a hearing, you can call the district hearings section. If you need help doing this, call the appropriate ODHS district office, toll free at the following numbers: Canton, 1-800-686-1569; Cincinnati, 1-800-686-1571; Cleveland, 1-800-686-1551; Columbus, 1-800-686-1568; and Toledo, 1-800-686-1572. If you do not know which district to call, ask your local agency.

If your assistance is continuing and you lose the hearing, you may have to pay back any benefits that you were not eligible to receive.

The continuing assistance provisions described in this section do not apply to the child support program. If you request a hearing about child support services, your hearing request will have no effect on your receipt of services while your hearing is pending.

### COUNTY CONFERENCE

An informal meeting with a person from the local agency may settle the issue without the need for a state hearing. Often this is the quickest way to solve a problem. At this meeting your case will be reviewed with you. If a mistake has been made, it can be corrected without the need for a state hearing. You can set up a county conference by asking your caseworker.

If you are not satisfied with the results, you can still have a state hearing. You do not have to have a county conference to have a state hearing. Asking for a county conference will not delay your state hearing.

#### WHEN WILL THE HEARING BE HELD?

After your request for a hearing is received, the district hearings section will send you a notice giving the date, time, and place of the hearing. This notice will be sent to you at least 10 days before the hearing. The notice also will tell you what to do if you cannot come to the hearing as scheduled.

#### WHERE ARE HEARINGS HELD?

Hearings are usually held at the local agency. If you are unable to go there, the hearing may be held in your home or some other place convenient to you and to the other people involved. If you want the hearing held somewhere other than the local agency, be sure to indicate that on your hearing request.

#### POSTPONEMENT OF THE HEARING

If you cannot come to the hearing as scheduled, or if you need more time to prepare, you can ask the district hearings section for a postponement. In the food stamp program postponement is limited to 30 days from the date of the first scheduled hearing. In all other programs, you must have a good reason to postpone the hearing.

#### IF YOU DO NOT ATTEND THE HEARING

The district hearings section will send you a dismissal notice if you don't come to the hearing. If you want to continue with your hearing request, you must contact the district hearings section within 10 days and explain why you did not come to the hearing. The district hearings section will decide whether you had a good reason. If you do not call within 10 days and show good cause, the hearing will be dismissed and you will lose the hearing. The local agency can then go ahead with the action it was planning to take.

If you disagree with the dismissal, the dismissal notice will tell you how to ask for an administrative appeal.

#### BEFORE THE HEARING

You may have someone (lawyer, welfare rights worker, friend or relative) go to the hearing to present your case for you. If you are not going to be at the hearing, the person attending for you must bring written statement from you saying he or she is your representative.

If you want legal help at the hearing, you must make arrangements before the hearing. Contact your local legal aid program to see if you qualify for free legal help. If you don't know how to reach your local legal aid office, call 1-800-589-5888, toll-free, for the local number. If you want notice of the hearing sent to your lawyer, you must give the district hearings section your lawyer's name and address.

You and your representative have the right to look at your file and the written rules being applied to your case. If your hearing is about work registration or employment and training, you may also look at your employment and training case file. You can get a free copy of any case record documents that are related to your hearing request. Any person acting for you must provide a signed statement from you before looking at your case record documents.

The local agency does not have to show you confidential records, such as names of people who have given information against you, records of criminal proceedings, and certain medical records. Confidential records which you could not look at or question cannot be presented at the hearing or be used by the hearing officer in reaching a decision.

### SUBPOENA

You can ask the district hearings section to subpoena documents or witnesses that would not otherwise be available and that are essential to your case. You must request the subpoena at least five calendar days before the date of the hearing and provide the name and the address of the person or document you want subpoenaed.

### AT THE HEARING

You may bring witnesses, friends, relatives, or your lawyer to help you present your case. The hearing officer may limit the number of witnesses allowed in the hearing at any one time if there is not enough room. You and your representative will have the right to look at the evidence used at the hearing, present your side of the case without undue interference, ask questions, and bring papers or other evidence to support your case.

The hearing will be tape recorded by the hearing officer so that the facts are taken down correctly. After the hearing decision is issued, you can get a free copy of the tape by contacting the district hearings section.

The hearing officer will listen to both sides but will not make a decision at the hearing. Instead, you will receive a written decision in the mail a few weeks later.

### GROUP HEARING

The district hearings section may combine several individual hearing requests into a single group hearing, but only if there is not disagreement about the facts of each case and all involve related issues of state or federal law or county policy. The notice to schedule your hearing will tell you if you are scheduled for a group hearing.

You or your representative will be allowed to present your own case individually and you will have the same rights at a group hearing as you would at an individual hearing.

### AFTER THE HEARING

You should receive a hearing decision within sixty (60) days of your hearing request if the hearing was only about food stamps, and within ninety (90) days for all other programs. If you disagree with the hearing decision, your written decision will tell you how to ask for a administrative appeal.

### COMPLIANCE WITH THE HEARING DECISION

If the hearing decision orders an increase in your food stamps, you should get the amount status in the hearing decision. If the decision orders a decrease in your food stamps, you should get the new smaller amount the next time you regularly get food stamps.

In all other programs, the agency must take action ordered by the decision within 15 days of the date the decision is issued, but always within ninety (90) days of the hearing request. Contact the district hearings section if you have not promptly received the benefits awarded by the hearing decision.

### ANOTHER ACTION REQUIRES ANOTHER HEARING

If you receive another prior notice that says the local agency wants to change your assistance or services while you are waiting for a hearing decision, you must ask for another hearing if you disagree with the new action. Remember, the fact that you are waiting for a hearing or decision will not stop another action from being taken on your case. You must ask for another hearing on the new action.