

CONTINUANCES AND HEARING ADMINISTRATOR ISSUES

Resolution R04-1-02

Rescinded January 27, 2005

Modification of Continuance Guidelines

October 1, 2004

WHEREAS, Section 4121.36(H)(2)(c) of the Revised Code provides that hearing administrators shall, upon a finding of good cause and without a formal hearing, issue compliance letters either granting or denying requests for continuances; and

WHEREAS, Rule 4121-3-09(C)(9) of the Administrative Code sets forth the procedure for addressing requests for continuances of hearings; and

WHEREAS, Rule 4121-3-09(C)(9)(b)(iii) states that guidelines may be provided by the Commission for hearing administrators and hearing officers in determining whether the standard of good cause, or the standard of extraordinary circumstances that could not have been foreseen, is established; and

WHEREAS, Commission Resolution R03-1-04 adopts guidelines for hearing administrators and hearing officers in determining whether the standard of good cause, or the standard of extraordinary circumstances that could not have been foreseen, is established; and

WHEREAS, paragraph (A)(ii) of Resolution R03-1-04 provides that if the Commission receives notice of a pre-scheduled vacation, seminar, or plant shutdown at least thirty days prior to the scheduled conflict, the commission shall not schedule a hearing during pre-scheduled vacation, seminar, or plant shutdown for a period not to exceed two weeks; and

WHEREAS, the Commission finds it now proper and necessary to modify paragraph (A)(ii) of Resolution R03-1-04, and

WHEREAS, pursuant to Section 4121.03(E)(1) of the Revised Code, the Commission is responsible for establishing the overall adjudicatory policy and management of the Commission under Chapters 4121., 4123., 4127., and 4131. of the Revised Code.

THEREFORE BE IT RESOLVED that paragraph (A)(ii) of Resolution R03-1-04 be modified to read as follows:

If the commission receives notice of a pre-scheduled vacation, seminar, or plant shutdown at least thirty days prior to scheduled conflict, the commission shall not schedule a hearing during the pre-scheduled vacation, seminar, or plant shutdown for a period not to exceed a total of ten business days in a calendar year.

BE IT FURTHER RESOLVED that Resolution R03-1-04, as modified by Resolution R04-1-02, remains in full force and effect.

BE IT FURTHER RESOLVED that Resolution R04-1-02 applies to all requests for continuances filed on, or after October 1, 2004.