

**RESOLUTION**

Columbus, Ohio

August 1, 2012

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)(ii) of the Administrative Code provides that requests for continuances filed more than five calendar days prior to the date of hearing shall be processed by the hearing administrator, resulting in the issuance of a compliance letter either granting or denying the requested continuance based on the standard of good cause; and

WHEREAS, Rule 4121-3-09(C)(9)(b)(ii) of the Administrative Code provides that where a request for continuance is received within five calendar days of the scheduled hearing, the hearing administrator shall address the requested continuance based on the presence of extraordinary circumstances that could not have been foreseen by the requesting party; and

WHEREAS, Rule 4121-3-09(C)(9)(b)(iii) of the Administrative Code 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 R12-1-01, sets forth 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, Commission Resolution R12-1-01, provides that the 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, be effective for sixty days for requests for continuance of hearings filed on or after July 11, 2012, and that the guidelines in Commission Resolution R12-1-01 superseded the guidelines in Commission Resolution R10-1-01; and

WHEREAS, the Commission, after further review and consideration, finds it necessary and proper to rescind paragraphs (A), (B), (C), and (D) of Commission Resolution R12-1-01 that adopted 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 to reinstate the guidelines set forth in Commission Resolution R10-1-01 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, 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 paragraphs (A), (B), (C), and (D) of Commission Resolution R12-1-01 that set forth 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, be rescinded.

BE IT FURTHER RESOLVED that Commission Resolution R10-1-01 be reinstated concerning 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.

BE IT FURTHER RESOLVED that the portion of Commission Resolution R12-1-01 that modified paragraphs (A)(1), (C)(1), and (D) of the Docketing Policy adopted by the Commission on December 21, 2010 that was effective on January 17, 2011, shall continue to be in full force and effect through December 31, 2012, pending further review and evaluation by the Commission.

This action based on a motion made by Mrs. Gillmor, seconded by Mr. DiCeglio, and voted on as follows:

**Ohio | Industrial Commission**

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Karen L. Gillmor, Ph.D., Chairman                      Yes

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Gary M. DiCeglio, Commissioner                      Yes

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Jodie M. Taylor, Commissioner                      Yes

Attested to by:

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Tim Adams, Executive Director