



We have the legal right of way.

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## MEDICAID APPEALS: Judicial Review

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### What if I disagree with an administrative appeal decision?

You have the right to further appeal to the court of common pleas in your county. This is called “judicial review.” It can be hard to win these cases in court. If you have new or different information to support your request, it might be better to make a new request for services. If you have questions about this, contact DRO.

### How do I file for judicial review?

You must do two things for judicial review:

1. You must mail a notice of appeal to the Ohio Department of Job and Family Services (ODJFS) at: Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414.
2. You must file a notice of appeal with your local county court of common pleas (if you are not a resident of Ohio, then you must file in the Franklin County Court of Common Pleas).

Depending on your situation, you may need an attorney to file an appeal in the court of common pleas.

### What should the notice of appeal say?

The notice of appeal must state the following:

- Your name and the Ohio Department of Job and Family Services (ODJFS);
- the docket number on the administrative appeal decision;
- the date of the administrative appeal decision;
- the grounds upon which you are appealing; and
- the following statement/argument: “The agency’s order is not supported by reliable, probative, and substantial evidence and is not in accordance with law”

## **How much time do I have to file the notice of appeal?**

You must mail and file the notice of appeal, as described above, no later than 30 calendar days after the date the administrative appeal decision was mailed to you. However, the court may extend the time for mailing and filing notice if you can provide a good reason (“good cause”) why it was late (but it cannot be more than 6 months late).

## **Can I ask for the recording or transcript from the state hearing?**

Yes. You may ask for a free copy of the tape recording of the state hearing. You must make your request in writing to the ODJFS Office of Legal and Acquisition Services. Your request must be received by that office within 30 calendar days following the filing of your notice of appeal.

## **Can I keep my services during judicial review?**

Your services do not automatically continue after the administrative appeal decision is issued, even if you file an appeal in the court of common pleas. If you need your services to continue, you must ask for services to stay in place. This might require a motion to the court explaining why you need to keep the services. The court will decide if you would suffer an unusual hardship if you don’t have the services while it reviews your appeal.

## **Do I have to pay for judicial review?**

Appealing to the court of common pleas will cost money. If you can’t afford the court costs, you may apply to the court for designation as an indigent person (a person of low income). If the court grants your application, you would not be required to pay the costs to file the appeal.

## **What should I do if I have questions?**

If you have questions throughout your appeals process, call Disability Rights Ohio at 800-282-9181 and select option 2 for intake.