

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-15.1-v1

Effective Date: July 1, 2008

Last Revision: March 31, 2021

CHAPTER 15: Appeals

Section 15.1: Overview of Appeals

I. Policy Statement

This policy provides an overview of the appeal rights and due process available to clients/applicants who wish to appeal decisions that affect the provision of VR services.

II. Authority

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. § Review of determination made by designated State unit personnel 361.57
- A.R.S. §§ 23-502 and 503
- Arizona Administrative Code -Title 6 Administrative review and fair hearing R-6-4-404

III. Applicability

This applies to circumstances when an applicant or a client wishes to pursue the appeal process. The applicant or client must:

- A. Submit a signed and dated request for appeal within 15 calendar days from the date that the VR decision letter.
- B. Indicate one of the following appeal options on their request:
 1. Informal Review,
 2. Mediation, or
 3. Fair Hearing.

IV. Standards

- A. VR staff must advise the applicant/client or their representative of their rights to appeal any VR decision that affects the provision of VR services.
- B. An RSA Decision Letter with Appeal Rights (which includes the appeal options, and Client Assistance Program (CAP) information) must be provided to client at the following times when:
 - 1. An individual applies for services,
 - 2. VR makes an eligibility decision,
 - 3. VR determines placement into an Order of Selection category,
 - 4. An Individualized Plan for Employment (IPE) is developed or amended,
 - 5. VR decides or intends to reduce, suspend, or terminate current or planned services and/or goods,
 - 6. VR notifies the applicant/client of intent to close the case for any reason, or
 - 7. VR decides to deny Post-Employment Services (PES).
- C. VR staff must inform the applicant/client that the following appeal options are available: Informal Review, Mediation; and/or Fair Hearing.
- D. The appeals process must not be used to delay or deny the applicant or client's right to a fair hearing or any other right afforded under laws regulating the VR program.
- E. In instances when a decision is being disputed, the VR Counselor must inform the applicant/client or their representative that a formal written request for appeal must be submitted to VR within 15 calendar days of the date of the decision letter.
- F. An applicant/client's request for appeal must be accepted and date stamped upon receipt.
- G. The request for appeal may be accepted in one of the following formats:
 - 1. The agency Request for Appeal form; or
 - 2. A written request signed and dated by the applicant/client which must explain the decision being disputed and the appeal option the applicant/client wishes to pursue.
- H. The VR Counselor must:
 - 1. Forward the request for appeal electronically to the RSA Ombudsman within 48 hours of receipt of document.
 - 2. Scan and upload the written request for appeal into the applicant/client's ECF within 48 hours of receipt.

- I. The earliest date within the 15-calendar day timeframe must be notated when the date of the written request was:
 - 1. Mailed as evidenced by the postmark or postage meter date on the envelope; or
 - 2. Date stamped as being received in the local VR office or the office of the RSA Ombudsman.
- J. In instances when a request for appeal was not submitted by the applicant/client or their representative within the 15-calendar day timeframe, the RSA Ombudsman must review and determine whether the delay in submission was due to:
 - 1. VR error or misinformation; or
 - 2. The delay or other action of the U.S. Postal Service.
- K. When an applicant/client or their representative requests assistance with a written appeal, the VR counselor, VR Program Supervisor, or the RSA Ombudsman may provide guidance with completing the appeal form.
- L. The VR Counselor must work with the applicant/client or their representative and the RSA Ombudsman throughout the appeal process until a final resolution is determined.
- M. VR must ensure that a Fair Hearing is scheduled to occur within 30 days of receipt of a timely written request for appeal.
- N. The RSA Ombudsman must request a Fair Hearing to be scheduled within seven (7) calendar days of receipt of a timely written request for appeal, regardless of the resolution option chosen.
- O. The RSA decision regarding the VR service being appealed must not be suspended, reduced, or terminated pending the appeal process.
- P. The VR Counselor must ensure continuation of all other VR services as listed on the most recent and approved IPE during the appeal process.

V. Procedure

- A. Refer to IV.B-C, E-F, H-I and N.

VI. Documentation Requirements

The applicant/client's electronic case file must include all requests for appeal.