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:

- 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.