

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-15.2-v2

Effective Date: July 1, 2008

Last Revision: June 30, 2022

CHAPTER 15: Appeals

Section 15.2: Informal Review

I. Policy Statement

This policy provides guidance for the informal review process when this option is chosen by an applicant/client to dispute a VR decision that affects 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 (c)
- 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 client wishes to pursue an Informal Review. The applicant or client must:

- A. Submit a signed and dated Request for Appeal form indicating the Informal Review option within 15 calendar days from the date of the RSA decision letter.
- B. Submit a new signed and dated Request for Appeal form within 15 calendar days of receipt of the Informal Review decision indicating their disagreement with the decision and choice to pursue a mediation or fair hearing.

IV. Standards

- A. The written request for any appeal from the applicant or client must be received within 15 days from the date of the decision letter and must be:
 - 1. Date stamped the date received,
 - 2. Scanned in the applicant or client's ECF, and
 - 3. Forwarded to the RSA Ombudsman within 48 hours of receipt.
- B. Written requests for appeal must still be processed if received outside of the 15-day timeframe.
- C. The RSA Ombudsman:
 - 1. Has seven (7) calendar days to request a fair hearing upon receipt of the written request for any appeal,
 - 2. Must ensure the fair hearing to occur within 30 calendar days of the date of receipt of the written request for appeal from the client,
 - 3. Initiate an action to complete the Informal Review form, and
 - 4. Assign the applicable VR staff per D below within five (5) calendar days to complete an Informal Review Decision Letter regarding the applicant or client's written appeal request.
- D. Informal reviews must be assigned to specific VR staff as follows:
 - 1. To the Program Supervisor when the decision was made by the VR Counselor,
 - 2. To the Assistant Program Manager when the decision was made by the Program Supervisor, or
 - 3. To the Regional Program Manager when the decision was made by the Assistant Program Manager.
- E. The Informal Review Decision Letter with Appeal Rights outlining the following items must be completed and mailed to applicant/client within 14 calendar days:
 - 1. Restatement of the issue in dispute,
 - 2. A review of the facts as presented by both parties,
 - 3. A statement of the decision rendered, and
 - 4. An explanation of the decision including an analysis of the issues and applicable policies.
- F. The applicant or client must be:
 - 1. Advised of their rights to appeal the Informal Review decision through the mediation and fair hearing appeal options.
 - 2. Permitted 15 calendar days to respond in writing indicating their agreement or non- agreement with the Informal Review decision.

- G. The 15-calendar day timeline must be monitored by the tasked VR staff to ensure the applicant or client's response is received in a timely manner.
- H. The RSA Ombudsman must advise all pertinent parties of the next steps in the appeal process in instances when the applicant or client requests to proceed with further action.

V. Procedure

- A. Refer to IV. B, D, and F-H above.
- B. Refer to Standard Work (if available).

VI. Documentation Requirements

The applicant/client's electronic case file must include the following:

1. Request for Appeal, and
2. RSA Informal Review Decision Letter,