

## **ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

**Program Name:** Vocational Rehabilitation (VR)

**Policy Number:** VR-15.2-v1

**Effective Date:** July 1, 2008

**Last Revision:** March 31, 2021

**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 that 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 C 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.