

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-15.2-v4

Effective Date: July 1, 2008

Last Revision:

CHAPTER 15: Appeals

Section 15.2: Informal Review

I. Policy Statement

This policy outlines the Informal Review process of a Request for Appeal.

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 CFR § 361.57 (c), Review of determination made by designated State unit personnel.
- Arizona Revised Statutes:
 - § 23-502, and
 - § 23-503.
- Arizona Administrative Code, Title 6, Chapter 4, § R6-4-210, Appeal Resolution Options.

III. Applicability

- A. This policy applies when an applicant/client selects the Informal Review option in a Request for Appeal.

IV. Standards

A. General Provisions

1. An applicant/client must submit a Request for Appeal as outlined in Section 15.1 Overview of Appeals of this policy manual.
2. Vocational Rehabilitation (VR) Supervisors or upline managers are responsible for resolving an Informal Review request.

3. When the Rehabilitation Services Administration (RSA) Ombudsman receives a Request for Appeal for an Informal Review, the RSA Ombudsman will notify the VR Supervisor of the VR staff member whose decision is being appealed that an Informal Review has been requested. This notice must be sent within five (5) calendar days after receiving the Informal Review request.
4. The VR Supervisor or upline manager of the VR staff who made the decision being appealed by the applicant/client must:
 - a) Contact the applicant/client to obtain further information about the issue and reason for the request for Informal Review,
 - b) Conduct an Informal Review of the decision in dispute by reviewing the issue, information provided by the applicant/client, case record documentation, and applicable laws, regulations, and policies to determine how to resolve the issue in dispute,
 - c) Notify the applicant/client in writing of the Informal Review decision, notification of Appeal rights, and Client Assistance Program (CAP) information within 20 calendar days from the date the RSA Ombudsman received the Request for Appeal, and
 - d) Provide the RSA Ombudsman with a copy of the Informal Review Decision document.
5. An Informal Review must not be used to deny the right of an applicant/client to pursue Mediation or a Fair Hearing.
6. Impact on VR Services Delivery:
 - a) VR may not institute a suspension, reduction, or termination of VR services being provided to an applicant/client, including evaluation and assessment services and an individualized plan for employment development, that are related to the Appeal Request, pending a resolution through Informal Review, Mediation, or Fair Hearing, unless:
 - (1) The applicant/client requests a suspension, reduction, or termination of services, or
 - (2) VR has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the applicant/client.

B. Informal Review Decision

1. The Informal Review Decision document must be a written, comprehensive statement by the VR Supervisor that includes:

- a) A statement of the issue involved,
 - b) A clear and complete statement of fact as supported by evidence presented at the Informal Review,
 - c) A reference to applicable laws, regulations, and policies on which the decision is based,
 - d) A concise statement of the conclusion drawn, and the basis for such conclusions, and
 - e) A clear statement of the action to be taken within seven (7) calendar days in order to implement the decision.
2. The Informal Review Decision document must include a notice of the applicant's/client's Appeal Rights, which includes their right to pursue Mediation and/or a Fair Hearing, along with information about the Client Assistance Program (CAP).
 3. The applicant/client has 20 calendar days from the date of the Informal Review Decision document to request a Mediation or Fair Hearing if they do not agree with the Informal Review Decision.
 4. A Fair Hearing must be conducted within 60 calendar days of the Request for Appeal, unless all parties agree to a specific extension of time.
- C. The RSA Ombudsman:
1. Has seven (7) calendar days to request a Fair Hearing upon receipt of the written request for any appeal, and
 2. Must ensure that the Fair Hearing occurs within 30 calendar days of the date of receipt of the written request for appeal from the client.
 3. Must advise all pertinent parties of the next steps in the appeal process in instances when the applicant/client requests to proceed with further action(s).

V. Procedure

- A. Refer to IV.(A)(2)-(6), IV.(B)(1),(2) and (4), and IV.(C).
- B. Refer to Standard Work, if available.

VI. Documentation Requirements

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

- A. VR Decision letter,
- B. Request for Appeal, and

C. Informal Review Decision document.

Draft - Public Comment