

## **Your Due Process Rights**

If you do not agree with a decision by the Vocational Rehabilitation (VR) Program regarding the provision or denial of services, including inaction or failure to act with reasonable promptness, you may request review and re-determination of the decision. Your request must be in writing and must be submitted to your counselor within **30** days of the decision/action.

Your Counselor will provide in writing and, as necessary, other appropriate alternate mode(s) of communication information about your right to request a review and how to submit a request for review of a VR Program decision at the following stages in the vocational rehabilitation process:

- A. At application, via a copy of the Client Services Handbook.
- B. Through the use of the VR Program's Notice of Change form when either:
  - 1. You are determined ineligible; or
  - 2. You are being assigned a priority category under the order of selection; (This notice will also advised you as to and whether services are being provided to your assigned priority category.)
  - 3. You are reclassified into another priority category under the order of selection which alters in any way the services being proposed or provided;
  - 4. Your rehabilitation progress is adversely affected by a VR Program actions;
  - 5. At closure or termination of your case unless closure or termination occurs for the following reasons:
    - a. Your are deceased; or
    - b. Your residence is unknown.
- C. At the development of an extended evaluation plan or work plan, if applicable. You will be provided a copy of the extended evaluation plan or the work plan.
- D. Any time a work plan is amended. You will be provided a signed copy of the amendment.

If you request a review, an ***Informal Administrative Review*** shall be conducted. The review will be conducted by an objective person outside of the unit in which your case is served. The review may be either a document review of the issue(s) utilizing the case file, a telephone review with you, a face-to-face review with you and the counselor, or any combination thereof. There may be the opportunity for negotiation or mediation if all parties agree to participate.

The administrative review decision shall be provided to you and your vocational rehabilitation counselor. A copy of the decision shall also be placed in your case file. If you are not satisfied with the decision resulting from the administrative review, you may request to continue with an impartial hearing before an Administrative Law Judge (ALJ) of the Office of State

Administrative Hearings (OSAH). This request must be within **10** days of the delivery of the *Informal Administrative Review* decision.

Should you choose to proceed to a hearing before an ALJ, you will be afforded an opportunity to present additional evidence, information, and witnesses to the ALJ, to be represented by counsel or other authorized representative, and to examine all witnesses and other relevant sources of information and evidence. The hearing shall be conducted in accordance with the Georgia Administrative Procedure Act, O.C.G.A. 50 13 1 et seq., as modified by 34 CFR 361.57.

The decision of the ALJ shall be based on the evidence of the record, the Rehabilitation Act of 1973, as amended, with its implementing regulations, the approved state plan, and the VR Program Client Services Policy Manual. A written decision will be rendered within thirty (30) calendar days of the completion of the impartial hearing and will state the law and facts upon which the decision was reached. The decision shall be provided to you and your vocational rehabilitation counselor. A copy of the decision will be placed in your case file.