

Virginia Department for Aging and Rehabilitative Services Division of Rehabilitative Services (DRS)

Summary of DRS Vocational Rehabilitation Consumer Appeals System

The DRS VR consumer appeals system offers several avenues for applicants/customers (you) and DRS staff to attempt to reach a mutually acceptable decision regarding your vocational rehabilitation. You may wish to take full advantage of other avenues first, but you have the right to proceed directly to a hearing. You are entitled to obtain at any time, at your own expense, an advocate, attorney, or other representative. The system includes:

Client Assistance Program

You or your VR counselor may request, at any time, assistance from the Client Assistance Program offered through the disAbility Law Center of Virginia. CAP advocates and attorneys explain client rights and responsibilities, answer questions about services available under the Rehabilitation Act, work with the VR client and VR counselor to resolve issues with your vocational rehabilitation, and assist VR clients during an informal administrative review, a formal mediation, and a hearing.

The disAbility Law Center of Virginia can be reached at 800-552-3962; info@dLCV.org; or 1512 Willow Lawn Drive, Suite 100, Richmond, VA.

Informal Administrative Review

You or your VR counselor may ask your VR counselor's supervisor to help resolve issues or to review a counselor decision. To request an informal administrative review of the counselor's decision, contact the supervisor orally or in writing, within 60 calendar days. The supervisor has discretion whether to conduct an informal administrative review if you are not a VR client but are receiving pre-employment transition services or transition services to groups or semi-annual and annual reviews while in extended employment earning subminimum wage.

Contact information for office managers and district directors can be found at: <https://www.dars.virginia.gov/drs/drsoffices.htm>. This information can also be obtained by calling DARS at 804-662-7000.

Mediation

Mediation can be requested to resolve VR case and client issues. A list of qualified and impartial Supreme Court of Virginia certified mediators is available to facilitate a confidential mediation meeting between you and your VR counselor to try to reach a mutually acceptable agreement. Participation in mediation is voluntary for both you and the agency. You may contact the VR district director to apply for mediation. When a hearing and formal mediation are used together, the mediation will be held before the hearing and will not delay the hearing.

Contact information for district directors can be found at: <https://www.dars.virginia.gov/drs/drsoffices.htm>. This information can also be obtained by calling DARS at 804-662-7000.

Hearing

A hearing is an opportunity for you and VR staff to present personal and witness testimony and written information/evidence regarding unresolved issues to a qualified impartial hearing officer who is randomly selected and is not a VR agency employee. To

Virginia Department for Aging and Rehabilitative Services Division of Rehabilitative Services (DRS)

ensure we serve you appropriately and address unresolved issues promptly, the VR field office or VR Appeals Coordinator must receive your signed, written request within 60 calendar days from the date of the counselor's decision or informal administrative review decision. The hearing will be conducted within 60 calendar days after the date your request is received. Within 30 calendar days after the hearing, the hearing officer will send a written decision to you and the DARS Commissioner. You and DARS each have 20 calendar days to submit to the Appeals Coordinator in DARS Central Office a written request for an administrative review of the hearing officer's decision. The administrative review is not a re-hearing, but is a paper review by the governor-designated reviewing official.

You may contact your DRS office or the VR Appeals Coordinator to request a hearing. The VR Appeals Coordinator may be reached by phone at 804-662-7000; by mail at VR Appeals Coordinator, Department for Aging and Rehabilitative Services, Policy & Legislative Affairs Division, 5620 Cox Road, Glen Allen, VA 23060; and by fax at (804) 662-7663.