

Procedures for ineligibility determination

Synopsis of federal regulation

If Rehabilitation Services (RS) determines that an applicant is ineligible for vocational rehabilitation (VR) services or determines that an individual receiving services under an Individualized Plan for Employment (IPE) is no longer eligible for services, RS shall:

- Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;
- Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, and the means by which the individual may express and seek remedy for any dissatisfaction, including the standard appeal procedures;
- Provide the individual with a description of services available from the Client Assistance Program (CAP) and information on how to contact the program; and
- Review within 12 months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the State, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

Reference: § 361.43