

## Section 3 – Eligibility

### Guidance

Eligibility determinations can only be based on the criteria in the law. In making the determination, consumers must be given the benefit of the doubt when determining whether or not they can benefit from services. However, when there is serious question about an individual's ability to benefit, to the extent possible this must be evaluated through trial work experiences before determining eligibility or ineligibility.

### Legal Requirements

#### A. General Eligibility Criteria

1. A determination of whether or not an individual is eligible for BRS services must be based on a determination by BRS that:
  - a. The individual has a *physical or mental impairment\**;
  - b. The physical or mental impairment constitutes or results in a *substantial impediment to employment\** for that individual;
  - c. The individual can benefit in terms of an *employment outcome\** from the provision of *vocational rehabilitation services\**; and
  - d. The individual requires *vocational rehabilitation services\** to prepare for, enter into, engage in or retain gainful employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities and *informed choice\**.

Note that although the definition of *physical or mental impairment\** includes blindness, persons who are legally blind would generally be served by the Bureau of Education and Services for the Blind, rather than BRS. However, if the individual has deaf-blindness, the case should be reviewed by the Deaf-Blind Review Team, to determine whether BRS may be better equipped to serve the individual.

2. Any eligible individual must intend to achieve an *employment outcome\** that is consistent with his/her strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice\**. Completion of the application process for *vocational rehabilitation services\** is sufficient evidence of the individual's intent to achieve an *employment outcome\**.

3. BRS may not impose, as part of the eligibility determination, a duration of residence requirement that excludes from services any applicant who is present in the state.

BRS may not impose a duration of residence requirement that excludes individuals who are present in the state. An individual who has no residence (i.e., who is homeless) may not be excluded due to his/her lack of residency. However, where the individual resides out of state on a permanent basis, with no residence in Connecticut, referral should be made to the vocational rehabilitation agency in that state.

4. In making a determination of eligibility, BRS must ensure that:
  - a. No consumer is excluded or found ineligible solely on the basis of the type of disability; and
  - b. The eligibility requirements are applied without regard to:
    - i. the age, gender, race, color or national origin of the individual;
    - ii. type of expected employment outcome;
    - iii. source of referral to BRS; and
    - iv. particular service need or anticipated cost of service required by the individual or the income level of the individual or his/her family.

BRS may not discriminate against a consumer based on national origin. However, where an individual is not permitted to legally work in the United States due to his/her immigration status, development of an Employment Plan and achievement of an *employment outcome*\* may be impractical or impossible. Staff should consult with immigration and naturalization if there is any question regarding the individual's ability to work.

## **B. Presumption of Benefit**

1. In making an eligibility determination, BRS must presume that the individual can benefit in terms of an *employment outcome*\* from vocational rehabilitation services, unless there is clear and convincing evidence that the individual is incapable of benefiting due to the severity of the individual's disability.

Clear and convincing evidence means that there is a high degree of certainty before concluding that an individual is incapable of benefiting from services. It means unequivocal. For example, an intelligence test alone would not constitute clear and convincing evidence. Clear and convincing evidence might include situational assessments from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability.

2. Before making the determination that an individual cannot benefit from vocational rehabilitation services because of the severity of the individual's disability, BRS must first explore the individual's abilities and capabilities to perform in work situations through trial work experiences except under limited circumstances when the individual cannot take advantage of such experiences. In such cases where the individual cannot take advantage of trial work experiences or if options for trial work experiences have been exhausted before BRS is able to determine whether or not there is clear and convincing evidence that the individual is incapable of benefiting for services in terms of an *employment outcome*\*, BRS must conduct an extended evaluation.

See Chapter II, Section 2 (Assessment for Determining Eligibility & Order of Selection Priority) for more details concerning the trial work and extended evaluation requirements.

### **C. Eligibility for SSI and SSDI Beneficiaries**

1. Individuals who have been determined to have a disability under SSI or SSDI must be:
  - a. Presumed to be a person with a significant disability (for purposes of order of selection priority); and
  - b. Presumed to be eligible for *vocational rehabilitation services*\*,
    - i. provided that the individual intends to achieve an *employment outcome*\* consistent with his/her unique strengths, resources, priorities, concerns, abilities, capabilities, interests and *informed choice*\*; and
    - ii. unless BRS determines that the individual is not capable of benefiting in terms of an *employment outcome*\* from *vocational rehabilitation services*\* due to the severity of the disability (See Section B, above).

Even though individuals on SSI/SSDI benefits are presumed eligible, they are not automatically entitled to BRS services. The individual must still be expected to achieve an *employment outcome*\* as a result of receiving vocational rehabilitation services.

2. If the individual claims that s/he is an SSI or SSDI beneficiary but is unable to provide appropriate supporting documentation (such as an award letter), BRS must verify the individual's eligibility for Social Security benefits.

### **D. Certificate of Eligibility**

1. If an individual is determined to meet the eligibility criteria above, s/he will be accepted for vocational rehabilitation service and, simultaneously, a certificate of eligibility must be dated and signed by BRS.
2. No service other than diagnostic services and services to determine eligibility and priority for services may be provided by BRS prior to completion of the certificate of eligibility.

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