

Section 4 – Ineligibility

Guidance

In cases where BRS is considering making a determination that an individual is not eligible for services, the consumer must first be given the opportunity for a full consultation with BRS. A determination of ineligibility can only be made after such a consultation has either been provided to or declined by the individual. This determination may only be based on the criteria in the law.

Legal Requirements

- A. A determination that an individual is not eligible for vocational rehabilitation services may only be based on a determination that the individual does not meet one or more of the eligibility criteria in Section 3 of this chapter, and only after completion of an assessment for determining eligibility.

For closures for reasons other than ineligibility, see Section 5 of this chapter.

- B. An eligible individual may be later determined ineligible, if the Bureau finds that the individual no longer meets all of the applicable criteria in Section 3 of this chapter.
- C. Requirements When Making an Ineligibility Determination
1. An ineligibility determination may only be made after providing an opportunity for full consultation with the individual or, as appropriate, with his/her representative.
 2. A certificate of ineligibility must be signed and dated by BRS, and must include the reasons for the determination.
 3. BRS must notify the individual in writing, supplemented as necessary by other *appropriate means of communication** consistent with the *informed choice** of the individual. The notice must include the reason for the determination, an explanation of the individual's rights to appeal and the services offered by the Client Assistance Program (CAP), including how to contact that program.
 4. The individual must be referred to other training or employment-related programs that are part of the One-Stop service delivery system.

D. Annual Reviews of Ineligibility Determinations

When an individual is determined to be ineligible due to a determination that s/he cannot achieve an *employment outcome**, this determination will be reviewed by BRS within 12 months, and annually thereafter if requested by the individual. However, a review is not required if:

1. the individual is no longer present in the state;
2. the individual has refused it;
3. the individual's whereabouts are unknown; or
4. the individual's medical condition is rapidly progressive or terminal.