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## Vocational Rehabilitation Services

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Repealed, November 6, 1998.

### Secs. 10-308-2—10-308-3.

Repealed, March 1, 1993.

### Sec. 10-308-4.

Repealed, November 6, 1998.

### Sec. 10-308-1a. Review of rehabilitation counselor determinations

(a) Any applicant or eligible individual who is dissatisfied with any determinations made by a rehabilitation counselor concerning the furnishing or denial of services may request, or if appropriate, may request through the individual's representative, a timely review of those determinations. The procedures established by the Vocational Rehabilitation Services Division shall be in accordance with the following provisions:

(1) Informal Resolution. The Vocational Rehabilitation Services Division may establish an informal process to resolve a request for review without conducting a formal hearing. However, the informal process shall be conducted and concluded within the time period established under subdivision (2)(A) of this section for holding a formal hearing. If informal resolution is not successful, a formal hearing shall be conducted by the end of this same period, unless the parties jointly agree to a specific extension of time.

(2) Formal Hearing Procedures. The Vocational Rehabilitation Services Division shall establish formal review procedures which provide that:

(A) a hearing by an impartial hearing officer, selected in accordance with subsection (b) of this section, shall be held within forty-five (45) days of an individual's request for review, unless informal resolution was achieved prior to the forty-fifth (45th) day or the parties jointly agreed to a specific extension time;

(B) the Vocational Rehabilitation Services Division may not institute a suspension, reduction, or termination of services being provided under an IWRP pending a final determination of the formal hearing under subdivision (2) of this section or informal resolution under subdivision (1) of this section, unless the individual or, in an appropriate case, the individual's representative so requests or the Vocational Rehabilitation Services Division has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual;

(C) the individual or, if appropriate, the individual's representative shall be afforded an opportunity to present additional evidence, information, and witnesses to the impartial hearing officer, to be represented by counsel or other appropriate advocate, and to examine all witnesses and other relevant sources of information and evidence;

(D) the impartial hearing officer shall make a decision based on the provisions of the approved state plan, the Act, federal vocational rehabilitation regulations, and state regulations and policies that are consistent with federal requirements and shall provide to the individual or, if appropriate, the individual's representative and to the Vocational Rehabilitation Services Division Director a full written report of the findings and grounds for the decision within thirty (30) days of the completion of the hearing;

(E) if the Vocational Rehabilitation Services Division Director decides to review the decision of the impartial hearing officer, the director shall notify in writing the

individual or, if appropriate, the individual's representative of that intent within twenty (20) days of the mailing of the impartial hearing officer's decision;

(F) if the Vocational Rehabilitation Services Division Director fails to provide the notice required by subdivision (2)(E) of this section, the impartial hearing officer's decision becomes a final decision;

(G) the decision of the Vocational Rehabilitation Services Division Director to review any impartial hearing officer's decision shall be based on standards of review contained in written Vocational Rehabilitation Services Division policy;

(H) if the Vocational Rehabilitation Services Division Director decides to review the decision of the impartial hearing officer, the director shall provide the individual or, if appropriate, the individual's representative an opportunity to submit additional evidence and information relevant to the final decision;

(I) the Vocational Rehabilitation Services Division Director may not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual unless the director concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous because it is contrary to the approved state plan, the Act, federal vocational rehabilitation regulations, or state regulations or policies that are consistent with federal requirements;

(J) within thirty (30) days of providing notice of intent to review the impartial hearing officer's decision, the Vocational Rehabilitation Services Division Director shall make a final decision and provide a full report in writing of the decision, including the findings and the statutory, regulatory, or policy grounds for the decision, to the individual or, if appropriate, the individual's representative;

(K) the Vocational Rehabilitation Services Division Director may not delegate responsibility to make any final decision to any other officer or employee of the Vocational Rehabilitation Services Division; and

(L) except for the time limitations established in subdivisions (2)(A) and (2)(E) of this section, the Vocational Rehabilitation Services Division's review procedures may provide for reasonable time extensions for good cause shown at the request of a party or at the request of both parties.

(b) **Selection of Impartial Hearing Officers.** The impartial hearing officer for a particular case shall be selected:

(1) From among the pool of persons qualified to be an impartial hearing officer, as defined in Section 10-306-2a (b)(38) of the Regulations of Connecticut State Agencies, who are identified jointly by the Vocational Rehabilitation Services Division and the State Rehabilitation Advisory Council; and

(2) (A) on a random basis; or

(B) by agreement between the Vocational Rehabilitation Services Division Director and the individual or, if appropriate, the individual's representative.

(c) **Informing Affected Individuals.** The Vocational Rehabilitation Services Division shall inform, through appropriate modes of communication, all applicants and eligible individuals of:

(1) their right to review under this section, including the names and addresses of individuals with whom appeals may be filed; and

(2) the manner in which an impartial hearing officer shall be selected consistent with requirements of subsection (b) of this section.

(d) **Appeal:** Section 4-183 of the Connecticut General Statutes shall apply to appeals of the final decision of a fair hearing.

(Adopted effective November 6, 1998)