

10A NCAC 63F .0603 REQUEST FOR ADMINISTRATIVE REVIEW, MEDIATION, AND IMPARTIAL DUE PROCESS HEARING

(a) When any applicant for or consumer receiving vocational rehabilitation or independent living rehabilitation services wishes to request an administrative review, mediation, or an impartial due process hearing, the individual shall submit a written request to the area rehabilitation supervisor of the Division designated pursuant to Rule .0602 of this Section.

(b) The request shall indicate if the individual is requesting:

- (1) An administrative review, mediation, and an impartial due process hearing to be scheduled concurrently; or
- (2) An administrative review and an impartial due process hearing to be scheduled concurrently; or
- (3) Mediation and impartial due process hearing to be scheduled concurrently; or
- (4) only an impartial due process hearing.

(c) The request shall contain the following information:

- (1) the name, address, and telephone number of the applicant or consumer and the individual's representative, if one has been designated; and
- (2) a concise statement of the determination made by the rehabilitation staff for which an administrative review, mediation, or impartial due process hearing is being requested and the manner in which the person's rights, duties or privileges have been affected by the determination(s).

(d) The Division shall not suspend, reduce, or terminate vocational rehabilitation or independent living rehabilitation services being provided an applicant or consumer for evaluation and assessment, for development of an Individualized Plan for Employment (IPE) or Independent Living Plan (ILP), and as provided for under an IPE or ILP pending final resolution of the issue through either an administrative review, mediation, or impartial due process hearing unless the individual or the individual's representative so requests, or the Division has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual.

(e) Participation in the mediation is voluntary on the part of all parties.

*History Note: Authority G.S. 143B-157; 150B-2; 150B-23; 34 C.F.R. 361.57; P.L. 102-569, Section 102(d);
Eff. December 1, 1990;
Amended Eff. January 1, 1996;
Temporary Amendment Eff. August 1, 2001;
Amended Eff. August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*