

10A NCAC 63F .0604 DIVISION ACTIONS IN RESPONSE TO REQUEST

(a) Upon receipt of a request for an impartial due process hearing, the area rehabilitation supervisor shall immediately forward the original request to the Division Director for appointment of a hearing officer to conduct the impartial due process hearing. If the individual requests mediation in addition to an impartial due process hearing, the Division Director shall arrange for the appointment of an impartial mediator to conduct the mediation session.

(b) If the individual has requested an administrative review in addition to an impartial due process hearing, the area rehabilitation supervisor shall:

- (1) make a decision to conduct the administrative review or with the concurrence of the Division Director appoint a designee to conduct the administrative review who:
 - (A) has had no previous involvement in the issues currently in the controversy;
 - (B) can conduct the administrative review in an unbiased way; and
 - (C) has a broad working knowledge of the Division's rules and the State Plan for Vocational Rehabilitation Services State Plan for Independent Living Services, hereinafter referred to as the "State Plans;" and
- (2) proceed with, or direct the designee to proceed with, an administrative review according to the provision of Rules .0605, .0608 and .0609 of this Section.

(c) The area rehabilitation supervisor shall send the applicant or consumer written acknowledgement of receipt of the request and inform the individual that additional information will be sent regarding the administrative review, mediation, or impartial due process hearing.

(d) The area rehabilitation supervisor shall provide the Client Assistance Program with a copy of the request and the response to the request.

History Note: Authority G.S. 143B-157; 150B-1(e)(5); 150B-2; 150B-23; 34 C.F.R. 361.57; 34 C.F.R. 364.20; Eff. December 1, 1990; 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.