

**10A NCAC 63F .0609    RESPONSE TO ADMINISTRATIVE REVIEW DECISION AND MEDIATION**

(a) Administrative Review

- (1) If the applicant or consumer is satisfied with the decision resulting from the administrative review, the individual shall sign the form described in Rule .0608(a)(2)(C) of this Section and submit it to the area rehabilitation supervisor within five days of receipt of the decision. The area rehabilitation supervisor shall inform the Director of the request to cancel the hearing immediately and forward the form to the Director who shall submit it to the hearing officer.
- (2) If, after the administrative review, the hearing officer does not receive a written request from the applicant or consumer that the hearing be cancelled, the hearing shall be conducted as scheduled unless negotiations produce a settlement that is satisfactory to both parties prior to the hearing.
- (3) If the hearing is cancelled due to a decision resulting from the administrative review, the hearing officer shall send the applicant or consumer and the Division written notice of the cancellation in the same manner as required for notice of the hearing in Rule .0607(d) of this Section. A copy of the notice of cancellation shall be sent to the Client Assistance Program.

(b) Mediation

- (1) If a mediation agreement is signed as described in Rule .0608(b)(4) of this Section containing a statement regarding the applicant's or consumer's satisfaction with the agreement and his or her desire to cancel the impartial due process hearing, the mediator shall provide a copy of the signed mediation agreement to the applicant or consumer and to the Division representative, then forward a copy of the signed agreement to the Director.
- (2) The Director shall submit it to the hearing officer. The Director shall also forward a copy of the request to cancel the impartial due process hearing to the Client Assistance Program.
- (3) If, after mediation, the hearing officer does not receive a written request from the applicant or consumer to cancel the hearing, the hearing shall be conducted as scheduled unless negotiations produce a settlement that is satisfactory to both parties prior to the hearing.
- (4) If the hearing is cancelled due to an agreement reached in mediation, the hearing officer shall send the applicant or consumer and the Division written notice of the cancellation in the same manner as required for notice of the hearing in Rule .0607(d) of this Section. A copy of the notice of cancellation shall be sent to the Client Assistance Program.

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