

10A NCAC 89B .0203 REQUEST FOR ADMINISTRATIVE REVIEW AND APPEALS HEARING

(a) When any applicant for or client receiving vocational rehabilitation services wishes to request an administrative review, mediation, and an appeals hearing or only an appeals hearing, the individual shall submit a written request to the appropriate regional director of the Division.

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

- (1) an administrative review, mediation, and an appeals hearing to be scheduled concurrently;
- (2) an administrative review and an appeals hearing to be scheduled concurrently; or
- (3) only an appeals hearing.

(c) The request shall contain the following information:

- (1) the name, address and telephone number of the applicant or client; and
- (2) a concise statement of the determination(s) made by the rehabilitation staff for which an administrative review, mediation, and appeals hearing or only the appeals 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 services being provided to a client under a written individualized plan for employment (IPE) pending final resolution of the issue through mediation, an appeals hearing, or an administrative review 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.

*History Note: Authority G.S. 143-546.1; 150B-1; 34 C.F.R. 361.57; P.L. 105-220, s. 102(c);
Eff. February 1, 1976;
Amended Eff. July 1, 2000; October 1, 1994; September 1, 1989; October 20, 1979;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*