

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202-2531

POLICY DIRECTIVE
RSA-PD-96-07
RSM-1250
DATE: September 12, 1996

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
RSA DISCRETIONARY GRANTEEES
STATE REHABILITATION ADVISORY COUNCILS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Promulgation of Report Form RSA-722, Resolution of Applicant/Client Appeals

POLICY

STATEMENT: The Office of Management and Budget (OMB) has reinstated Form RSA-722, Resolution of Applicant/Client Appeals, as an approved data collection instrument. OMB has approved the RSA-722 until June 30, 1999 under the Paperwork Reduction Act of 1995. The OMB number is 1820-0563.

RSA uses the form to meet specific data collection requirements of Subsections 102(d)(6)(A) and (B) of the Rehabilitation Act of 1973, as amended. We have made revisions to the reporting instrument and instructions to reflect mandates from the 1992 amendments and to clarify other portions that were unclear.

We require that all State agencies report annually using Form RSA-722 (copy attached). Information on transmittal of the form, including electronic transmission, is found on pages 10 and 11 of the reporting instructions. The form is due on or before October 30 each year.

CITATIONS

IN LAW: Rehabilitation Act of 1973, as amended, Subsections 102(d)(6)(A) and (B), Paperwork Reduction Act of 1995

CITATIONS IN

REGULATIONS: 34 CFR Part 361

EFFECTIVE
DATE: October 1, 1995

AFFECTED
POLICIES: None

EXPIRATION
DATE: June 30, 1999

INQUIRIES: Please direct any questions concerning this Policy Directive to the
Director, Division of Program Administration, Rehabilitation Services
Administration, 330 C St., S.W., Washington, D.C. 20202-2574, (202)
205-5474.

Commissioner
Rehabilitation Services Administration

ATTACHMENTS

RESOLUTION OF APPLICANT/CLIENT APPEALS		
State & Agency:	() General/Combined	Fiscal Year 19____
	() Blind	
A. APPEALS FILED WITH IMPARTIAL HEARING OFFICER (IHO)		
	TOTAL (a)	WITH CAP ASSISTANCE (b)
1. Appeals in process, October 1		
2. New appeals since October 1		
3. Total available during year (A1+A2)		
<u>Appeals resolved during year</u>		
4. Decisions favoring individual		
5. Decisions favoring agency		
6. Appeals resolved not requiring IHO decision		
7. Total appeals resolved (A4+A5+A6)		
8. Appeals in process, September 30 (A3 minus A7)		
B. IHO DECISIONS REVIEWED BY STATE DIRECTOR		
1. Reviews in process, October 1		
2. New IHO decisions reviewed since October 1		
3. Total available during year (B1+B2)		
<u>Reviews concluded during year</u>		
4. IHO decisions not reviewed		
5. IHO decisions sustained or reversed: (5a thru 5d)		
a. Those favoring individual sustained		
b. Those favoring individual reversed		
c. Those favoring agency sustained		
d. Those favoring agency reversed		
6. Reviews concluded - no decision rendered		
7. Total reviews concluded (B5+B6)		
8. Reviews in process, September 30 (B3 minus B7)		
C. TYPES OF COMPLAINTS/ISSUES (Multiple responses permitted)		

	APPEALS FILED WITH IMPARTIAL HEARING OFFICER(a)	IHO DECISIONS REVIEWED BY STATE DIRECTOR(b)
1. Applicant eligibility for VR/EE		
2. Client eligibility for further services		
3. Nature/contents of IWRP		
4. Delivery/quality of counseling service		
5. Delivery/quality of other services		
6. Cost of services		
7. Nature/quality of rehabilitation closure		
8. All other complaints/issues		
D. DESCRIPTION OF PROCEDURES FOR REVIEW (SEE INSTRUCTIONS)		
Person to contact if questions arise about this form		
(print name):		
Phone number:		
Authorized signature:		
Date:		

Within thirty days after the end of the fiscal year covered by this report, send one copy of Form RSA-722 to your Regional Office and one copy to the following RSA Central Office address: Rehabilitation Services Administration, Financial Management and Information Services Staff, Data Management Unit, MESwitzer Building, Washington, D.C. 20202-2703.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0563. The time required to complete this information collection is estimated to average two hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Division of Program Administration, U.S. Department of Education, 330 C Street, S.W., Mary E. Switzer Building, Room 3211, Washington, D.C. 20202-2716.

RSA-722: Resolution of Applicant/Client Appeals Reporting Instructions

Purpose

Form RSA-722 was developed to comply with the specific reporting requirements of Section 102(d) of the Rehabilitation Act as amended in 1993. This section delineates the procedures by which applicants to and clients of State vocational rehabilitation (VR) agencies may appeal decisions of rehabilitation counselors or coordinators to an impartial hearing officer. Decisions of the impartial hearing officer may then be reviewed by the State Director who makes a final decision if he or she chooses to do so. (In some States a Fair Hearing Board, established before January 1, 1985, replaces the State Director.) Subsection (6)(A) of Section 102(d) requires the State Director to collect and report data on the appeals process to the Commissioner who, in turn, is to submit a summary to the Congress in the Annual Report required by Section 13 of the Act. Subsection (6)(B) lists the kinds of data to be collected including:

- (1) a description of State procedures for review;
- (2) the number of appeals filed with the impartial hearing officer and the State Director, including the type of complaint and the issues involved;
- (3) the number of decisions by the State Director reversing in whole or in part the decision of the impartial hearing officer; and
- (4) the number of decisions affirming the position of the individual with disabilities assisted through the client assistance program.

While Form RSA-722 was designed initially to respond to the mandate of law, it will also enable the Commissioner to monitor the appeals process in the State agencies that has been set up to safeguard the rights of disabled individuals. The form itself is devised to approximate the sequence of the appeals process and contains a series of checks and balances throughout to simplify the completion of the report.

Instructions to heading of form

State and agency - Enter the name of the State and check the appropriate box to indicate a general or combined agency or agency for the blind.

Fiscal Year - Enter the Federal fiscal year to which the form relates.

Instructions to body of report

PART A. APPEALS FILED WITH IMPARTIAL HEARING OFFICER (IHO)

Column (a) - Total

For each line entry in Part A, enter the total number of appeals that have come to the attention of the impartial hearing officer during the fiscal year irrespective of any assistance that may have been provided to the applicant/client by a client assistance program.

Column (b) - With CAP assistance

For each line entry in Part A, enter the number of appeals that have come to the attention of the impartial hearing officer involving any degree of assistance to the applicant/client by a client assistance program (CAP). Figures in column (b) may equal, but can never exceed, figures in column (a) for a given line.

Line 1. Appeals in process, October 1

Enter the number of appeals that have yet to be concluded by the impartial hearing officer and remain in any stage of processing as of October 1, the beginning of the Federal fiscal year. This figure should be the same as the number of appeals in process on September 30 from the report submitted for the previous fiscal year.

Line 2. New appeals since October 1

Enter the number of appeals newly filed with the impartial hearing officer during the fiscal year from October 1 through September 30.

Line 3. Total available during year (A1+A2)

This is the sum of lines A1 and A2, and represents the total number of appeals available for an action by the impartial hearing officer any time during the fiscal year whether or not decisions were rendered. This number is also the basis for data reported in column (a) of Part C of this form (Types of Complaints/Issues).

Appeals resolved during year

Line 4. Decisions favoring individual

Enter the number of decisions rendered by the impartial hearing officer that largely or entirely supported the position of the applicant/client on the major issue(s). (A major issue is one deemed vital to the individual in his or her initiation or successful completion of rehabilitation services.)

Line 5. Decisions favoring agency

Enter the number of decisions rendered by the impartial hearing officer that largely or entirely supported the position of the State agency on the major issue(s).

Line 6. Appeals resolved not requiring IHO decision

Enter the number of appeals resolved before a decision could be rendered by the impartial hearing officer. This would include instances where the individual died, left the State, came to an agreement with the State agency, or otherwise withdrew the appeal.

Line 7. Total resolved during year (A4+A5+A6)

Enter the total number of appeals that were resolved during the fiscal year. An appeal is resolved when the impartial hearing officer either (a) renders a decision on the merits of the appeal or (b) does not have to render a decision for any reason (e.g., the individual dies, comes to an agreement with the State agency, or otherwise withdraws the appeal). The figure reported on line A7 must equal the sum of figures reported on lines A4, A5, and A6.

Line 8. Appeals in process, September 30 (A3 minus A7)

Enter the number of appeals that have yet to be resolved by the impartial hearing officer as of September 30. This figure must equal the total number of appeals available during the fiscal year (line A3) minus the number of appeals resolved during the year (line A7).

PART B. IHO DECISIONS REVIEWED BY THE STATE DIRECTOR

Column (a) - Total

For each line entry in Part B, enter the total number of IHO decisions that are reviewed by the State Director during the fiscal year irrespective of any assistance that may have been provided to the applicant/client by a client assistance program (CAP).

Column (b) - With CAP assistance

For each line entry in Part B, enter the number of IHO decisions that are reviewed by the State Director involving any degree of assistance to the applicant/client by a client assistance program (CAP). Figures in column (b) may equal, but can never exceed, figures in column (a) for a given line.

Line 1. Reviews in process, October 1

Enter the number of reviews in any stage of processing as of October 1, the beginning of the Federal fiscal year. This figure should be the same as the number of reviews in process on September 30 from the report submitted for the previous fiscal year.

Line 2. New IHO decisions reviewed since October 1

Enter the number of IHO decisions newly made available to the State Director for review during the fiscal year from October 1 through September 30. By definition, this figure must be less than or equal to the number of cases on which the impartial hearing officer has formally rendered a decision as reported on lines A5 and A6 above.

Line 3. Total available during year (B1+B2)

This is the sum of lines B1 and B2 and represents the total number of IHO decisions submitted for an action by the State Director any time during the fiscal year whether or not reviews were conducted. This number is also the basis for data reported in column (b) of Part C of this form (Types of Complaints/Issues).

Reviews concluded during year

Line 4. IHO decisions not reviewed

Enter the number of impartial hearing officer decisions that the State Director has subsequently decided not to review.

Line 5. IHO decisions sustained or reversed: (Sum of Lines 5a through 5d)

Enter the total number of impartial hearing officer decisions that were formally sustained or reversed by the State Director. This line should equal the sum of lines 5a through 5d.

Line 5a. Those favoring individuals sustained

Enter the number of impartial hearing officer decisions largely or entirely favoring the applicant/client that was substantially, if not totally, sustained by the State Director. That is, because of the final decision from the director, the position of the applicant/client was upheld on the major issue(s).

Line 5b. Those favoring individuals reversed

Enter the number of impartial hearing officer decisions largely or entirely favoring the individual that was substantially, if not totally, reversed by the State Director. That is, because of the final decision from the director, the position of the State agency was upheld on the major issue(s). However, final decisions of this type can only be made if the director has clear and convincing evidence that the decision of the independent hearing officer is erroneous.

Line 5c. Those favoring agency sustained

Enter the number of impartial hearing officer decisions largely or entirely favoring the State agency that was substantially, if not totally, sustained by the State Director. That is, because of the final decision from the director, the position of the State agency was upheld on the major issue(s).

Line 5d. Those favoring agency reversed

Enter the number of impartial hearing officer decisions largely or entirely favoring the State agency that was substantially, if not totally, reversed by the State Director. That is, because of the final decision from the director, the position of the applicant/client was upheld on the major issue(s).

Line 6. Reviews concluded - no final decision rendered

Enter the number of reviews concluded before the State Director rendered the final decision. This would include instances where the individual died, left the State, came to an agreement with the State agency, or otherwise withdrew the appeal.

Line 7. Total concluded during year (B5+B6)

Enter the total number of final decisions made during the fiscal year. A final decision is made when the State Director (a) sustains or reverses the IHO decision, or (b) finds that a decision does not have to be rendered for any reason (e.g., the individual dies, comes to an agreement with the State agency, or otherwise withdraws the appeal). The figure reported on line B7 must equal the sum of figures reported on lines B5 and B6.

Line 8. Reviews in process. September 30 (B3 minus B7)

Enter the number of State Director reviews that have yet to be concluded as of September 30. That is, the State Director has not yet decided regarding the status of the decision coming from the impartial hearing officer. This figure must equal the total number of IHO decisions reviewed by the State Director at some time during the fiscal year (line B3) minus the number of final decisions made during the year (line B7).

PART C. TYPES OF COMPLAINTS/ISSUES

It is possible for two or more of the complaints/issues listed on lines C1 through C8 to be involved in a given appeal. To complete Part C, State agencies are asked to record each complaint/issue that can be identified.

Column (a) - Appeals filed with Impartial Hearing Officer

For each line entry in Part C, enter the number of appeals, by type of complaint or issue involved, handled by the impartial hearing officer any time during the fiscal year. These are appeals known to the impartial hearing officer whether or not any decisions have been rendered.

Column (b) - Decisions Reviewed by State Director (multiple responses permitted)

For each line entry in Part C, enter the number of decisions, by type of complaint or issue involved, reviewed by the State Director any time during the fiscal year. These are impartial hearing officer decisions forwarded to the State Director for review irrespective of any decisions made by the latter.

Line 1. Applicant eligibility for VR/EE

Enter the number of cases whose major issue involved the applicant's eligibility for either vocational rehabilitation (VR) or extended evaluation (EE) services. The State agency may wish, for example, to close the applicant's case in Status 08 (not accepted for services), but the applicant believes he or she should receive services.

Line 2. Client eligibility for further services

Enter the number of cases whose major issue involved the client's continued eligibility for vocational rehabilitation services. The State agency may wish, for example, to close the client's case in Status 28 or 30 (not rehabilitated), but the client wants to continue receiving services. (In the event the agency wishes to terminate services because it feels the client has been successfully rehabilitated (Status 26), record the complaint/issue as "nature/quality of rehabilitation closure" line C7.)

Line 3. Nature/contents of IWRP

Any client's whose major issue involved the nature or content of the individualized written rehabilitation program (IWRP) should be recorded here. This would include disagreements about the proper course of action to take and services to receive to cause a successful rehabilitation. It would also include disagreements about the kinds of jobs the individual can hold.

Line 4. Delivery/quality of counseling service

Enter the number of complaints involving the delivery and quality of counseling services that the applicant or client received. Examples would include complaints about counselor responsiveness, attentiveness and competence.

Line 5. Delivery/quality of other services

Enter the number of major issues registered about the delivery or quality of one or more services other than counseling such as diagnostic and evaluative testing, restoration, training of any sort, placement, etc. This may entail complaints about how useful or effective the services were, the location of sites where the services were to be provided, and the timing and frequency of services.

Line 6. Cost of services

Enter the number of cases whose major issue involved some aspect of the cost of services. The State agency may feel, for example, that the client should pay some amount of money for services, but the client refuses. Also, the client may want the State agency to pay for a service that the agency believes is too expensive.

Line 7. Nature/quality of rehabilitation closure

Enter the number of complaints involving the suitability and desirability of the rehabilitation closure. This would include instances of client dissatisfaction with a particular job placement for which the State agency has claimed or will claim a successful rehabilitation closure (Status 26).

Line 8. All other complaints/issues

Enter the number complaints and issues not covered by any of the preceding categories. Also include here the number of appeals or reviews where the complaint/issue was not learned before conclusion (i.e., the appeal/review was concluded before a decision was rendered).

PART D. DESCRIPTION OF PROCEDURES FOR REVIEW

Subsection 102(d)(6)(B) of the Rehabilitation Act requires that State agencies describe the State procedures in effect for the review process, including procedures used to select impartial hearing officers. This description should be sufficiently detailed so that responses can be summarized and reported to the Congress in the Annual Report. State agencies are required to describe the review process as an attachment to their State plan. Any agency who has revised its procedures for review since the last State Plan submission should attach a copy of those revisions to Form RSA-722. In no event, however, are the data in Parts A, B, and C of Form RSA-722 to be

withheld because of any timing, legal or other problem in providing a revised description of the review process.

Instructions to end of form

Person to contact about this form - Print the name of a person who can answer questions about the contents of Form RSA-722 should they arise. Include this person's phone number.

Authorized signature - The appropriate State agency official should sign the form to certify that it is complete and correct.

Date - Enter the month, day, and year in which the form is transmitted to RSA.

Transmittal of the report

Within 30 days after the end of the fiscal year covered by the report, send one copy of Form RSA-722 to your Regional Office and one copy to the following RSA Central Office address: Rehabilitation Services Administration, Financial Management and Information Systems Staff, Data Management Unit, Switzer Building, Washington, D.C. 20202-2708. The Central Office copy can be submitted via facsimile to 202-205-9772. Regional Office copies may be electronically submitted using one of the options listed below.

A. Submission via RSA BBS directly

The form can be submitted electronically, either in ASCII or WordPerfect format, to the appropriate RSA Regional Office using the Electronic Mail (E-Mail) capability of the RSA Electronic Bulletin Board System (RSA BBS). The ID of the Regional Office is RSARO followed by the Roman Numeral for the Regional Office. For example, Regional Office 4 ID is RSAROIV. The telephone number to use is 202-205-9694. The RSA BBS can also be accessed via the INTERNET and FEDWORLD as follows:

B. Submission via RSA BBS through the INTERNET

1. telnet: open //fedworld.gov
2. Select the option for FEDWORLD (note: these menus change from time to time)
3. Follow the Logon procedures
4. Select option (currently G) Research, Technology and Education Mail
5. Select option (currently 1) RT&E Gateway Systems
6. Search through list of Government BBS's to find the RSA BBS (currently BBS number 125). Select the RSA BBS.
7. Follow logon procedures (see A. above)

C. Electronic Mail addresses via INTERNET:

Regional Office Individual
I & II john_szufnarowski@ed.gov
III & IV ralph_pacinelli@ed.gov

V & VII..... douglas_burleigh@ed.gov
VI & VIII loerance_deaver@ed.gov
IX & X..... gilbert_williams@ed.gov