

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES-
VOCATIONAL REHABILITATION (ACCES-VR)

In the Matter of [REDACTED]

Petitioner

against

Adult Career and Continuing Education Services - Vocational Rehabilitation
(ACCES-VR)

Respondent

FINDINGS OF FACT AND DECISION

Before: [REDACTED] Impartial Hearing Officer

Petitioner: [REDACTED] Default, no appearance

ACCES-VR: [REDACTED] [REDACTED]

Hearing Date: [REDACTED]

Location: ACCES-VR [REDACTED]

Present at the Hearing: [REDACTED]

Not Present: [REDACTED]

PRELIMINARY STATEMENT

I am the Impartial Hearing Officer approved by the State Education Department. I was appointed to this hearing by Kevin G. Smith, Deputy Commissioner of the Office of Adult Career and Continuing Education Services. (“agency”) The appointment was made in a letter sent to me and [REDACTED] (“consumer”) dated [REDACTED]. The letter was sent by [REDACTED] and received on [REDACTED]. The hearing was scheduled for [REDACTED] by agreement of all the parties.

The Impartial Hearing began at approximately 10:00 am on [REDACTED] at the ACCES-VR [REDACTED] located at [REDACTED]. Present at the hearing were [REDACTED] from the Acces-VR [REDACTED]. The consumer, [REDACTED] was not present. The Notice of Hearing dated [REDACTED] listed the hearing location as the [REDACTED] and Acces-VR personnel checked to see if [REDACTED] was waiting on the 6th floor. [REDACTED] was not on the [REDACTED] or in the [REDACTED] waiting area. We went off the record for a second call to wait for [REDACTED]. Nothing was discussed about the hearing during the second call and no one left the hearing room.

At approximately 10:30 am, we went on the record and the Acces-VR personnel stated that they did not receive any communications from [REDACTED] or any one on behalf of [REDACTED] regarding [REDACTED] absence from the hearing. I held that the [REDACTED] defaulted having failed to appear for the hearing. I find that [REDACTED] failed to properly request an adjournment of the hearing and has not documented good cause for [REDACTED] non-appearance. A default judgment is hereby ordered in favor of Acces-VR in the due process request for an impartial hearing made by [REDACTED] on [REDACTED] and [REDACTED].

Dated: [REDACTED]

[REDACTED] Impartial Hearing Officer

APPEAL NOTICE

Please take notice that this is a final decision. If you disagree with the decision, you may seek judicial review through action in a court of competent jurisdiction.

cc:



Hearing Exhibits:

Notice of Hearing
Due Process request



