

ACCES - Vocational Rehabilitation DUE PROCESS RIGHTS

What can I do
if I disagree
with decisions
about my case ?



- agree
 disagree

APPEALING AN ACCES-VR DECISION

If at any time you do not agree with a decision made by ACCES-VR, you have the right to appeal. You may seek and receive a timely review of the decision and resolution of any disagreement by requesting one or more of the following due process options:

■ INFORMAL REVIEW:

You meet with your counselor and your counselor's supervisor.

■ ADMINISTRATIVE REVIEW:

You communicate your concerns to the District Office Manager or other staff person.

■ MEDIATION:

You communicate your concerns to an Impartial Mediator.

■ IMPARTIAL HEARING:

You state your concerns before an Impartial Hearing Officer.

WHEN TO ASK FOR AN APPEAL

You must ask for an appeal within **90 days** of the action or decision with which you disagree, unless you can show good reason for asking for an appeal after 90 days. You should request the appeal when you are unhappy with an action or decision such as:

- not allowing you to apply for services,
- not allowing you to get the services you want,
- stopping or limiting your services, or
- other reasons.

THE APPEALS PROCESS

Generally, the first step is to begin with an informal review where you meet with your counselor and your counselor's supervisor to discuss the issue. If you have already done so and are not satisfied, you can ask for an appeal of the decision.

- Ask for the appeal **in writing** by using an ACCES VR-711 Form or a signed and dated letter. **Identify the issue(s) you would like reviewed.** Explain the problem, when it happened, identify the people involved, and describe the action you would like from ACCES-VR.

Note: ACCES-VR policies and the VR-711 Form are available on the ACCES-VR web site: www.acces.nysed.gov/vr/vocational-rehabilitation-policies-and-procedures

- The review will be scheduled after your request is received.
- You may look at your case record, ACCES-VR policies, and other documents before and during the administrative review, mediation or impartial hearing process.
- Inform ACCES-VR if you need a sign language interpreter or other reasonable accommodation. ACCES-VR will help you find and pay for the interpreter for your review.
- ACCES-VR will pay for your transportation to come to the administrative review, mediation and/or hearing. However, ACCES-VR will **not** pay expenses for anyone you bring.
- ACCES-VR will not suspend, reduce or terminate services that you are receiving at the time you ask for an appeal unless those services were obtained through misrepresentation, fraud, collusion, or criminal conduct.
- **Right to Representation:** You may bring a relative, advocate or legal counsel with you to your due process review. Let ACCES-VR know who you are bringing **in writing**, and provide their contact information.

CLIENT ASSISTANCE PROGRAM (CAP)

Staff from the Client Assistance Program (CAP) may represent you, or assist you in representing yourself at any due process review you select. In some cases CAP can provide you with legal advice if your due process review proves unsuccessful. (Additional information about the Client Assistance Program is included in this brochure).



ADMINISTRATIVE REVIEW

- ACCES-VR will let you know **in writing** — the day, time, reviewer and location for your administrative review at least 7 days before the review. The ACCES-VR District Office Manager or another staff person will conduct the review.
- You (and/or your representative) will be able to talk about your complaint and give your points of view to the reviewer at the review meeting.
- The reviewer will mail you a written decision (within 5 days) after the review and ask you if you agree with or disagree with the decision.
- **Agree:** If you agree with the administrative review decision you should tell the District Office Manager **in writing** and withdraw any request you may have for mediation or an impartial hearing. ACCES-VR will begin to carry out the decision within 20 days.
- **Disagree:** If you disagree with the administrative review decision, you should tell the District Office Manager **in writing**. This will allow you the choice to pursue mediation and/or an impartial hearing.
- The District Office Manager may decide not to hold an administrative review if it will not solve the problems (because of a law, regulation or policy.) If the Manager decides not to hold an administrative review, you and your representative will be told **in writing** and the mediation and/or the impartial hearing will be set up, based on your choice.

MEDIATION

- Mediation is voluntary both for you and for ACCES-VR. The Mediation Center or ACCES-VR can give you information about how mediation works and how it may solve your problem. (List of mediation centers is included in this brochure). If you decide you want mediation, you can begin the mediation process by asking for mediation from the ACCES-VR District Office **in writing**.
- After you have sent ACCES-VR a **written** request, you can contact the Mediation Center and ask them to set up the mediation session; or if you prefer, you can ask ACCES-VR to make the arrangements. The mediator will help you and ACCES-VR to work together and agree on how to solve the problem.
- The Mediation Center will attempt to set up the mediation within 14 days of the request, at a time and place that will be good for everyone.

IMPARTIAL HEARING

- Send ACCES-VR your **written** request for an impartial hearing. You may do this **without** first having an administrative review or mediation.
- ACCES-VR will appoint a hearing officer after receiving your request.
- The hearing officer is someone who knows vocational rehabilitation laws, policies, and the vocational rehabilitation service system. The hearing officer does not work for ACCES-VR or an agency that is involved with your case.
- The hearing will be scheduled within 60 days from the time ACCES-VR receives your request for a hearing **in writing**.
- You will be notified **in writing** about the hearing at least 14 days before the hearing.
- A hearing can only be postponed by the hearing officer **if everyone agrees** or if the hearing officer decides that either party has a good reason.
- You and your representative will be able to give your points of view and evidence about the disagreement to the hearing officer.
- After the impartial hearing is over, the hearing officer will send a **written** decision to you, your representative, and to ACCES-VR no later than 21 days after he or she receives the hearing transcript.
- The hearing officer's decision is final and your ACCES-VR counselor will begin to do what the hearing officer decides within 20 days of receiving the decision.

APPEALING YOUR HEARING DECISION

- If you disagree with your impartial hearing decision, you may file for a civil action for review in federal court or the New York State Supreme Court (Article 78 Proceeding). Please note that there are deadlines for filing an action in civil court which are dictated by the State's Rules of Civil Procedure or the Federal Rules of Civil Procedure, depending on the appropriate forum. It is best to get help from an attorney. The Client Assistance Program may also help you with your legal appeal and provide additional information regarding the statute of limitations related to the civil action.

Mediation Centers (by County)

Albany County

Mediation Matters
(518) 446-0356
www.mediationmatters.org

Allegany County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 483-7774
www.cfsbny.org/programs/mediation/

Bronx County

IMCR Dispute Resolution Center
(718) 585-1190
www.imcr.org

Broome County

ACCORD
A Center for Dispute Resolution, Inc.
(607) 724-5153
www.accordny.com

Cattaraugus County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 483-7774
www.cfsbny.org/programs/mediation/

Cayuga County

Center for Dispute Settlement
(585) 396-0840
www.cdsadr.org

Chautauqua County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 483-7774
www.cfsbny.org/programs/mediation/

Chemung County

Community Dispute Resolution Center, Inc.
(607) 734-9087
www.cdrc.org

Chenango County

Dispute Resolution Center of Chenango,
Delaware & Otsego
(607) 432-0061
www.charitiesccdo.org

Clinton County

Rural Law Center of New York
(518) 324-5144
www.rurallawcenter.org

Columbia County

Common Ground Dispute Resolution, Inc.
(518) 943-0523
www.commongroundinc.org

Cortland County

New Justice Conflict Resolution Svcs., Inc.
(315) 361-4438
www.newjusticeservices.org

Delaware County

Dispute Resolution Center of Chenango,
Delaware & Otsego
(607) 432-0061
www.charitiesccdo.org

Dutchess County

Mediation Center of Dutchess County, Inc.
(845) 471-7213
www.dutchessmediation.org

Erie County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 362-2323
www.cfsbny.org/programs/mediation/

Essex County

Rural Law Center of New York
(518) 523-0102
www.rurallawcenter.org

Franklin County

Rural Law Center of New York
(518) 358-2255
www.rurallawcenter.org

Fulton County

Catholic Charities Dispute Resolution Center
(607) 432-0061
www.charitiesccdos.org

Genesee County

Child & Family Services, Inc.,
Center for Resolution and Justice
(585) 344-2580 x 2440
www.cfsbny.org/programs/mediation/

Greene County

Common Ground Dispute Resolution, Inc.
(518) 943-0523
www.commongroundinc.org

Hamilton County

Rural Law Center of New York
(518) 561-5460
www.rurallawcenter.org

Herkimer County

Dispute Resolution Center of Herkimer
County
(315) 894-9917
www.disputeresolutioncenterofhc.org

Jefferson County

Resolution Center of Jefferson & Lewis
Counties, Inc.
(315) 785-0333
www.resolution-center.net

Kings County

New York Peace Institute
(718) 834-6671
<http://nypeace.org>

Lewis County

Resolution Center of Jefferson & Lewis
Counties, Inc.
(315) 785-0333
www.resolution-center.net

Livingston County

Center for Dispute Settlement
(585) 243-7007
www.cdsadr.org

Madison County

The Peacemaker Program, Inc.
(315) 724-1718
www.thepeacemakerprogram.org

Monroe County

Center for Dispute Settlement
(585) 546-5110
www.cdsadr.org

Montgomery County

Catholic Charities Dispute Resolution Center
(607) 432-0061
www.charitiesccdos.org

Nassau County

EAC Mediation Centers, Mediation
Alternative Project
(516) 489-7733
www.eacinc.org

New York County

New York Peace Institute
(212) 577-1740
<http://nypeace.org/>

Mediation Centers (by County) continued

Niagara County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 433-3283
www.cfsbny.org/programs/mediation/

Oneida County

The Peacemaker Program, Inc.
(315) 724-1718
www.thepeacemakerprogram.org

Onondaga County

New Justice Conflict Resolution Svcs., Inc.
(315) 471-4676
www.newjusticeservices.org

Ontario County

Center for Dispute Settlement
(585) 396-0840
www.cdsadr.org

Orange County

Dispute Resolution Center
(845) 294-8082
www.drcservices.org

Orleans County

Child & Family Services, Inc.,
Center for Resolution and Justice
(716) 433-3283
www.cfsbny.org/programs/mediation/

Oswego County

New Justice Conflict Resolution Svcs., Inc.
(315) 343-8370
www.newjusticeservices.org

Otsego County

Catholic Charities Dispute Resolution Center
(607) 432-0061
www.charitiesccdoss.org

Putnam County

Dispute Resolution Center
(845) 225-9555
www.drcservices.org

Queens County

Community Mediation Services
(718) 523-6868
<http://mediatenyc.org>

Rensselaer County

Mediation Matters
(518) 446-0356
www.mediationmatters.org

Richmond County

New York Center for Interpersonal
Development
(718) 815-4557
www.nycid.org

Rockland County

Westchester & Rockland Mediation
Centers of CLUSTER, Inc.
(845) 512-8730
<http://clusterinc.org>

Saratoga County

Mediation Matters
(518) 584-6361
www.mediationmatters.org

Schenectady County

Mediation Matters
(518) 446-0356
www.mediationmatters.org

Schoharie County

Catholic Charities Dispute Resolution Center
(607) 432-0061
www.charitiesccdoss.org

Schuyler County

Community Dispute Resolution Center, Inc.
(607) 535-6860
www.cdrc.org

Seneca County

Center for Dispute Settlement
(315) 539-4570
www.cdsadr.org

St. Lawrence County

Catholic Charities of Ogdensburg
(315) 769-2500

Steuben County

Center for Dispute Settlement
(607) 342-9887
www.cdsadr.org

Suffolk County

EAC Mediation Centers, Mediation
Alternative Project
(631) 265-0490
www.eacinc.org

Sullivan County

Dispute Resolution Center
(845) 794-3377
www.drcservices.org

Thompkins County

Community Dispute Resolution Center, Inc.
(607) 273-9347
www.cdrc.org

Tioga County

ACCORD, A Center for Dispute
Resolution, Inc.
(607) 724-5153
www.accordny.com

Ulster County

Dispute Resolution Center
(845) 331-6136
www.drcservices.org

Warren County

Mediation Matters
(518) 584-6361
www.mediationmatters.org

Washington County

Mediation Matters
(518) 584-6361
www.mediationmatters.org

Wayne County

Center for Dispute Settlement
(315) 946-5451
www.cdsadr.org

Westchester County

Westchester & Rockland Mediation
Centers of CLUSTER, Inc.
(914) 963-6440
<http://clusterinc.org>

Wyoming County

Child & Family Services, Inc., Center for
Resolution and Justice
(716) 362-2323
www.cfsbny.org/programs/mediation/

Yates County

Center for Dispute Settlement
(585) 396-0840
www.cdsadr.org

ACCES-VR District Offices

Albany Office

80 Wolf Road, Suite 200
Albany, NY 12205-2644
(518) 473-8097 / (800) 272-5448

Counties: Albany, Columbia, Greene, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington

Bronx Office

1215 Zerega Avenue
Bronx, NY 10462
(718) 931-3500

County: Bronx

Brooklyn Office

55 Hanson Place, 2nd Floor
Brooklyn, NY 11217-1578
(718) 722-6700

County: Kings

Buffalo Office

508 Main Street
Buffalo, NY 14202
(716) 848-8001 / (888) 652-7062

Counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming

Garden City Office

711 Stewart Avenue, Suite 4
Garden City, NY 11530
(516) 227-6800

County: Nassau

Hauppauge Office

NYS Office Building
250 Veterans Highway, Rm. 3A-12
Hauppauge, NY 11788
(631) 952-6357 / (800) 441-0320

County: Suffolk

Malone Office

209 West Main Street, Suite 3
Malone, NY 12953-9501
(518) 483-3530 / (800) 882-2803

Counties: Clinton, Essex, Franklin, St. Lawrence

Manhattan Office

116 West 32nd Street
6th Floor
New York, NY 10001
(212) 630-2300

Counties: New York, Richmond

Mid-Hudson Office

Manchester Mill Centre, Suite 200
301 Manchester Road
Poughkeepsie, NY 12603
(845) 452-5325 / (877) 862-7342

Counties: Dutchess, Orange, Putnam, Sullivan, Ulster

Queens Office

11-15 47th Avenue
Long Island City, NY 11101
(347) 510-3100

County: Queens

Rochester Office

109 South Union Street, 2nd Floor
Rochester, NY 14607
(585) 238-2900 / (800) 462-0178

Counties: Livingston, Monroe, Ontario, Seneca, Wayne, Yates

Southern Tier

Binghamton Office

44 Hawley Street, 7th Floor, Rm.705
Binghamton, NY 13901-4470
(607) 721-8400 / (800) 888-5010

Counties: Broome, Chenango, Delaware, Otsego, Tioga, Tompkins

Elmira Office

609 East Church Street
Elmira, NY 14901
(607) 734-5294

Counties: Chemung, Schuyler, Steuben

Syracuse Office

State Office Building, Rm. 230
333 East Washington Street
Syracuse, NY 13202
(315) 428-4179 / (800) 782-6164

Counties: Cayuga, Cortland, Jefferson, Madison, Onondaga, Oswego

Utica Office

State Office Building
207 Genesee Street
Utica, NY 13501
(315) 793-2536 / (800) 624-6206

Counties: Fulton, Hamilton, Herkimer, Lewis, Montgomery, Oneida

White Plains Office

75 South Broadway, 2nd Floor
White Plains, NY 10601
(914) 946-1313 / (800) 258-3743

Counties: Rockland, Westchester

or call: 1-800-222-5627

CAP

Client Assistance Program Information

The Client Assistance Program (CAP) is a free Statewide network of skilled advocates that assist New Yorkers with disabilities in getting the training, equipment and services needed for employment. CAP advocates assist New Yorkers who apply for or receive services from the New York State Office of Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) or the New York State Commission for the Blind (NYSCB).

Individuals seeking the assistance of CAP should contact Disability Rights New York to be directed to the appropriate regional CAP advocate.

Mailing Address:

Disability Rights New York
725 Broadway, Suite 450
Albany, NY 12207

Email: mail@disabilityadvocates.org

Phone:

Main Phone(518) 432-7861
TTY(518) 512-3448
Toll Free(800) 993-8982
FAX(518) 427-6561

ACCES-VR

ACCES-VR Contact Information

Mailing Address:

NYS Education Department
Office of Adult Career and Continuing
Education Services - Vocational
Rehabilitation (ACCES-VR)
Quality Assurance & Monitoring Unit
89 Washington Avenue, Room 560 EBA
Albany, NY 12234

Phone: (800) 222-5627

Email: acesadm@mail.nysed.gov

QA/Monitoring Web Page:

<http://www.aces.nysed.gov/vr/quality-assurance-and-monitoring>

ACCES-VR Web Page:

<http://www.aces.nysed.gov>