

# 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: <http://www.acces.nysed.gov/vr/>.

- 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 D.O. 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 D.O. 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)

<b>Albany County</b> Mediation Matters (518) 446-0356 <a href="http://www.mediationmatters.org">www.mediationmatters.org</a>	<b>Cortland County</b> New Justice Conflict Resolution Svcs., Inc. (315) 361-4438 <a href="http://www.newjusticeservices.org">www.newjusticeservices.org</a>	<b>Jefferson County</b> Resolution Center of Jefferson & Lewis Counties, Inc. (315) 785-0333 <a href="http://www.resolution-center.net">www.resolution-center.net</a>
<b>Allegany County</b> Child & Family Services, Inc., Center for Resolution and Justice (716) 483-7774 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>	<b>Delaware County</b> Dispute Resolution Center of Chenango, Delaware & Otsego (607) 432-0061 <a href="http://www.charitiesccdo.org">www.charitiesccdo.org</a>	<b>Kings County</b> New York Peace Institute (718) 834-6671 <a href="http://nypeace.org">http://nypeace.org</a>
<b>Bronx County</b> IMCR Dispute Resolution Center (718) 585-1190 <a href="http://www.imcr.org">www.imcr.org</a>	<b>Dutchess County</b> Mediation Center of Dutchess County, Inc. (845) 471-7213 <a href="http://www.dutchessmediation.org">www.dutchessmediation.org</a>	<b>Lewis County</b> Resolution Center of Jefferson & Lewis Counties, Inc. (315) 785-0333 <a href="http://www.resolution-center.net">www.resolution-center.net</a>
<b>Broome County</b> ACCORD A Center for Dispute Resolution, Inc. (607) 724-5153 <a href="http://www.accordny.com">www.accordny.com</a>	<b>Erie County</b> Child & Family Services, Inc., Center for Resolution and Justice (716) 362-2323 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>	<b>Livingston County</b> Center for Dispute Settlement (585) 243-7007 <a href="http://www.cdsadr.org">www.cdsadr.org</a>
<b>Cattaraugus County</b> Child & Family Services, Inc., Center for Resolution and Justice (716) 483-7774 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>	<b>Essex County</b> Rural Law Center of New York (518) 523-0102 <a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a>	<b>Madison County</b> The Peacemaker Program, Inc. (315) 724-1718 <a href="http://www.thepeacemakerprogram.org">www.thepeacemakerprogram.org</a>
<b>Cayuga County</b> Center for Dispute Settlement (585) 396-0840 <a href="http://www.cdsadr.org">www.cdsadr.org</a>	<b>Franklin County</b> Rural Law Center of New York (518) 358-2255 <a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a>	<b>Monroe County</b> Center for Dispute Settlement (585) 546-5110 <a href="http://www.cdsadr.org">www.cdsadr.org</a>
<b>Chautauqua County</b> Child & Family Services, Inc., Center for Resolution and Justice (716) 483-7774 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>	<b>Fulton County</b> Tri-County Mediation (518) 842-4202 x 3133 <a href="http://www.catholiccharitiesfmc.org/tricountymediation.htm">http://www.catholiccharitiesfmc.org/tricountymediation.htm</a>	<b>Montgomery County</b> Tri-County Mediation (518) 842-4202 x 3133 <a href="http://www.catholiccharitiesfmc.org/tricountymediation.htm">http://www.catholiccharitiesfmc.org/tricountymediation.htm</a>
<b>Chemung County</b> Community Dispute Resolution Center, Inc. (607) 734-9087 <a href="http://www.cdrc.org">www.cdrc.org</a>	<b>Genesee County</b> Child & Family Services, Inc., Center for Resolution and Justice (585) 344-2580 x 2440 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>	<b>Nassau County</b> EAC Mediation Centers, Mediation Alternative Project (516) 489-7733 <a href="http://www.eacinc.org">www.eacinc.org</a>
<b>Chenango County</b> Dispute Resolution Center of Chenango, Delaware & Otsego (607) 432-0061 <a href="http://www.charitiesccdo.org">www.charitiesccdo.org</a>	<b>Greene County</b> Common Ground Dispute Resolution, Inc. (518) 943-0523 <a href="http://www.commongroundinc.org">www.commongroundinc.org</a>	<b>New York County</b> New York Peace Institute (212) 577-1740 <a href="http://nypeace.org">http://nypeace.org</a>
<b>Clinton County</b> Rural Law Center of New York (518) 324-5144 <a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a>	<b>Hamilton County</b> Rural Law Center of New York (518) 561-5460 <a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a>	<b>Niagara County</b> Child & Family Services, Inc., Center for Resolution and Justice (716) 433-3283 <a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a>
<b>Columbia County</b> Common Ground Dispute Resolution, Inc. (518) 943-0523 <a href="http://www.commongroundinc.org">www.commongroundinc.org</a>	<b>Herkimer County</b> Dispute Resolution Center of Herkimer County (315) 894-9917 <a href="http://www.disputeresolutioncenterofhc.org">www.disputeresolutioncenterofhc.org</a>	<b>Oneida County</b> The Peacemaker Program, Inc. (315) 724-1718 <a href="http://www.thepeacemakerprogram.org">www.thepeacemakerprogram.org</a>

## Mediation Centers (by County) continued

Onondaga County  
New Justice Conflict Resolution Svcs., Inc.  
(315) 471-4676  
[www.newjusticeservices.org](http://www.newjusticeservices.org)

Ontario County  
Center for Dispute Settlement  
(585) 396-0840  
[www.cdsadr.org](http://www.cdsadr.org)

Orange County  
Dispute Resolution Center  
(845) 294-8082  
[www.drcservices.org](http://www.drcservices.org)

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

Oswego County  
New Justice Conflict Resolution Svcs., Inc.  
(315) 343-8370  
[www.newjusticeservices.org](http://www.newjusticeservices.org)

Otsego County  
Dispute Resolution Center of Chenango,  
Delaware & Otsego  
(607) 432-0061  
[www.charitiesccdo.org](http://www.charitiesccdo.org)

Putnam County  
Dispute Resolution Center  
(845) 225-9555  
[www.drcservices.org](http://www.drcservices.org)

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

Rensselaer County  
Mediation Matters  
(518) 446-0356  
[www.mediationmatters.org](http://www.mediationmatters.org)

Richmond County  
New York Center for Interpersonal  
Development  
(718) 815-4557  
[www.nycid.org](http://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](http://www.mediationmatters.org)

Schenectady County  
Mediation Matters  
(518) 446-0356  
[www.mediationmatters.org](http://www.mediationmatters.org)

Schoharie County  
Tri-County Mediation  
(518) 842-4202 x 3133  
<http://www.catholiccharitiesfmc.org/tricountymediation.htm>

Schuyler County  
Community Dispute Resolution Center, Inc.  
(607) 535-6860  
[www.cdrc.org](http://www.cdrc.org)

Seneca County  
Center for Dispute Settlement  
(315) 539-4570  
[www.cdsadr.org](http://www.cdsadr.org)

St. Lawrence County  
Rural Law Center of New York  
(315) 769-2500  
[www.rurallawcenter.org](http://www.rurallawcenter.org)

Steuben County  
Center for Dispute Settlement  
(607) 342-9887  
[www.cdsadr.org](http://www.cdsadr.org)

Suffolk County  
EAC Mediation Centers, Mediation  
Alternative Project  
(631) 265-0490  
[www.eacinc.org](http://www.eacinc.org)

Sullivan County  
Dispute Resolution Center  
(845) 794-3377  
[www.drcservices.org](http://www.drcservices.org)

Thompkins County  
Community Dispute Resolution Center, Inc.  
(607) 273-9347  
[www.cdrc.org](http://www.cdrc.org)

Tioga County  
ACCORD, A Center for Dispute  
Resolution, Inc.  
(607) 724-5153  
[www.accordny.com](http://www.accordny.com)

Ulster County  
Dispute Resolution Center  
(845) 331-6136  
[www.drcservices.org](http://www.drcservices.org)

Warren County  
Mediation Matters  
(518) 584-6361  
[www.mediationmatters.org](http://www.mediationmatters.org)

Washington County  
Mediation Matters  
(518) 584-6361  
[www.mediationmatters.org](http://www.mediationmatters.org)

Wayne County  
Center for Dispute Settlement  
(315) 946-5451  
[www.cdsadr.org](http://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/](http://www.cfsbny.org/programs/mediation/)

Yates County  
Center for Dispute Settlement  
(585) 396-0840  
[www.cdsadr.org](http://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 assistance under 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](mailto: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@nysed.gov](mailto:acesadm@nysed.gov)

QA/Monitoring Web Page:

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

ACCES-VR Web Page:

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