**DUE PROCESS RIGHTS**

**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:
  

- 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 within New York State 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.
<table>
<thead>
<tr>
<th>County</th>
<th>Center Name</th>
<th>Phone Number</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Albany County</strong></td>
<td>Mediation Matters</td>
<td>(518) 446-0356</td>
<td><a href="http://www.mediationmatters.org">www.mediationmatters.org</a></td>
</tr>
<tr>
<td><strong>Allegany County</strong></td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(716) 483-7774</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
</tr>
<tr>
<td><strong>Bronx County</strong></td>
<td>IMCR Dispute Resolution Center</td>
<td>(718) 585-1190</td>
<td><a href="http://www.imcr.org">www.imcr.org</a></td>
</tr>
<tr>
<td><strong>Broome County</strong></td>
<td>ACCORD A Center for Dispute Resolution, Inc.</td>
<td>(607) 724-5153</td>
<td><a href="http://www.accordny.com">www.accordny.com</a></td>
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<tr>
<td><strong>Cattaraugus County</strong></td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(716) 483-7774</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
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<tr>
<td><strong>Cayuga County</strong></td>
<td>Center for Dispute Settlement</td>
<td>(585) 396-0840</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<tr>
<td><strong>Chautauqua County</strong></td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(716) 483-7774</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
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<tr>
<td><strong>Chemung County</strong></td>
<td>Community Dispute Resolution Center, Inc.</td>
<td>(607) 734-9087</td>
<td><a href="http://www.cdrc.org">www.cdrc.org</a></td>
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<tr>
<td><strong>Chenango County</strong></td>
<td>Dispute Resolution Center of Chenango, Delaware &amp; Otsego</td>
<td>(607) 432-0061</td>
<td><a href="http://www.charitiesccdos.org/Dispute_Resolution.html">www.charitiesccdos.org/Dispute_Resolution.html</a></td>
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<tr>
<td><strong>Clinton County</strong></td>
<td>Rural Law Center of New York</td>
<td>(518) 324-5144</td>
<td><a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a></td>
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<tr>
<td><strong>Columbia County</strong></td>
<td>Common Ground Dispute Resolution, Inc.</td>
<td>(518) 943-0523</td>
<td><a href="http://www.commongroundinc.org">www.commongroundinc.org</a></td>
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<tr>
<td><strong>Cortland County</strong></td>
<td>New Justice Conflict Resolution Svcs., Inc.</td>
<td>(315) 361-4438</td>
<td><a href="http://www.newjusticeservices.org">www.newjusticeservices.org</a></td>
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<tr>
<td><strong>Delaware County</strong></td>
<td>Dispute Resolution Center of Chenango, Delaware &amp; Otsego</td>
<td>(607) 432-0061</td>
<td><a href="http://www.charitiesccdos.org">www.charitiesccdos.org</a></td>
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<tr>
<td><strong>Dutchess County</strong></td>
<td>Mediation Center of Dutchess County, Inc.</td>
<td>(845) 471-7213</td>
<td><a href="http://www.dutchessmediation.org">www.dutchessmediation.org</a></td>
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<td><strong>Essex County</strong></td>
<td>Rural Law Center of New York</td>
<td>(518) 523-0102</td>
<td><a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a></td>
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<td><strong>Franklin County</strong></td>
<td>Rural Law Center of New York</td>
<td>(518) 358-2255</td>
<td><a href="http://www.rurallawcenter.org">www.rurallawcenter.org</a></td>
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<td><strong>Fulton County</strong></td>
<td>Catholic Charities Dispute Resolution Center</td>
<td>(607) 432-0061</td>
<td><a href="http://www.charitiesccdos.org/Dispute_Resolution.html">www.charitiesccdos.org/Dispute_Resolution.html</a></td>
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<td><strong>Genesee County</strong></td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(585) 344-2580 x2440</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
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<tr>
<td><strong>Greene County</strong></td>
<td>Common Ground Dispute Resolution, Inc.</td>
<td>(518) 943-0523</td>
<td><a href="http://www.commongroundinc.org">www.commongroundinc.org</a></td>
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<tr>
<td><strong>Herkimer County</strong></td>
<td>Dispute Resolution Center of Herkimer County</td>
<td>(315) 894-9917</td>
<td><a href="http://www.nysdra.org/members/?id=24965165">www.nysdra.org/members/?id=24965165</a></td>
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<td><strong>Jefferson County</strong></td>
<td>Resolution Center of Jefferson &amp; Lewis Counties, Inc.</td>
<td>(315) 785-0333</td>
<td><a href="http://www.resolution-center.net">www.resolution-center.net</a></td>
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<tr>
<td><strong>Kings County</strong></td>
<td>New York Peace Institute</td>
<td>(718) 834-6671</td>
<td><a href="http://nypeace.org">http://nypeace.org</a></td>
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<td><strong>Lewis County</strong></td>
<td>Resolution Center of Jefferson &amp; Lewis Counties, Inc.</td>
<td>(315) 785-0333</td>
<td><a href="http://www.resolution-center.net">www.resolution-center.net</a></td>
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<td><strong>Livingston County</strong></td>
<td>Center for Dispute Settlement</td>
<td>(585) 243-7007</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<td><strong>Madison County</strong></td>
<td>The Peacemaker Program, Inc.</td>
<td>(315) 724-1718</td>
<td><a href="http://www.thepeacemakerprogram.org">www.thepeacemakerprogram.org</a></td>
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<td><strong>Monroe County</strong></td>
<td>Center for Dispute Settlement</td>
<td>(585) 546-5110</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<td><strong>Montgomery County</strong></td>
<td>Catholic Charities Dispute Resolution Center</td>
<td>(607) 432-0061</td>
<td><a href="http://www.charitiesccdos.org">www.charitiesccdos.org</a></td>
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<td><strong>Nassau County</strong></td>
<td>EAC Mediation Centers, Mediation Alternative Project</td>
<td>(516) 489-7733</td>
<td><a href="http://www.eacinc.org/">www.eacinc.org/</a></td>
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<tr>
<td><strong>New York County</strong></td>
<td>New York Peace Institute</td>
<td>(212) 577-1740</td>
<td><a href="http://nypeace.org">http://nypeace.org</a></td>
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<td>Niagara County</td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(716) 433-3283</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
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<td>Oneida County</td>
<td>The Peacemaker Program, Inc.</td>
<td>(315) 724-1718</td>
<td><a href="http://www.thepeacemakerprogram.org">www.thepeacemakerprogram.org</a></td>
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<td>Onondaga County</td>
<td>New Justice Conflict Resolution Svcs., Inc.</td>
<td>(315) 471-4676</td>
<td><a href="http://www.newjusticeservices.org">www.newjusticeservices.org</a></td>
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<td>Ontario County</td>
<td>Center for Dispute Settlement</td>
<td>(585) 396-0840</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<td>Orange County</td>
<td>Dispute Resolution Center</td>
<td>(845) 294-8082</td>
<td><a href="http://www.drcservices.org">www.drcservices.org</a></td>
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<td>Orleans County</td>
<td>Child &amp; Family Services, Inc., Center for Resolution and Justice</td>
<td>(716) 433-3283</td>
<td><a href="http://www.cfsbny.org/programs/mediation/">www.cfsbny.org/programs/mediation/</a></td>
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<td>Oswego County</td>
<td>New Justice Conflict Resolution Svcs., Inc.</td>
<td>(315) 343-8370</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<td>Otsego County</td>
<td>Catholic Charities Dispute Resolution Center</td>
<td>(607) 432-0061</td>
<td><a href="http://www.charitiesccdos.org/Dispute_Resolution.html">www.charitiesccdos.org/Dispute_Resolution.html</a></td>
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<td>Putnam County</td>
<td>Dispute Resolution Center</td>
<td>(845) 225-9555</td>
<td><a href="http://www.drcservices.org">www.drcservices.org</a></td>
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<tr>
<td>Queens County</td>
<td>Community Mediation Services</td>
<td>(718) 523-6868</td>
<td><a href="http://mediatenyc.org">http://mediatenyc.org</a></td>
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<tr>
<td>Rensselaer County</td>
<td>Mediation Matters</td>
<td>(518) 446-0356</td>
<td><a href="http://www.mediationmatters.org">www.mediationmatters.org</a></td>
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<tr>
<td>Richmond County</td>
<td>New York Center for Interpersonal Development</td>
<td>(718) 815-4557</td>
<td><a href="http://www.nycid.org">www.nycid.org</a></td>
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<tr>
<td>Rockland County</td>
<td>Westchester &amp; Rockland Mediation Centers of CLUSTER, Inc.</td>
<td>(845) 512-8730</td>
<td><a href="http://clusterinc.org">http://clusterinc.org</a></td>
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<tr>
<td>Saratoga County</td>
<td>Mediation Matters</td>
<td>(518) 584-6361</td>
<td><a href="http://www.mediationmatters.org">www.mediationmatters.org</a></td>
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<td>Schoharie County</td>
<td>Community Dispute Resolution Center</td>
<td>(607) 432-0061</td>
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<td>Schuyler County</td>
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<td>(518) 446-0356</td>
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<td>Steuben County</td>
<td>Center for Dispute Settlement</td>
<td>(607) 342-9887</td>
<td><a href="http://www.drcservices.org">www.drcservices.org</a></td>
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<td>Sullivan County</td>
<td>Dispute Resolution Center</td>
<td>(845) 794-3377</td>
<td><a href="http://www.drcservices.org">www.drcservices.org</a></td>
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<td>Tioga County</td>
<td>ACCORD, A Center for Dispute Resolution, Inc.</td>
<td>(607) 724-5153</td>
<td><a href="http://www.accordny.com">www.accordny.com</a></td>
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<td>Ulster County</td>
<td>Dispute Resolution Center</td>
<td>(845) 331-6136</td>
<td><a href="http://www.drcservices.org">www.drcservices.org</a></td>
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<td>Warren County</td>
<td>Mediation Matters</td>
<td>(518) 584-6361</td>
<td><a href="http://www.mediationmatters.org">www.mediationmatters.org</a></td>
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<td>Wayne County</td>
<td>Center for Dispute Settlement</td>
<td>(315) 946-5451</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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<td>Westchester County</td>
<td>Westchester &amp; Rockland Mediation Centers of CLUSTER, Inc.</td>
<td>(914) 963-6440</td>
<td><a href="http://clusterinc.org">http://clusterinc.org</a></td>
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<td>Yates County</td>
<td>Center for Dispute Settlement</td>
<td>(585) 396-0840</td>
<td><a href="http://www.cdsadr.org">www.cdsadr.org</a></td>
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</tbody>
</table>
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
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@drny.org
Phone:
Main Phone ..................(518) 432-7861
TTY..........................(518) 512-3448
Toll Free ....................(800) 993-8982
FAX...............................(518) 427-6561

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