STATE OF NEW YORK
DEPARTMENT OF EDUCATION
Adult Career and Continuing Education Services
Vocational Rehabilitation
(ACCES-VR)

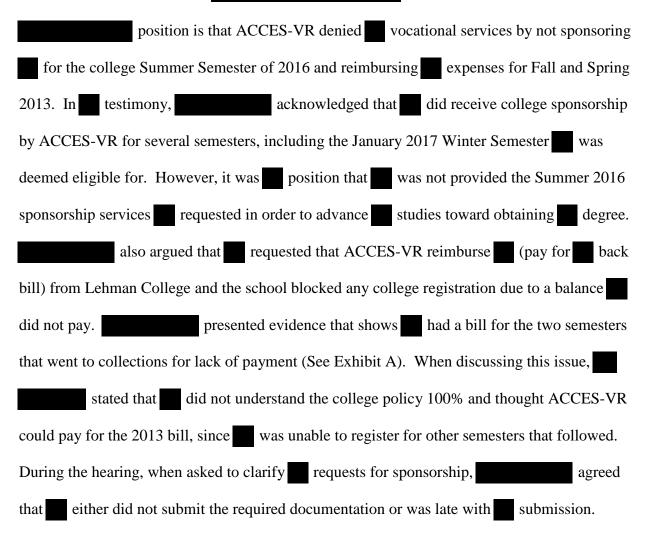
(ACCES-VR)	
In the matter of:	
	Petitioner
Against	DECISION OF IMPARTIAL HEARING OFFICER
	Continuing Education Services ilitation (ACCES-VR)
	Respondent
Before:	Ph.D., Impartial Hearing Officer
Continuing Educa Hearing Officer in	thereof having been given, a hearing was conducted on ACCES-VR District Office at NY
For Petitioner:	Petitioner Petitioner's Father
	For ACCES-VR: Senior Vocational Rehabilitation Counselor Associate Director of Counseling Vocational Rehabilitation Counselor

The Issue

Whether ACCES-VR properly denied petitioner's request for college sponsorship for the Summer of 2016 Semester and reimbursement for Fall and Spring Semesters 2013.

Testimony

CONSUMER'S POSITION



ACCES-VR'S POSITION

ACCES-VR's position (New York) regarding case is that the agency denied Summer 2016 and Fall/Spring Semesters 2013 college sponsorship, since request did not comply with the ACCES-VR College and University Sponsorship Policy (See ACCES-VR Exhibit #1). ACCES-VR also presented evidence that did not submit the paper documentation before enrolling in the Summer 2016 college courses as required by the

ACCES-VR College and University Sponsorship Policy #405.00. Vocational Counselor, also stated that did not submit the following documentation for college sponsorship to ACCES-VR: acceptance letter, transcript from any prior institutions where achieved GPA of 2.0, class schedule, the curriculum for the degree, academic calendar and academic policies. ACCES-VR presented evidence that failure to provide documentation to support college sponsorship, deemed ineligible for these services. ACCES-VR also presented the argument that request for ACCES-VR to pay a bill from the Lehman College for Fall and Spring Semester 2013 could not be approved was not receiving sponsorship at the time and did not comply with the ACCES-VR College and University Policy #405.00 that states no back bills can be paid. ACCES-VR was provided all related college policy information to presented evidence that with compliance (See ACCES-VR Exhibits #1-5). ACCES-VR also argued that was denied sponsorship for the Summer 2016 Semester, since summer courses are only approved for participant to take a required sequential course not available at any other time, or to retake a failed course that is required for the completion date of the vocational plan. Based on the aforementioned evidence, ACCES-VR denied sponsorship for the Summer 2016 and Fall/Spring 2013.

FINDINGS OF FACTS AND DISCUSSION

The main issue in this case is that ACCES-VR denied consumer college sponsorship for Summer 2016, and reimbursement for Fall and Spring Semesters 2013. At the beginning of the hearing, Senior Vocational Rehabilitation Counselor, stated

that the 2013 Fall/Spring Semesters sponsorship had already been denied by Anne Sternbach and therefore should not be discussed at the hearing (See Transcript pages 10-11). Hearing Officer did not accept this statement and decided to allow to discuss the issue since it was clearly written as part of request for a fair hearing. During the hearing, presented as a matured, soft-spoken individual, with a lack of insight about the connection between ACCES-VR services and the policies that must be implemented. The evidence in this case shows that ACCES-VR followed the vocational rehabilitation process and all pertinent policies and procedures in working with toward vocational goal of college completion. IPE was developed and signed by all parties with a clear goal and sponsorship parameters. Despite the aforementioned, did not seem to understand first needed to be approved for sponsorship after submitting proper required documentation to ACCES-VR. ACCES-VR presented evidence that received college sponsorship when met all the required policies and procedures. During the hearing, it was clearly established that received some vocational services, however, the additional college sponsorship requested for the Summer 2016 and Fall/Spring 2013 could not be met since the requests did not meet the ACCES/VR policy requirements. ACCES-VR submitted evidence that supported this conclusion. In fact, it was clearly shown, based on the testimonies and evidence presented at the hearing that was not eligible for the college sponsorship requested. Although presented evidence of debt, did not provide evidence that submitted proper documentation nor that received approval from ACCES-VR to make the decision to take these college courses. The agency provided evidence that received adequate vocational counseling and evaluations to help meet goal according to the IPE. In fact, it

was clearly documented that did not have approval to take any additional courses. The few case notes admitted into evidence show that received vocational counseling and support from ACCES-VR and Counselor As a Vocational Counselor, provided sufficient evidence to support decision.

LAWS REGULATIONS AND POLICIES

It was apparent from all evidence presented by both sides during the hearing that

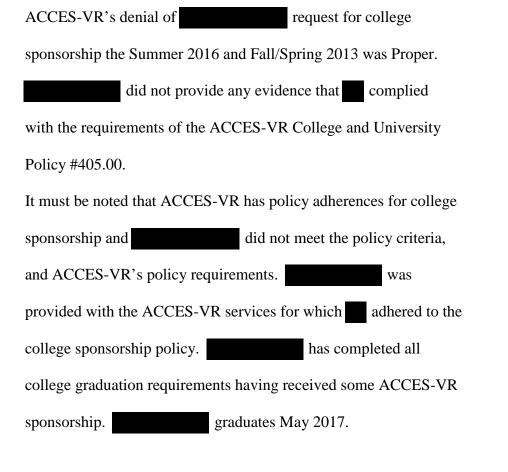
was determined eligible for vocational rehabilitation services under Policy (202.00)

Eligibility for Services and has received some vocational services and developed an IPE for college sponsorship. Policy (405.00) requires that the ACCES-VR/consumer partnership is in agreement as to the requirements and adherence to college and university sponsorship. The Consumer Involvement Policy was submitted by ACCES-VR to indicate the consumer's role and responsibility in adhering to policy. Other policies that were submitted and discussed by ACCES-VR counselors in making their argument for the decision to deny services were: Policy (206.00) Individualized Plan for Employment Policy and Procedure & Policy (1125.00)

Financial Need Review Policy. ACCES-VR provided testimonies and documentation showing that ACCES-VR fully adhered to the policies and procedures in providing adequate VR counseling services to successfully attend college as per IPE.

DECISION

After listening to all testimonies during the hearing, and carefully reviewing all the facts, evidence, policies, regulations, and laws relating to this case, I as the Hearing Officer have decided the following:



Dated: 2017

Ph.D.

Impartial Hearing Officer

APPEAL NOTICEPLEASE TAKE NOTICE: This decision is final. If you disagree with this decision, you may seek judicial review through an action in a court of a competent jurisdiction.

EXHIBITS



A	COLLECTIONS LETTER
В	MEDICAL REPORT
С	ACCES-VR CONTRIBUTION CALCULATION SHEET
D	SECTION 504 REHABILITATION ACT 1973
Е	E-MAIL FORWARDED TO 3/2/17 DATED: 4/19/16
F	E-MAIL FROM 11/3/16

ACCES-VR's EXHIBITS

1	COLLEGE AND UNIVERSITY TRAINING POLICIES
2	CONSUMER INVOLVEMENT POLICY
3	ELIGIBILITY FOR SERVICES POLICY
4	INDIVIDUALIZED PLAN FOR EMPLOYMENT POLICY & PROCEDURE
5	FINANCIAL NEED REVIEW POLICY
6	MATTER OF GOLDSTEIN VS. OFFICE OF VOCATIONAL & EDUCATIONALSERVICES