

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

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In the matter of: [REDACTED]

Petitioner

Against

DECISION OF IMPARTIAL  
HEARING OFFICER

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

Respondent

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Before: [REDACTED] [REDACTED] Ph.D., Impartial Hearing Officer

The undersigned, was designated by the State Education Department/Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) to serve as the Impartial Hearing Officer in the matter above.

Due notice thereof having been given, a hearing was conducted on [REDACTED] 2017 at 10:07 a.m. at the ACCES-VR [REDACTED] District Office at [REDACTED] NY [REDACTED]. Present at the hearing:

For Petitioner: [REDACTED] Petitioner  
[REDACTED] Petitioner's Father

For ACCES-VR: [REDACTED] Senior Vocational Rehabilitation Counselor  
[REDACTED] Associate Director of Counseling  
[REDACTED] 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

██████████ position is that ACCES-VR denied ██████ vocational services by not sponsoring ██████ for the college Summer Semester of 2016 and reimbursing ██████ expenses for Fall and Spring 2013. In ██████ testimony, ██████████ acknowledged that ██████ did receive college sponsorship by ACCES-VR for several semesters, including the January 2017 Winter Semester ██████ was deemed eligible for. However, it was ██████ position that ██████ was not provided the Summer 2016 sponsorship services ██████ requested in order to advance ██████ studies toward obtaining ██████ degree. ██████████ also argued that ██████ requested that ACCES-VR reimburse ██████ (pay for ██████ back bill) from Lehman College and the school blocked any college registration due to a balance ██████ did not pay. ██████████ presented evidence that shows ██████ had a bill for the two semesters that went to collections for lack of payment (See Exhibit A). When discussing this issue, ██████ ██████████ stated that ██████ did not understand the college policy 100% and thought ACCES-VR could pay for the 2013 bill, since ██████ was unable to register for other semesters that followed. During the hearing, when asked to clarify ██████ requests for sponsorship, ██████████ agreed that ██████ either did not submit the required documentation or was late with ██████ submission.

### 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. [REDACTED]

Vocational Counselor, also stated that [REDACTED] did not submit the following documentation for college sponsorship to ACCES-VR: acceptance letter, transcript from any prior institutions where [REDACTED] achieved GPA of 2.0, class schedule, the curriculum for the degree, academic calendar and academic policies. ACCES-VR presented evidence that [REDACTED] failure to provide documentation to support college sponsorship, deemed [REDACTED] ineligible for these services. ACCES-VR also presented the argument that [REDACTED] request for ACCES-VR to pay a bill from the Lehman College for Fall and Spring Semester 2013 could not be approved since [REDACTED] 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 presented evidence that [REDACTED] was provided all related college policy information to help [REDACTED] with compliance (See ACCES-VR Exhibits #1-5). ACCES-VR also argued that [REDACTED] [REDACTED] 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 [REDACTED] 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 [REDACTED] college sponsorship for Summer 2016, and reimbursement for Fall and Spring Semesters 2013. At the beginning of the hearing, [REDACTED] 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 [REDACTED] to discuss the issue since it was clearly written as part of [REDACTED] request for a fair hearing. During the hearing, [REDACTED] 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 [REDACTED] toward [REDACTED] vocational goal of college completion. [REDACTED] IPE was developed and signed by all parties with a clear goal and sponsorship parameters. Despite the aforementioned, [REDACTED] did not seem to understand that [REDACTED] first needed to be approved for sponsorship after submitting proper required documentation to ACCES-VR. ACCES-VR presented evidence that [REDACTED] received college sponsorship when [REDACTED] met all the required policies and procedures.

During the hearing, it was clearly established that [REDACTED] received some vocational services, however, the additional college sponsorship [REDACTED] 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 [REDACTED] [REDACTED] was not eligible for the college sponsorship [REDACTED] requested. Although [REDACTED] presented evidence of [REDACTED] debt, [REDACTED] did not provide evidence that [REDACTED] submitted proper documentation nor that [REDACTED] received approval from ACCES-VR to make the decision to take these college courses. The agency provided evidence that [REDACTED] received adequate vocational counseling and evaluations to help [REDACTED] meet [REDACTED] goal according to the IPE. In fact, it

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

## **LAWS REGULATIONS AND POLICIES**

It was apparent from all evidence presented by both sides during the hearing that [REDACTED] [REDACTED] was determined eligible for vocational rehabilitation services under Policy (202.00) Eligibility for Services and [REDACTED] 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 [REDACTED] adequate VR counseling services to successfully attend college as per [REDACTED] 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:

ACCES-VR's denial of [REDACTED] request for college sponsorship the Summer 2016 and Fall/Spring 2013 was Proper. [REDACTED] did not provide any evidence that [REDACTED] complied with the requirements of the ACCES-VR College and University Policy #405.00.

It must be noted that ACCES-VR has policy adherences for college sponsorship and [REDACTED] did not meet the policy criteria, and ACCES-VR's policy requirements. [REDACTED] was provided with the ACCES-VR services for which [REDACTED] adhered to the college sponsorship policy. [REDACTED] has completed all college graduation requirements having received some ACCES-VR sponsorship. [REDACTED] graduates May 2017.

Dated: [REDACTED] 2017

[REDACTED] [REDACTED] Ph.D.

Impartial Hearing Officer

APPEAL NOTICE PLEASE 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**

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A	COLLECTIONS LETTER
B	MEDICAL REPORT
C	ACCES-VR CONTRIBUTION CALCULATION SHEET
D	SECTION 504 REHABILITATION ACT 1973
E	E-MAIL FORWARDED TO [REDACTED] 3/2/17 DATED: 4/19/16
F	E-MAIL FROM [REDACTED] 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 & EDUCATIONAL SERVICES