

Q&A

Questions and Answers

About the Impartial Hearing Process

Q	Can I change the date of my impartial hearing?
A	<p>Yes</p> <p>You may change the date of your hearing if you have a good reason. A good reason may be that you are sick, that you need more time to get the information you need, or to get a lawyer. Only the hearing officer can decide if you have a good reason to change the hearing date.</p> <p>To change the date of your hearing, contact ACCES-VR by phone or email at:</p> <p style="text-align: center;">1-800-222-5627 or VRQuality@nysed.gov</p> <p>You will need to explain why you are asking for a new date when you contact ACCES-VR.</p>

Q	What happens if I miss my hearing?
A	<p>You may be found in default. This means that the hearing officer may make a decision without hearing your side of the issue. If this happens and you don't provide a good reason for missing the hearing, the default decision will be final. You will not be able to appeal with ACCES-VR. If you disagree with the default decision, you may file for a civil action in Federal Court or New York State Supreme Court.</p> <p>If you miss your hearing, contact ACCES-VR by phone or email at:</p> <p style="text-align: center;">1-800-222-5627 or VRQuality@nysed.gov</p> <p>You must contact ACCES-VR as soon as possible to explain why you missed your hearing.</p>

Before the Hearing

Q	How can I prepare for my hearing?
A	<p>Learn Your Rights</p> <p>ACCES-VR Counselors make decisions based on policy and their professional judgment. To be ready for your hearing, you should review ACCES-VR policy related to your issue to help support your case. These policies may be about:</p> <ul style="list-style-type: none">• Your eligibility for services• Your Individualized Plan for Employment (IPE)• The quality of services you received, including how you feel about your counselor• The delivery of services to you, such as how long, where, or in what ways• The cost of services for you• The closing of your case with ACCES-VR• Other issues or complaints about receiving services from ACCES-VR <p>You can find information about these policies by going to ACCES-VR's webpage at:</p> <p style="text-align: center;">http://www.acces.nysed.gov/vr/vocational-rehabilitation-policies-and-procedures</p>

Q	What should I bring to my hearing?
A	<p>Exhibits</p> <p>Exhibits are the evidence that tells your story. You should have all the evidence you need to support your case ready for the hearing. This may include letters or emails from your doctor or counselor, bills for charges you must pay, transcripts or report cards from your school or college, and any other documents that support your case.</p> <p>Your exhibits must be marked at the bottom of each page. This means you must write the letter "A" on your first exhibit, the letter "B" on your second exhibit, and so on. Include a Table of Contents that lists your exhibits with a short description and the number of pages.</p>

Q	What if I'm confused about what to do at the hearing?
A	<p>Practice</p> <p>Organizing your evidence, questions, and problems can be very important to help you present your case. It's easy to get confused at the hearing. Make sure you have a plan ready to follow when the day comes.</p> <p>Plan Ahead:</p> <ul style="list-style-type: none"> • Write down and practice what you want to say. • Have your paperwork ready to show the hearing officer. • Write down the questions you have for ACCES-VR. <p>You can bring all your notes to the hearing.</p>

At the Hearing

Q	What do I do when I get to my hearing?
A	<p>Check In</p> <p>In-person: A receptionist will be there to help you. When the hearing officer is ready for you, you will be called into the hearing room. The hearing room is not a courtroom. Usually, it's a conference room with tables and chairs.</p> <p>Online: If your hearing is not being done in-person, you may need to call a phone number or sign into an online video meeting like Zoom. Just like an in-person hearing, once you call or sign in you only need to wait until the host is ready for you to join.</p>

Q	Who will be at my hearing?
A	<p>You, the impartial hearing officer, your counselor, and an ACCES-VR District Office supervisor. If you bring a lawyer to help you, ACCES-VR's lawyer will be there too.</p> <p>A court reporter will also be at the hearing to write down everything that is said by everyone there. This document is called the official transcript. Everyone will get a copy of the official transcript after the hearing. You should review the transcript to make sure it includes what was said at your hearing.</p>

Q	Can I bring someone to the hearing with me?
A	<p>Yes, but you must tell ACCES-VR before the hearing.</p> <p>You may bring an advocate or someone to support you at the hearing. This may be a Disability Rights New York Client Assistance Program (CAP) member, a friend or family member, or a lawyer.</p> <p>You must tell ACCES-VR before the hearing if you are bringing someone to help you. If you bring a lawyer to your hearing, ACCES-VR will have their lawyer there as well. If you do not tell ACCES-VR about your lawyer in advance, the hearing may be delayed until their lawyer can be there. You can call or email ACCES-VR at:</p> <p style="text-align: center;">1-800-222-5627 or VRQuality@nysed.gov</p>

Q	Will ACCES-VR help me find a lawyer or advocate?
A	<p>No</p> <p>ACCES-VR is not able to provide a lawyer or advocate to help you at your hearing. If you want a lawyer or advocate to assist you, you must find one on your own. ACCES-VR suggests you contact Disability Rights New York's Client Assistance Program (CAP).</p> <p>ACCES-VR and CAP are separate agencies. You must contact CAP directly to find out if their lawyer will represent you at your hearing.</p> <p>You can call or email CAP at:</p> <p style="text-align: center;">1-800-993-8982 or mail@drny.org</p>

Q	What does the hearing officer do?
A	<p>The impartial hearing officer (IHO) runs the hearing and makes the final decision.</p> <p>The IHO does not work for ACCES-VR. Our rules require us to make sure the IHO has no conflict of interest in your case. That way, the decision will be fair. The IHO will make sure the hearing runs smoothly and that all issues are reviewed fairly. Some of the things the IHO will do are:</p> <ul style="list-style-type: none"> • Swearing in any witnesses, • Outlining the issues, • Looking at all the evidence, • Making sure all issues and evidence are addressed, • Reaching a fair decision. <p>Only the issues and evidence presented at the hearing can be used by the IHO to make a fair decision based on laws, rules, and policies.</p> <p>Everything said at the hearing and all evidence given to the IHO is “on the record” which means it will be used in making a decision. You must tell the IHO if the issue described at the hearing is different than what you asked to be decided on.</p>

After the Hearing

Q	What happens after my hearing?
A	<p>You will receive the decision.</p> <p>After your hearing, you will receive a copy of the official transcript in the mail. The official transcript will come from the transcription agency <u>not</u> from ACCES-VR. You should read the transcript carefully to make sure the information is correct. If you find any errors, call ACCES-VR.</p> <p>Within 21 days of receiving the transcript, you will receive the IHO’s decision in the mail. The hearing officer’s decision is final, which means that all parties must obey the decision.</p> <p>Please make sure ACCES-VR has your correct mailing address so you can receive the transcript and decision without delay.</p>

Q	What happens if I win?
A	<p>The hearing officer’s decision is final, which means that all parties must obey the decision. Your ACCES-VR Counselor will begin to do what the hearing officer decides within 20 days of receiving the decision.</p>

Q	What happens if I lose?
A	<p>The hearing officer’s decision is final, which means that all parties must obey the decision. If you disagree, you may file for a civil action. Civil action occurs in either Federal Court or New York State Supreme Court and is called an Article 78 Proceeding.</p> <p>You must file for a civil action promptly because there are time limits in State and Federal Rules of Civil Procedure. It is best to get help from an attorney if you choose to file for civil action. ACCES-VR cannot help you prepare for this process. CAP may help you with your legal appeal and provide additional information about civil action. You can call or email CAP at:</p> <p style="text-align: center;">1-800-993-8982 or mail@drny.org</p>