

Sec. 17b-653-22. Informal review

(a) An informal review is a procedure through which the bureau affords an opportunity to a client or applicant for vocational rehabilitation service or the individual's representative, as appropriate, to express and seek remedy if the individual is aggrieved by a decision made by the bureau. An informal review is not a "contested case" within the meaning of section 4-166(2) of the Connecticut General Statutes.

(b) The request for an informal review shall be in writing, or other mode of communication appropriate to the applicant or client's disability needs, and contain a clear and concise statement of the issue for which remedy is sought. Such request shall be addressed to the respective bureau district director and received by the bureau not more than 30 days after the date of notification by the bureau of the decision for which the client seeks redress.

(c) **Reviewer:** An informal review shall be conducted by a member or members of the bureau's staff to be designated by the director.

(d) Opportunity for an Informal Review.

(1) The bureau shall afford the opportunity to request an informal review to every client or applicant.

(2) Clients or applicants may be granted an informal review in any of the following situations:

(A) the denial of an applicant or, the denial of the right to apply or reapply for services provided by the bureau;

(B) any bureau action concerning the development, implementation, denial, suspension, reduction or termination of services under an employment plan; or

(C) unresolved disputes pertaining to the scope of services provided to the client or the applicant by the bureau.

(3) If the applicant or client is represented by legal counsel, lay advocate, relative or other spokesperson, any fees incurred by such representation are the responsibility of the client or applicant.

(e) Scheduling and Location of Informal Review: An informal review shall be:

(1) Scheduled within a timely manner upon receipt of the written request for review.

(2) Held during bureau working hours, or at a time mutually agreed upon by the parties and approved by the reviewer, and

(3) Conducted at a bureau office or at an accessible location mutually agreed upon by the parties and approved by the reviewer.

(f) Use of Client's or Applicant's Case Record. When requested in writing by the involved client or applicant or his or her designated representative, the bureau shall make available all information in the case record accessible to the client or applicant or release it to him or her or a designated representative in a timely manner. Medical, psychological or other information which the bureau determines may be harmful to the client or applicant shall not be released directly to the client or applicant but shall be provided through his or her designated representative.

(g) Default. Failure to appear at a scheduled review shall be deemed a waiver of a right to a review. Upon such failure, the reviewer at his or her option may issue an order disposing of the matter or may, if requested by the defaulted party within ten (10) days of default,

reschedule the review for good cause shown.

(h) **Adjustment of Matters Related to an Informal Review.** The fact that a request for an informal review has been filed does not prohibit the parties from making an adjustment by agreement in the matters at issue prior to an informal review. If, as a result of an adjustment, the client or applicant is satisfied and wishes to withdraw all or part of his or her petition for informal review, the client or applicant or his or her authorized representative shall transmit to the reviewer his or her signed written withdrawal. However, neither the bureau representative(s) nor the reviewer may delay or cancel an informal review because of a possible adjustment that is under consideration unless the bureau and the applicant or client agree to a delay or cancellation.

(i) **Rights of the Client or Applicant.** The client or applicant shall have the opportunity to present relevant facts by oral or written statement on his or her behalf.

(j) **Duties and Authority of the Reviewer.**

(1) The reviewer shall have the duty to conduct a fair review to assure equitable treatment to all parties, to define the issues, to receive and consider all relevant evidence, to exclude irrelevant or redundant evidence and to reach a fair and impartial decision based upon the issues and evidence presented and in accordance with the law and good professional practices in vocational rehabilitation.

(2) The reviewer shall have the authority to schedule or reschedule the review, request a statement of the issues, define the issues and regulate the proceedings including the introduction of evidence and to render a decision.

(k) **Basis of Decision.** The reviewer's decision shall be based upon the applicable law and evidence presented at the review unless the evidence is in the nature of additional reports requested by the reviewer at the review.

(l) **Decision.**

(1) The reviewer shall accept a settlement of the issues as agreed to by the parties or may decide in favor of the client or applicant or in favor of the bureau. In lieu of a decision in favor of either party, the reviewer may recommend that the bureau and the applicant or client be involved in mediation, if agreed to by both parties. If the parties do not agree to mediation, the reviewer shall issue a decision in favor of one of the parties.

(2) The reviewer may accept a withdrawal of the claim or default any party who fails to appear.

(m) **Form of Decision.** The decision shall be a statement of the issues involved in the review, a finding of fact and a statement of the conclusions including the basis for the conclusions.

(n) **Notice of Decision.** The reviewer shall mail a copy of the decision to appropriate bureau staff, the client or applicant and, as applicable, the authorized representative.

(Adopted effective June 6, 2000)