Disability Rights WISCONSIN

# Appealing Division of Vocational Rehabilitation Denials

This resource is meant to be a general guide for people with disabilities, not legal advice. For legal advice specific to your situation, please talk to an attorney.

## *What can I do if the Division of Vocational Rehabilitation (DVR) denies my request?*

When a good or service you ask for is denied, reduced, paused, or stopped, the Division of Vocational Rehabilitation (DVR) must give your appeal rights in writing, via your preferred contact method. You can keep receiving approved goods or services during an appeal, if you ask to.

## *What are my appeal rights?*

When DVR denies a request, your counselor should give you a "denial letter" with their reasons.

**Advocacy Tip**

If you don't get a denial letter, you can ask for one. Read your denial letter carefully and think about the reasons given for the denial. Consider ways to address each one.

The denial letter should come with a "Consumer Rights / Appeals Statement" describing your rights and the appeal process. You can find more information about what should be in a denial letter, as well as examples of decisions you can appeal, here:
dwd.wisconsin.gov/dvr/policy-guidance/legal/due-process-appeal-rights.htm

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## *How can I appeal a decision made by DVR?*

You can appeal or challenge a Division of Vocational Rehabilitation decision in three different ways:

Informal Review | Mediation | Impartial Hearing

## *Ways to Appeal or Challenge a DVR Decision*

### Informal Review

#### What is an Informal Review?

If you can't resolve the issue with your DVR counselor, the first option is to ask for an Informal Review. You can contact the DVR office's Supervisor or Director and ask them to review the decision.

**Advocacy Tip**

Clearly say, in writing, why you are asking for an "Informal Review" and keep a copy. Ask if DVR needs more information to understand your request; you may be able to provide this.

### Mediation

#### What is Mediation?

Mediation is one or more meetings with an Administrative Law Judge (ALJ). The ALJ guides a discussion with you and the Division of Vocational Rehabilitation to try and resolve the issue. You and the Division of Vocational Rehabilitation must both agree to mediate.

**Advocacy Tip**

You can share the following at these meetings:

- information about your disability and any accommodations you need.
- your employment goal.
- why you need the good or service you're asking for to meet your employment goal.
- letters from your providers explaining why you need the good or service to meet your goal.
- why what DVR is offering won't work.

## Impartial Hearing

### What is an Impartial Hearing?

An Impartial Hearing is a formal meeting where both you and the Division of Vocational Rehabilitation explain your side to an Administrative Law Judge (ALJ). The ALJ looks at facts and policy to decide if DVR made the correct decision to deny your request.

As part of preparing for the hearing, you will have a call or meeting with the ALJ to ask questions and give dates you are available for the hearing. Hearings can be over the phone or in person.

You and DVR will give the ALJ information before the hearing. At the hearing, the ALJ will ask both you and DVR questions. Afterwards, the ALJ will write a decision on whether to reverse DVR's denial and grant your request, or uphold DVR's denial.

**Advocacy Tip**

You need to give DVR a copy of anything you give the ALJ. You'll also get copies of anything DVR gives the ALJ. Read these over carefully before the hearing.

At the hearing, it's important to stay calm and not interrupt, even when DVR explains their side. After DVR is done, you will get your chance to speak. Be ready to talk about the reasons DVR gave for the denial.

## *Learn more about your rights and responsibilities*

You can find more information in the Consumer Rights and Responsibilities and Due Process sections of the DVR Program and Policy Manual:
dwd.wisconsin.gov/dwd/publications/dvr/pdf/dvr-11074-p.pdf

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