

**Mashantucket Pequot Tribal Nation
Vocational Rehabilitation Program (VR)
Fair Hearing Policy**

I. Purpose

To assist consumers with disabilities who are in the application process or receiving vocational rehabilitation services, and who are dissatisfied with a determination by MPTNVR staff. Consumers, have the right to have their case reviewed, via a Fair Hearing.

II. Policy

This policy will be outlined with consumers during the intake process. Each Consumer will enter into an agreement with MPTNVR using the attached Consumer Rights/Responsibilities Agreement form.

Federal regulations on due process require that during the Vocational Rehabilitation process a dissatisfied Consumer have the option of a Fair Hearing. Section 102 (c) Rehabilitation Act.

Disability Rights Connecticut is a Consumer advocacy organization that may be contacted at any time for assistance and or support for Connecticut residents. For more information call 1-800-842-7303. Client Assistance Program (CAP) is a Consumer advocacy organization that may be contacted to assist Rhode Island residents. For more information call 1-401-831-3150.

III. Fair Hearing Procedure

- 1:** The Consumer, (or representative), must request a Fair Hearing within thirty (30) calendar days of the denial of MPTNVR services or findings.
- 2:** A Fair Hearing request must be sent in writing to the MPTNVR Project Director. In writing the Consumer must clearly state the problem(s) by detailing the actions taken or not taken by MPTNVR staff and outline possible solutions and/or resolutions.
- 3:** The Fair Hearing shall be conducted within forty-five (45) calendar days of receipt of the Consumer's request for a Fair Hearing or the parties agree to a specific time extension.

4: A Fair Hearing shall be conducted by an impartial Fair Hearing Officer selected from a list of qualified persons chosen at random or jointly by the Consumer, (or representative) and the MPTNVR Director. Section 102 (c) (5) (C) Rehabilitation Act.

5: The Fair Hearing Officer shall issue a recommended decision within thirty (30) calendar days of the completion of the hearing. A written copy of the recommended decision will be given to the Consumer, (or representative) and to MPTNVR Director.

6: The MPTNVR Director, (or representative) has twenty (20) calendar days to notify the Consumer, (or representative) of intent to review the Fair Hearing Officer's recommended decision. The Consumer, (or representative) will be provided an opportunity to provide additional information.

7: The MPTNVR Director, (or representative) shall issue a final written decision including a full report of the findings and the grounds for such decision within thirty (30) calendar days. The MPTNVR Director may not overturn or modify a decision of the Fair Hearing Officer unless clear and convincing evidence that the Fair Hearing Officer's decision is contrary to Federal or State laws and policy. Section 102 (F) (ii) Rehabilitation Act.

8: The Fair Hearing decision shall be considered final.

I have read and I fully understand my rights and responsibilities as a MPTNVR program consumer.

Consumer Signature: _____

Date: _____