

## **Dispute Resolution**

If you disagree with a decision about your Vocational Rehabilitation (VR) services, you have a right to a review of that decision informally or request a mediation, a formal impartial hearing or both.

- You may contact your local VR office for help completing a Hearing and Mediation Request Form.
- Send the completed dispute resolution form to:

**Vocational Rehabilitation (VR) Dispute Resolution Coordinator**

500 Summer St., NE, E-87

Salem, OR 97301-1120

[VR.Resolution@odhsoha.oregon.gov](mailto:VR.Resolution@odhsoha.oregon.gov) or

Fill out the form online and submit.

- You may also reach the dispute resolution coordinator by:

Fax: 503-947-5025

Phone: 503-945-6253 or 877-277-0513 (toll-free) or

Dial 711 or use the relay service of your choice.

You do not need to submit a written request for informal problem solving. You or your advocate can contact your local VR office to start the process.

### **If you need help with the dispute resolution process**

The Client Assistance Program (CAP) or another advocate may help you. CAP gives free legal help to people who have problems with VR. It is a program of Disability Rights Oregon, which is separate from VR.

CAP may represent you if you request mediation or a hearing. To reach the program:

**Client Assistance Program**

Disability Rights Oregon

511 SW 10th Avenue, Suite 200

Portland OR 97205

- Phone: 503-243-2081 or 800-452-1694 (toll-free) or
- Online: [droregon.org/request-help](http://droregon.org/request-help) or [www.droregon.org](http://www.droregon.org).

## Types of Dispute Resolution

There are several ways to discuss and resolve disagreements.

**NOTE:** Contact your local VR office if you need an interpreter or an alternate format for written documents.

### Informal problem solving

You may talk to your VR counselor or the counselor's supervisor, or both, to help problem solve or negotiate a resolution. Other VR staff may also help resolve the disputed decision.

### Formal mediation

Formal mediation is voluntary. Both you and your VR counselor and any other VR staff directly involved in the dispute must willingly participate before VR can schedule a formal mediation meeting.

- In a formal mediation, a professional, impartial mediator helps everyone involved effectively communicate with each other and try to find a solution everyone agrees on. Everyone then signs a written, signed mediation agreement.
- To start mediation, you must request a mediation. Submit a Request for Hearing and Mediation electronic or paper form to the [VR Dispute Resolution Coordinator](#) within the appropriate deadline:
- **30 days** from the date VR issues the decision to close your case because VR cannot find or contact you OR
- **60 days** from the date VR issues the decision **for all other disputes.**
- If you are represented by the Client Assistance Program or another representative, VR will provide notice to your representative too.
- Vocational Rehabilitation (VR) maintains a list of independent mediators listed on the Oregon State Mediator Roster at the Oregon Department of Justice. Mediators are selected from that list. Both you and VR have the right to accept or reject a mediator before the first mediation session.
- All mediation discussions are confidential. They may not be used as evidence in any hearing, administrative or civil proceeding after mediation unless both parties agree to it.
- Participating in a formal mediation does not affect your right to a hearing.

### Hearing

An Impartial Hearing Officer (IHO) conducts the hearing to review a decision to deny,

suspend, reduce or terminate vocational rehabilitation services to you as described in a notice of proposed action.

Assignments rotate among a pool of qualified impartial hearing officers that VR and the State Rehabilitation Council (SRC) identify. A specific hearing officer from the pool may be assigned outside the rotation if both parties agree in advance.

To start this process, you must request a hearing. Submit a Request for Hearing and Mediation electronic or paper form to the [VR Dispute Resolution Coordinator](#) within the appropriate deadline:

- 30 days from the date VR issues the decision to close your case because VR cannot find or contact you.
- 60 days from the date VR issues a written notice declining mediation or a written notice that mediation has ended regarding all other disputes. You must demonstrate good cause for any delay in prompt reply.
- You waive your right to a hearing if your request for hearing is late.
- You or your CAP attorney or other legal representative will have the opportunity to present your case. A VR representative presents the program's case using witness testimony and other evidence about the disputed decision(s).
- The impartial hearing officer (IHO) will consider all the evidence and arguments. The IHO will decide based on the evidence and legal authority including:
  - The Rehabilitation Act of 1973 as amended
  - Federal regulations
  - Oregon State statutes and administrative rules governing VR
  - VR policies consistent with federal and state legal requirements.

### **Active-Duty Service Member Rights**

Active duty servicemembers have a right to stay proceedings under the federal Servicemembers Civil Relief Act. For more information, contact:

- The Oregon State Bar: 800-452-8260,
- Oregon Military Department: 503-584-3571, or
- The United States Armed Forces Legal Assistance Legal Services Locator:  
<http://legalassistance.law.af.mil>

### **Continuing services**

If you request mediation or a hearing, VR can't suspend, reduce or terminate your vocational rehabilitation services unless:

- You reach resolution through mediation, a decision by a hearing officer or reviewing official, or an informal resolution; or
- You request suspension, reduction, or termination of your services; or
- VR has evidence that you got services through misrepresentation, fraud, collusion or criminal conduct by you or your representative.

## **Final order by default**

You may lose your right to mediation, a hearing or further appeal if you:

- Do not ask for mediation or a hearing on time,
- Withdraw your request, or
- Miss your hearing.

If you lose your right to mediation, a hearing or further appeal:

- Your Notice of Action will be the final decision, called a Final Order by Default. You will not get a separate final order.
- The Final Order by Default will take effect 60 days after the date of the Notice of Action. f
- The case file, along with any materials you submitted, is the record. The record is used to support VR's decision upon default.

You may appeal the Final Order by Default by filing a petition in the Oregon Court of Appeals (ORS 183.482). You must file it within 60 days from the date the Notice of Action became the Final Order by Default. If you withdraw a hearing request or miss your hearing, the dismissal order will give the appeal deadline.

## **Accommodation and Access**

You can get this document in other languages, large print, braille or a format you prefer. Contact your Vocational Rehabilitation counselor or call 503-945-5880 (877-277-0513 toll-free) or email [vr.info@state.or.us](mailto:vr.info@state.or.us). We accept all relay calls, or you can dial 711.

## **Questions?**

Contact the [Dispute Resolution Coordinator](#) for all other questions.

34 CFR 361.57; ORS 183.310-315; ORS 183.411-500; ORS 344.590; OAR 582-001-0010; OAR 582-020-0005