

WHO IS ELIGIBLE FOR VR SERVICES FROM REHABILITATION SERVICES?

A Fact Sheet from the Minnesota Disability Law Center

This fact sheet is intended as a brief introduction to the rights of disabled individuals under the federal Rehabilitation Act. This information does not constitute legal advice because each individual's case is different and the law is constantly subject to change. This fact sheet is based on Minnesota and federal laws and regulations. Therefore, it may not be valid in other states. Contact the Client Assistance Project for advice about your individual case.

Background Information

The Rehabilitation Act of 1973, as amended, provides funding for vocational rehabilitation services for individuals with disabilities. Vocational rehabilitation services help individuals with disabilities to get or keep a job. In Minnesota, these services are provided by Rehabilitation Services (RS).

Who is Eligible?

Generally, an individual is eligible to receive services from RS if he/she meets **ALL** of the following requirements:

1. has a physical and/or mental disability which results in a substantial impediment to employment (in other words, makes it hard to get or keep a job); **and**
2. can benefit from rehabilitation services to achieve an employment outcome (in other words, getting or keeping a job); **and**
3. requires rehabilitation services to get ready for, find, or keep a job.

Under current law, all applicants for RS services are presumed able to benefit from rehabilitation services (requirement #2 listed above). This means that if RS decides a person cannot benefit, RS must "prove by clear and convincing evidence" that the person cannot benefit from services.

Unfortunately, sometimes RS does not have enough money to serve every eligible person. When this happens, RS must serve eligible individuals according to an "Order of Selection." In other words, some people will receive services and others will not.

What is the Order of Selection?

Under current law, RS has developed an "Order of Selection." This means that individuals with the most severe disabilities will get services first. In other words, those with less severe disabilities may not receive rehabilitation services unless there is enough money to serve everyone.

An individual **with a severe disability** is one who:

1. has a severe physical and/or mental disability which seriously limits one or more of the following capacities:
 - a. mobility (getting from one place to another);
 - b. communication (talking and listening to others);
 - c. self-care (taking care of yourself);
 - d. self-direction (making or carrying out plans);
 - e. work tolerance (needing changes at work to do a job);
 - f. work skills (having the skills to have a job); or
 - g. interpersonal skills (getting along with others); **and**
2. will need more than one service over an extended period of time to get ready for, find or keep a job.

Under current Minnesota rules, RS's Order of Selection is made up of four categories of eligible individuals:

First priority:

Individuals with the most severe disability, that is, resulting in a serious limitation in three or more of the above-listed capacities

Second priority:

Individuals with a severe disability that results in a serious limitation in two of the above-listed capacities.

Third priority:

Individuals with a severe disability that results in a serious limitation in one of the above-listed capacities.

Fourth priority:

All other eligible individuals who have less severe disabilities.

RS is currently under an "order of selection." For the most current information on the status of the waiting list, you should contact your RS counselor.

The Eligibility Process

If you have a physical and/or mental disability and you want to apply for RS services, you must telephone or go to your local RS office. You will have to fill out an application and sign a "release of information" form. Most eligibility decisions are made within 60 days of the date you submit your application for services.

In addition to submitting an application, an agency representative will gather as much information as possible about your past work history, education and training, abilities and interests, rehabilitation needs, and possible career goals. In gathering the information, RS must look to existing information as much as possible. If existing information is not sufficient to determine whether you are eligible for services, then RS will provide assessment services to gather the needed information.

If you do not know where your nearest RS office is, call the main RS office in St. Paul and ask for the phone number of the office nearest to you. You can get this information by calling one of the following phone numbers:

- 651-296-5616 (metro area)
- or
- 800-328-9095 (Greater Minnesota)
- or
- 651-296-3900 (TTY metro area)

or
800-657-3973 (TTY Greater Minnesota).

If You are Denied Eligibility for Services

If RS denies your application for rehabilitation services, RS must send you a letter that includes all of the following information:

1. reason for your denial;
2. your legal rights and remedies; **and**
3. information about the Client.

Under the law, RS must provide the opportunity for a full consultation with you or your advocate or representative **before** any ineligibility determination is made.

If your application is denied, you have two basic rights:

1. RS will review your application yearly to determine whether you become eligible at a later date; or
2. You can appeal the denial immediately.
The Client Assistance Project (CAP)

If you are a client or an applicant of RS, you can call CAP for help if you have questions, concerns, or complaints about RS. CAP **does not** provide direct vocational

rehabilitation services, such as education, training or equipment.

In general, a CAP advocate **MAY** be able to help you in any of the following ways:

1. help you or advocate on your behalf to obtain appropriate vocational rehabilitation services from RS;
2. review and challenge eligibility decisions made by RS;
3. inform you of your rights and services available under the Rehabilitation Act;
4. advise you in developing an individualized plan for employment; or
5. advise or help you in pursuing legal, administrative, or other appropriate remedies when a determination has been made by CAP that your case has legal merit.

For more information about CAP or to apply for CAP services, call (612) 334-5970 (metro area); 1-800-292-4150 (Greater Minnesota); or (612) 332-4668 (TTY).

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