

**WAC 67-25-125 Eligibility—Criteria.** (1) Eligibility shall be based only upon determination by a vocational rehabilitation counselor that:

- (a) The individual is blind, as defined in WAC 67-25-009;
- (b) The blindness alone or combined with other disabilities constitutes or results in a substantial impediment to competitive and integrated employment; and
- (c) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, advance in, or retain a competitive and integrated employment outcome consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Any eligible individual must intend to achieve a competitive and integrated employment outcome that is consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(2) Any applicant who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act and is blind (as defined in WAC 67-25-009) is presumed eligible for vocational rehabilitation services and is considered to be an individual with a significant disability as defined in WAC 67-25-193.

If an applicant is unable to provide appropriate evidence, the department will verify the applicant's eligibility under Title II or XVI of the Social Security Act by contacting the Social Security Administration within a reasonable period of time to determine the applicant's eligibility for vocational rehabilitation services.

(3) If the individual's visual disability results in a substantial impediment to employment, it shall be presumed that the individual can benefit in terms of an employment outcome from vocational rehabilitation services, unless, the department can demonstrate by clear and convincing evidence, in accordance with WAC 67-25-140, that the individual is incapable of benefiting in terms of a competitive and integrated employment outcome from vocational rehabilitation services due to the significance of his or her disability.

(4) No applicant or group of applicants is excluded or found ineligible solely on the basis of:

- (a) Type of disability;
- (b) Age, gender, race, color, national origin, sexual orientation, or sexual identity of the applicant;
- (c) Type of expected competitive and integrated employment outcome;
- (d) Source of referral for vocational rehabilitation services;
- (e) Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
- (f) Applicants' employment history or current employment status;
- (g) Applicants' educational status or current educational credential;
- (h) Duration of residence for any applicant who is present in the state; and
- (i) Lack of U.S. citizenship.

(5) (a) The department will provide services, including assessment services, only to applicants who present documentation demonstrating a legal eligibility to work in the United States; and

(b) Before the department will pay for vocational rehabilitation services, including assessment services, the applicant must provide

copies of documents requested by the department that verify his or her immigration and naturalization status, and verify his or her identity. If the applicant is not a United States citizen, his or her legal work status must also be verified.

(6) An individual who is blind or who has a visual disability which does not result in an impediment to employment, but who may have other disabilities which might result in impediments to competitive and integrated employment, may be referred to other service providers or may be provided services through a cooperative plan with other service providers, such as the division of vocational rehabilitation, division of developmental disabilities, and the American job centers established under the statewide workforce development system.

(7) Nothing in this section is to be construed to create an entitlement to any vocational rehabilitation service.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-125, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-030, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-030, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 91-20-010, § 67-25-030, filed 9/20/91, effective 10/21/91. Statutory Authority: 1983 c 194 § 18. WSR 84-01-042 (Order 83-08), § 67-25-030, filed 12/15/83. Formerly WAC 67-20-030.]