

WAC 67-25-575 VR program exit—Ineligibility determination or lack of participation. (1) If the department finds that an applicant is ineligible for vocational rehabilitation services for the following reasons:

- (a) Based on evidence in accordance with WAC 67-25-125;
- (b) Based on clear and convincing evidence in accordance with WAC 67-25-140;
- (c) Based on clear and convincing evidence and in accordance with WAC 67-25-220; or
- (d) The individual makes an informed choice to not pursue a competitive and integrated employment outcome, as defined in WAC 67-25-093.

(2) The department then must:

(a) Make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(b) Inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual of:

(i) The ineligibility determination, including the reasons for that determination;

(ii) The requirements under this section; and

(iii) The means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of department determinations in accordance with WAC 67-25-600.

(c) Provide the individual with a description of services available from a client assistance program established under 34 C.F.R. Part 370 and information on how to contact that program;

(d) Refer the individual:

(i) To other programs that are part of the workforce development service delivery system under the Workforce Innovation and Opportunity Act that can address the individual's training, employment-related and/or subsistence needs; or

(ii) To federal, state, or local programs or service providers, including, as appropriate, independent living programs and extended employment providers, best suited to meet their rehabilitation needs, if the ineligibility determination is based on a finding that the individual has chosen not to pursue, or is incapable of achieving, a competitive and integrated employment outcome as defined in WAC 67-25-093.

(e) (i) Review annually if requested by the individual or, if appropriate, by the individual's representative, any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome due to significance of disability;

(ii) This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

(f) The department may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the department has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-575, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-056, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-056, filed 2/28/95, effective 3/31/95.]