

Chapter 204

CLOSURE

	Page
Section I. Definitions	2
Section II. Ineligibility Determination	2
Section III. Closure Without Eligibility Determination ...	4
Section IV. Closure With Eligibility Determination But Without Achievement of an Employment Outcome	4
Section V. Determining Achievement of an Employment Outcome	5
Sample Closure Letter	7

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Section I. Definitions

- A. "**Employment outcome**" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment, including self-employment, telecommuting, or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice for a minimum of ninety days.
- B. "**Reasonable number**" of attempts to contact a person means at least two attempts by any combination of the following methods of communication ; by mail, by telephone, in person, and/or by another mode of communication available to the individual.

GUIDANCE: "Reasonable number of attempts" and type of communication may depend somewhat on the person's disability. For example, a person who is chronically depressed may need additional encouragement, perhaps in person, to participate in rehabilitative activities.

Section II. Ineligibility Determination

- A. If an applicant is determined to be ineligible for vocational rehabilitation services or a person receiving services under an Individualized Plan for Employment (IPE) is no longer eligible for services, the Division of Vocational Rehabilitation (DVR) shall:
1. Make the determination of ineligibility for services only after providing an opportunity for full consultation with the person or, as appropriate, with

the person's representative;

2. Inform the person in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the person, of the ineligibility determination. The written notice must include the reasons for that determination, the requirements under this policy, and the means by which the person may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the Rehabilitation Counselor in accordance with DVR's policy on the Appeals Process (see Chapter 105, "Appeals Process").
3. Provide the person with a description of services available from the Client Assistance Program and information on how to contact that program; and
4. Review within 12 months and annually thereafter, if requested by the person or the person's representative, any ineligibility determination that is based on a finding that the person is incapable of achieving an employment outcome. This review need not be conducted in situations in which the person has refused it, the person is no longer present in Vermont, the person's whereabouts are unknown, or the person's medical condition is rapidly progressive or terminal.

GUIDANCE: An individual is presumed to be able to benefit in terms of an employment outcome unless DVR can demonstrate by clear and convincing evidence that the person is incapable of benefiting from DVR services due to the severity of the disability of the individual. This determination usually requires the use of one or more trial work experiences in real work situations. Trial work experiences are designed to explore the individual's abilities, capabilities, and capacity to perform in work situations.

- B. Preclosure Consultation: Although preclosure consultation is required only for ineligibility determinations, such a consultation is encouraged for every closure. A consultation is not needed if the person has refused services, has requested closure, has moved without requesting transfer of the case, his/her whereabouts are unknown, the consequence of closure has already been made known to the person in writing (as in a non-cooperation statement in the IPE), or his/her medical condition is rapidly progressive or terminal. In those cases the reason for closure should be registered in the record of services and placed in the inactive file.

Preclosure consultations do not have to be face-to-face; they may be by phone, e-mail, etc. The results of the consultation must be documented in the record of services. If the person does not use the opportunity provided for a

preclosure consultation, that also should be documented in the record.

If a preclosure consultation is not required and is not held, the person's address is known, and contact remains appropriate, a closure letter or summary should be provided giving the reason for closure, the official closure date (a reasonable time from the date of the letter), and, as applicable, appeal rights and information on the availability of the Client Assistance Program.

Referral to other agencies may be made as appropriate.

Section III. Closure Without Eligibility Determination

- A. An applicant's record of services may not be closed prior to making an eligibility determination unless:
 - 1. The applicant declines to participate in or is unavailable to complete an assessment for determining eligibility and priority for services; and
 - 2. A reasonable number of attempts have been made to contact the applicant or the applicant's representative to encourage participation.
- B. The record of services must include a description of the attempts to encourage participation.

GUIDANCE: See Section IV *Guidance* below.

Section IV. Closure With Eligibility Determination But Without Achievement of an Employment Outcome

- A. If, following a determination of eligibility, a determination is made that the person is not able to achieve an employment outcome at this time, the criteria

in Section II must be followed because an ineligibility determination has become necessary.

- B. If closure is for another reason, activities appropriate for the reason shall be carried out as described in Section III.

GUIDANCE Regarding Sections III and IV:

If closure is due to a reason other than the significance of the disability (e.g., the person declines to participate in or is unavailable to complete rehabilitation activities, or other comparable reason), activities appropriate to the reason shall be carried out. Examples:

- A. Moves without forwarding address: In the record of services describe reasons for determining that the person moved without a forwarding address, and state that case is being closed.
- B. Does not participate: Send notification of impending closure; give deadline for response to discuss (not less than two weeks from date of letter); advise of appeal rights including availability of the Client Assistance Program. Upon reaching deadline or following discussion, the record of services should show the case was closed.
- C. Requests closure: Send confirmation letter; include appeal rights and availability of the Client Assistance Program, if the request may be related to dissatisfaction with DVR.

Section V. Determining Achievement of an Employment Outcome

A person may be determined to have achieved an employment outcome only if the following requirements are met:

- A. The provision of services under the person's IPE has contributed to the
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- achievement of the employment outcome;
- B. The employment outcome is consistent with the person's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
 - C. The individual has maintained the employment outcome for a period of at least 90 days; and
 - D. At the end of the appropriate period under C of this Section, the person and the Rehabilitation Counselor consider the employment outcome to be satisfactory and agree that the person is performing well on the job.

GUIDANCE: A letter outlining the criteria in Section V (A-C) of this Policy (including the availability of post-employment services) shall be provided to the person for review. To fulfill Section V (D) the form or letter must include a:

- A. Place for signature to indicate agreement; and/or
- B. Statement such as "If I don't hear from you by _____, I will assume you are in agreement and will place your file in "inactive status".

A suggested format is on the following page:

SAMPLE LETTER

Dear _____ :

Congratulations on your success in finding and maintaining employment at [Name of Company] . I am pleased that Vocational Rehabilitation had an opportunity to work with you and help you achieve employment that has lasted more than three months now.

As you have successfully completed your Individualized Plan for Employment, I am ready to place your service record in an inactive status. Even though your file may not be active, VR can still provide post-employment services if they are needed for you to maintain or advance in your job. If you agree with the decision to place your file in an inactive status, please sign the enclosed survey form in the envelope provided. If I have not heard from you by [insert date 2-3 weeks from date on letter], I'll assume you agree with this decision.

If you don't agree that VR services have helped you or that your file should be inactivated, please contact me as soon as possible. If you are still dissatisfied after our conversation, I will explain your appeal rights and how you can seek assistance from the Client Assistance Program.

The enclosed survey is designed to gather all the information we need to record your successful employment. We are required to make follow-up contacts to gather this information if you do not complete the survey. So, please, take a few minutes now and save us both some time.

Again, congratulations on your employment. I wish you continued success.

Yours truly,