

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT ON DISABILITY SERVICES**



POLICY	
Department on Disability Services	Subject: <i>Case Closure Policy</i>
Responsible Program or Office: Rehabilitation Services Administration	Policy Number: 2017-RSA-POL02
Date of Approval by the Director: March 23, 2017	Number of Pages: 7
Effective Date: March 24, 2017	Expiration Date, if Any: N./A
Supersedes Policy Dated: Section VIII DCRSA Policy Manual (2010) – Policy on Case Closure	
Cross References, Related Policies and Procedures, and Related Documents: Section III Policy Manual (2014), Eligibility and Ineligibility Determination Section XIV Policy Manual (2010), Due Process Case Closure Procedure (2015)	

1. PURPOSE

The purpose of this policy is to ensure the District of Columbia Rehabilitation Services Administration (DCRSA) shall close vocational rehabilitation (VR) cases pursuant to federal and District regulations (34 C.F.R. § 361 and 29 DCMR §§ 103, 117), and comply with notification and due process requirements.

2. APPLICABILITY

This policy applies to VR Specialists, supervisors, administrators, and people whom DCRSA serves.

3. AUTHORITY

The authority for this policy is established in DDS as set forth in D.C. Law 16-264, the “Department on Disability Services Establishment Act of 2006,” effective March 14, 2007 (D.C. Code §§ 7-761.01 *et seq.*), Establishment of the Rehabilitation Services Program (D.C. Code §§ 32-331 *et seq.*), 29 DCMR 100 *et seq.*, and 34 C.F.R. §§ 361 *et seq.*

4. POLICY

It is the policy of DCRSA to close a person's VR case only when DCRSA has determined that the person is not eligible for VR services; the eligible person has received vocational rehabilitation services in accordance with the Individual Plan for Employment (IPE) and additional vocational rehabilitation services are either unnecessary or inappropriate with the exception of post-employment services; or the person is not available or willing to receive appropriate VR services.

DCRSA shall use case status numbers to account for and monitor the movement of individual cases from the initiation of client contact through the eventual closure of the case. This policy applies to all case closures. DCRSA shall apply additional closure criteria specific to the status in which the case is closed as identified in –Paragraph 6 of this policy, below. (See the Case Management Policy for further description of case statuses).

A case may be closed from any status above 00 for an ineligibility reason only after full consultation with the person or, as appropriate, the person's authorized representative, or after giving a clear opportunity, as documented in the case record, for this consultation.

The VR Specialist shall provide written information on Due Process rights available to applicants and eligible persons under federal and District regulations (34 CFR § 361.57 and 29 DCMR §117) thirty (30) days prior to case closure except where the person is deceased or cannot be located.

VR Specialists shall provide applicants and eligible persons with a written description of services available from the Client Assistance Program and information on how to contact that program for assistance.

When, following a trial work experience, DCRSA determines by clear and convincing evidence that a person is ineligible for VR services because the individual is incapable of benefitting from VR services to achieve an employment outcome, DCRSA shall review the ineligibility decision within twelve (12) months and annually thereafter if requested by the person. This review shall not be conducted in situations in which the person is unwilling to participate, the person is no longer present in the state or whereabouts are unknown, or the person's medical condition is rapidly progressive or terminal. During the review DCRSA shall give the person the opportunity for full consultation in the reconsideration of the decision of ineligibility.

For purposes of this policy, the determination that a person's whereabouts are unknown, or the person cannot be located, is to be made by the VR Specialist after documenting that written correspondence mailed to the last known address, has been returned by the postal service, and attempts to reach the person via telephone and/or email have been unsuccessful.

5. RESPONSIBILITY

The responsibility for this policy is vested in the Deputy Director of the D.C. Rehabilitation Services Administration. Implementation of this policy is vested in the Client Services Division.

6. STANDARDS

The closure status shall reflect where the person is in the VR process at the time of the case closure.

A. Status 08 – Closed as Ineligible or Prior to Determination of Eligibility

A person's case shall be closed in Status 08 during the referral, application, evaluation or trial work period for any of the following reasons:

- (1) Pre-eligibility closures shall occur when a person declines to participate in or is unavailable to complete an assessment for determining eligibility.
- (2) Ineligibility closures shall occur when a person is determined to be ineligible based on clear and convincing evidence that the individual cannot benefit from VR services due to the severity of disability, or
- (3) The person is ineligible for VR services due to reasons unrelated to the ~~severity of the person's disability pursuant to 29 DCMR § 103.~~

Ineligibility reasons for closure include:

- (a) The case record reflects the absence of a medical or psychological diagnosis;
- (b) Unfavorable medical/psychological prognosis – The case record reflects a medical prediction that the likely course or outcome of the impairment is rapidly progressive or terminal;
- (c) No vocational impediment – The case record reflects that there is no functional limitation(s) emergent from the disability, or the functional limitation(s) emergent from the disability does not negatively impact successful vocational participation, i.e. the person's ability to work; or
- (d) Does not require VR services – The case record reflects that the person meets the definition of an individual with a disability; however, the person does not require VR services to prepare for, secure, retain, regain, or advance in employment.

An ineligibility determination due to the severity of disability shall only be made following the provision of a trial work experience to fully assess the person's abilities, capabilities, and capacity to perform in realistic work settings pursuant to the Workforce Innovation and Opportunity Act of 2014 (WIOA).

In determining a person ineligible for services pursuant to 34 C.F.R. § 361.43, DCRSA shall:

- (1) Make the determination 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 including the reasons for that determination, the requirements under this section, and the means by which the person may express and seek remedy for any dissatisfaction, including the procedures for administrative review of determinations in accordance with 34 C.F.R. § 361.57;
- (3) Provide the person with a written description of services available from a client assistance program established under 34 CFR § 370 and information on how to contact that program;
- (4) Refer the person to:
 - (a) Other programs that are part of the one-stop service delivery system that can address the individual's training or employment-related needs;
 - (b) Local extended employment providers if the ineligibility determination is based on a finding that the individual is incapable of achieving an employment outcome as defined in 34 C.F.R. § 361.5(c)(16).

A person's case shall not be closed for reason of an ineligibility determination due to the severity of disability without supervisory approval.

B. **Status 30** – Closed Prior to Initiation of Planned Services

A person's case shall be closed in Status 30 only from Status 10 or 12 when, prior to the initiation of planned services, one of the following determinations is made:

- (1) The VR Specialist does not approve the IPE because the employment goal or services are not appropriate to achieve a successful employment

outcome, attempts to align the goal and services with the assessed needs as required by 34 C.F.R. § 361.46 have not been successful, and justification for the closure has been documented. Supervisory approval shall be required prior to closing a person's case based on this determination.

- (2) The person is unavailable or unwilling to participate in the development of the IPE. Cases closed for this reason shall not require supervisory approval.

C. Status 28 – Closed Not Rehabilitated After Initiation of Planned Services

A person's case shall be closed in Status 28 when, after the initiation of planned services, one of the following determinations is made:

- (1) Suitable employment cannot be achieved, or required services are not available to achieve or maintain employment.
- (2) Competitive employment in an integrated setting was achieved without benefit from VR services and additional VR services are either unnecessary or inappropriate.
- (3) The person is no longer eligible, available, or willing to receive VR services pursuant to 29 DCMR § 103. Ineligibility reasons for closure include:
 - (a) The current case record reflects the absence of a medical or psychological diagnosis;
 - (b) Unfavorable medical/psychological prognosis – The current case record reflects a medical prediction that the likely course or outcome of the impairment is rapidly progressive or terminal;
 - (c) No vocational impediment – The current case record reflects that there is no functional limitation(s) emergent from the disability, or the functional limitation(s) emergent from the disability does not negatively impact successful vocational participation, i.e. the person's ability to work; or
 - (d) Does not require VR services – The current case record reflects that the person meets the definition of an individual with a disability; however, the person does not require VR services to prepare for, secure, retain, regain, or advance in employment.

The VR Specialist shall make every effort to encourage the person to engage and actively participate in the vocational rehabilitation process in order to assist the person in reaching a successful employment outcome.

A person's case shall not be closed in Status 28 without supervisory approval.

D. Status 26 – Closed after Achievement of Successful Employment Outcome

A person's case shall be closed in Status 26 if all of the following requirements have been met:

- (1) The person has achieved the employment outcome described in the IPE in a manner consistent with the person's strengths, resources, priorities, concerns, abilities, capabilities interests, and informed choice;
- (2) The person is employed in competitive integrated employment as defined in 34 C.F.R. § 361.5(c)(9);
- (3) The person has maintained the employment outcome for at least 90 days, the outcome is stable, and the person no longer requires VR services;
- (4) The person and the VR specialist agree that the employment outcome is satisfactory and the person is performing well in the employment;
- (5) The person has been informed about the availability of post-employment services including services provided through Ticket to Work program, if appropriate.

WIOA defines "competitive integrated employment" as the performance of full or part-time work for which the person is compensated at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, in a location typically found in the community and fully integrated with co-workers without disabilities, and which presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

Documentation must show that services provided under the IPE contributed to the achievement of the employment outcome otherwise, the case shall be closed in Status 28.

A person shall not be closed in Status 26 without supervisory approval.

E. Status 34 – Closed from Post-Employment Services – Employment Maintained

A person's case shall be closed in Status 34 when the VR specialist, in consultation with the person, determines that post-employment support is no

longer necessary and the person's employment is stable based on the following factors:

- (1) Satisfactory resolution of the issue requiring post-employment services;
- (2) The person's attainment of sufficient independence to function without continuing post-employment services;
- (3) Employment appears secure as determined by suitable work performance, job satisfaction, and acceptance in the competitive integrated employment setting with respect to employee benefits, and opportunities for job development and advancement;
- (4) Employment continues at a suitable level in relation to the person's potential and the locality and labor market, or potential can be realized by the person's initiative.

F. Status 35 – Closed After Receipt of Extended Services (Youths Only)

A person receiving extended services for youth shall be closed in Status 35 when one of the following determinations is made:

- (1) The person has obtained adequate natural supports, appropriate extended supports, or has achieved stability in the position, and as a result, further VR services are either unnecessary or inappropriate;
- (2) The person has received the maximum duration of four years of extended service, or the person has reached the maximum age of 25 and no longer meets the definition of a "youth with a disability" pursuant to 34 C.F.R § 361.5(c)(58).
- (3) The person is no longer eligible, available, or willing to receive VR services pursuant to 29 DCMR § 103. Ineligibility reasons for closure include:
 - (a) The current case record reflects the absence of a medical or psychological diagnosis;
 - (b) Unfavorable medical/psychological prognosis – The current case record reflects a medical prediction that the likely course or outcome of the impairment is rapidly progressive or terminal;
 - (c) No vocational impediment – The current case record reflects that there is no functional limitation(s) emergent from the disability, or the functional limitation(s) emergent from the disability does not

negatively impact successful vocational participation, i.e. the person's ability to work;

- (d) Does not require VR services – The current case record reflects that the person meets the definition of an individual with a disability; however, the person does not require VR services to prepare for, secure, retain, regain, or advance in employment.

G. Status 36 – Closed from Post-Employment Services to be Re-Opened

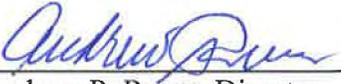
A person shall be closed in Status 36 when the counselor determines to reopen the person's record of services (in Status 02) to initiate a new application to provide necessary VR services.

H. Status 38 – Closed from Service Delayed /Order of Selection List

A person's case shall be closed in Status 38 when it has been determined by the DCRSA Deputy Director that the person will not advance to Status 12 and the person's name is to be removed from the Service Delayed/Order of Selection list (Status 04).

I. Status 39 – Closed from Post-Employment Services – Employment Not Maintained

A person receiving post-employment services shall be closed in Status 39 when the person is terminated from employment.



Andrew P. Reese, Director



Date