

NEW MEXICO PROTECTION AND ADVOCACY SYSTEM INC.  
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ALBUQUERQUE, NM 87110  
(505) 256-3100  
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## RIGHTS AND APPEALS DURING THE VOCATIONAL REHABILITATION PROCESS

### Client Rights:

As a client of the vocational rehabilitation program, you have the following rights throughout your involvement in the vocational rehabilitation process:

The right to be treated with respect

The right to assistive technology

The right to exercise informed choice

The right to receive information through a mode of communication that is appropriate to meet your needs as a person with a disability. For example, a person who is deaf or hard of hearing and who uses sign language as their primary mode of communication has the right to be provided with a sign language interpreter to facilitate meaningful face-to-face communication

The right to be treated in a confidential manner. All information you provide, and all information and documentation collected about you, will be held in the strictest of confidence. A Release of Information form, signed and dated by you or your legal guardian, is always required in order for program staff to obtain or gather information and/or documentation about you from other agencies. Your vocational rehabilitation counselor can only seek to obtain information that is limited to purposes directly connected with the administration of your vocational rehabilitation program.

### Appeal Rights:

As an active participant in the vocational rehabilitation process, you have the following due process rights when you are dissatisfied with any decision or action made by your vocational rehabilitation counselor or other staff of the public vocational rehabilitation program regarding your case:

#### The Informal Appeal Process

The informal appeal process is an incremental process that involves these steps:

Step 1. Discuss with your vocational rehabilitation counselor the reason for your dissatisfaction. Sometimes issues can be resolved between you and your counselor without having to take any additional steps.

Step 2. If the issue(s) cannot be resolved through step 1 above, you may request a meeting with your counselor's supervisor or program manager to discuss your dissatisfaction(s).

Step 3. If you are dissatisfied with the outcome of your meeting with the supervisor or program manager, you may request a meeting with the program administrator or assistant director of the vocational rehabilitation program.

### The Formal Appeal Process

At any time that you are dissatisfied with the services you are receiving from the vocational rehabilitation program, you have the right to request a Fair Hearing. A Fair Hearing is a formal proceeding in which both you and the vocational rehabilitation program have the opportunity to present your concerns and argue your case before an impartial hearing officer. The decision of the impartial hearing officer is final and can only be appealed by filing an appeal with the District Court.

A Fair Hearing must be requested in writing. You must send your written request for a Fair Hearing to the director of the public vocational rehabilitation program within forty-five days (45 days) of the incident or situation that caused your dissatisfaction.

You can request a Fair Hearing without using the informal appeal process at all.

Alternatively, you can exercise your appeal rights through the informal process and then request a Fair Hearing if the informal process does not bring the result you desired. In most cases, it is a good idea to use the informal process appeals process first.

The Client Assistance Program is available to provide you with information, assistance you with understanding the public vocational rehabilitation program, information about the provision of vocational rehabilitation services, and legal representation related to your vocational rehabilitation pursuit. You can contact the Client Assistance Program at:

Protection and Advocacy System

Client Assistance Program

1720 Louisiana Blvd. NE, Ste. 204

Albuquerque, NM 87110

(505) 256-3100

Statewide toll free 1-800-432-4682

Email: [nmpanda@nmprotection-advocacy.com](mailto:nmpanda@nmprotection-advocacy.com)