Appeals to SSB

What if I disagree with a SSB decision?

State Services for the Blind (SSB) has an appeal process if you are unhappy with a decision they made about your case. If you are an applicant or already a client, you have a right to:

1. Ask for an informal review by a different SSB supervisor

   and/or

2. ask for mediation. This means a neutral third person works with you and SSB to come to an agreement.

   and/or

3. present evidence, information and witnesses to an impartial hearing officer. The hearing officer then makes a decision in your case.



Notice of Appeal Rights

You have to get a notice of your appeal rights from SSB.

- The notice must be in writing
- The notice must be in your preferred mode of communication (foreign language, Braille, etc.)
- The notice must tell you about the Client Assistance Project (CAP) and how CAP may be able to help you with the appeal.

You must get a notice of your appeal rights when:

- you apply for SSB services
- SSB assigns you to an order of selection category
- SSB decides you are not eligible
- your Individualized Plan for Employment (IPE) is developed (also called EP)
- SSB plans to suspend, reduce, or stop your services.

If SSB suspends, reduces or stops your services, they must keep giving you the services you are appealing about. Make sure to ask that these services continue when you make your request for review. The services must continue until a final decision is made through the informal review, mediation or formal hearing process. SSB does not have to continue services if you got those services through fraud, false misrepresentation or some other criminal conduct.

Different Types of Appeals

If you are unhappy with a decision made by SSB, there are different ways to handle this problem. These different ways are divided into 3 basic types:

- informal (or administrative) review
- mediation
- impartial hearing

These don't have to be done in any certain order. In other words, you don't have to use the informal review or mediation processes before asking for a formal hearing.

You need to ask for a mediation or an impartial hearing in writing. Ask within 60 calendar days of the date you or your representative get the written notification of any decision by an SSB Rehabilitation Counselor.



Informal Review Process

If you are unhappy with your counselor's decision, you may appeal in writing to the Director of SSB. An informal review is also called "an administrative review."

You must ask for an informal review within 60 days after you get the decision. To start the informal review process, write a letter to:

Director of State Services for the Blind
2200 University Ave. W., #240
St. Paul, MN 55114-1840

During the informal review, you have the right to meet with the person who reviews your case to talk about why you are unhappy with the decision. Your case is reviewed by supervisors who were not a part of the original decision in your case.

The supervisors must make a decision within 10 days after you ask for an appeal. You must get a copy of that decision in writing. The written decision should state the reasons for the decision. It should also tell you about your new appeal rights.

Mediation Process

Mediation is a way to settle a dispute that:

- can help you and SSB staff solve disagreements about your needs and services
- uses a trained, neutral mediator to guide you to a solution everyone agrees to

SSB must pay for any mediator fees or other expenses. The mediators used for vocational rehabilitation mediation are found by the Vocational Rehabilitation Mediation Program Coordinator. The mediators are experienced in mediation and have some knowledge about vocational rehabilitation. They are not SSB employees.

Either you or SSB can ask for mediation. You must ask for mediation within 60 days of getting the decision by an SSB counselor. Mediation is voluntary. This means everyone must agree to it for it to happen. If both you and SSB agree to it, you and SSB sign a *Request for Mediation* form and send it to the Mediation Office. You can get a form from your rehabilitation counselor or from the Client Assistance Project (CAP). For more information about CAP, go to the last page of this fact sheet.



A session is scheduled, and a mediator is assigned. Most mediation sessions can be scheduled within 2 weeks and last about 4 hours.

You can bring an advocate or representative with you to the mediation. SSB must bring someone who has the authority to make decisions. Either party can also bring people who know what you need or who have specialized knowledge of the issues in your case. But the parties have to agree on who can be at the mediation.

The mediation usually starts with an introduction. Then there is a chance for both parties to talk about the issues from their point of view. Next, there is a discussion of options for a solution. If you and SSB come to an agreement, the mediator helps you write it down and everyone gets a copy.

If you don't come to an agreement at mediation you may want to try one of the other types of appeals.

Impartial Hearing Process

If you are unhappy with a decision made by SSB on your case, you can ask for an impartial hearing. This is like a judicial hearing, but it is not a court trial. The hearing is handled by an administrative law judge (ALJ).

Ask for an impartial hearing in writing, **within 60 days** of the date you got the written notice about the counselor's decision. Your letter should be sent to:

Director of State Services for the Blind
2200 University Ave. W., #240
St. Paul, MN 55114-1840

The hearing must be held **within 45 days from when you ask for it.** You have the right to be represented by an advocate. A lawyer from the Attorney General's office represents SSB at the hearing.

You can bring any information or witnesses that you think can help your case.

After the hearing, the administrative law judge issues a written decision.

Commissioner's Review of ALJ's decision:

Within 20 days after the written decision, either party can ask for a Commissioner of the Minnesota Department of Employment and Economic Development to review the decision. You can submit more information at this stage if you think it might help your case.

The Commissioner can't overturn the administrative law judge's decision unless there is "clear and convincing evidence" that the decision is "clearly erroneous (wrong)." The Commissioner makes a final decision within 30 days of the request for review. The decision must be in writing and must include a full report of the findings and grounds for the decision.



Judicial Review

Either party can bring a civil action in state or federal court for review of the commissioner's decision. Civil lawsuits must be filed **within 30 days** of the final decision.

It is best to get legal help for this kind of case as soon as possible. Time deadlines are very strict in these kinds of cases.

The final decision of the Commissioner is still in place during judicial review. This means that that you or SSB can't file a civil lawsuit to keep a decision on your case from going into effect.

Client Assistance Project (CAP)

If you are a client or an applicant of VRS or SSB, you can call the Client Assistance Project (CAP) for help if you have questions, concerns, or complaints about your vocational rehabilitation services. CAP **does not** provide direct vocational rehabilitation services, such as education, training or equipment. See our fact sheet *Client Assistance Project (CAP)*.

CAP is part of the MN Disability Law Center (MDLC). For more information about CAP or to apply for CAP services, call:

- New client intake: 1-877-696-6529
- Toll Free: 1-800-292-4150

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.
Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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