

**EDUCATION AND LABOR CABINET**  
**Department of Workforce Development**  
**Office of Vocational Rehabilitation**  
**(Amendment)**

**781 KAR 1:010. Office of Vocational Rehabilitation appeal procedures.**

RELATES TO: KRS 151B.190, 151B.200, 34 C.F.R. Part 361, 29 U.S.C. 722

STATUTORY AUTHORITY: KRS 13B.170, 151B.195(1), 29 U.S.C. 722(c)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 13B.170 authorizes an agency to promulgate administrative regulations that are necessary to carry out the provisions of KRS Chapter 13B concerning administrative hearings. 29 U.S.C. 722(c) requires state procedures for the review of determinations made by rehabilitation personnel for basic rehabilitation services. Pursuant to KRS 151B.200, the Commonwealth of Kentucky, agreed to comply with all provisions relating to Federal Vocational Rehabilitation Acts. KRS 151B.195(1) authorizes the commissioner to promulgate administrative regulations for the department. This administrative regulation establishes hearing and appeal procedures for a person seeking vocational rehabilitation benefits.

**Section 1. Right to Appeal.**

(1) The office shall notify every individual in writing:

- (a) That they have the right to appeal any determination made by the office that affects the provision, denial, reduction, suspension, or cessation of that individual's vocational rehabilitation services;
- (b) That they have the right to pursue mediation, which shall be conducted by a qualified mediator selected in accordance with 34 C.F.R. 361.57(d);
- (c) The names and addresses of individuals with whom requests for mediation or hearings may be filed;
- (d) That an impartial hearing officer shall be selected in accordance with 34 C.F.R. 361.57(e); and
- (e) The availability of the client assistance program.

(2) This notice shall be provided:

- (a) At the time an individual applies for vocational rehabilitation services;
- (b) At the time the individual is assigned to a priority category in order of selection;
- (c) At the time the individualized plan of employment is developed or amended; and
- (d) Whenever vocational rehabilitation services for an individual are reduced, suspended, or terminated.

(3) A request for appeal shall be submitted to the office within fourteen (14) days of receipt of written notice of an office decision. A timely request for appeal may be submitted via US Mail, email or telephonically.

(4) As required by 34 C.F.R. 370.3, an individual shall have the right to be represented by an advocate or attorney at all appellate proceedings, and the individual shall bear all cost for representation.

(5) Upon receipt of an appeal, the office shall:

- (a) Conduct an informal administrative review of the decision on appeal;
- (b) Offer the individual an opportunity to participate in mediation if the individual disagrees with the findings of the informal administrative review; and
- (c) If the matter is not resolved through the administrative review or mediation, convene an administrative hearing within sixty (60) days, except that an extension, not to exceed one (1) year, shall be granted upon agreement by both parties.

(6) During an appeal, the office shall not suspend, reduce, or terminate services provided under the individualized plan for employment unless:

(a) It has evidence that the service was obtained through:

1. Misrepresentation;
2. Fraud;
3. Collusion; or
4. Criminal conduct; or

(b) The individual requests the action.

#### Section 2. Informal Administrative Review.

(1) Upon receipt of an appeal a branch manager not involved in the decision in question shall conduct the administrative review of the decision within ten (10) days.

(2) The administrative review shall be conducted either in person or by teleconference, and the individual shall be invited to participate.

(3) A written determination shall be sent to the individual within five (5) business days via electronic mail or U.S. Mail.

#### Section 3. Mediation.

(1) The individual shall have the right to participate in mediation before an administrative hearing is convened.

(2) If mediation is requested, the office shall:

- (a) Schedule the mediation for a date prior to an administrative hearing;
- (b) Convene the mediation in a location convenient to the office and the individual, if in person, or virtually, and provide reasonable accommodations if requested;
- (c) Bear the cost of mediation; and
- (d) Send a representative of the office to the mediation who is authorized to bind the office to an agreement.

(3) The individual shall attend the mediation.

(4) Discussions or agreements arising from the mediation shall be confidential and shall not be used as evidence in any subsequent administrative hearing or civil proceeding.

(5) An agreement reached by the parties through mediation shall be documented in writing and signed by both parties.

(6) Mediation is voluntary and shall not be used to delay the scheduling of an impartial hearing.

Section 4. Administrative Hearing. If the individual is not satisfied with the outcome of the informal administrative review process, did not choose to participate in mediation or if the mediation was unsuccessful, the office shall conduct an administrative hearing in accordance with KRS Chapter 13B.

*VICKIE WISE, Deputy Secretary*

APPROVED BY AGENCY: December 30, 2025

FILED WITH LRC: December 31, 2025 at 12:10 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on March 24, 2026 at 11:00 am, at Mayo-Underwood Hearing Room 133CE, 500 Mero Street, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2026. Send written

notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Brooke McDaniel, Administrative Specialist Senior, Office of Vocational Rehabilitation, 500 Mero Street, First Floor, Frankfort, KY 40601, 502-782-2539, [brooke.mcdaniel@ky.gov](mailto:brooke.mcdaniel@ky.gov).