

Massachusetts Rehabilitation Commission - Consumer Appeal

MAIL THIS FORM TO:

Mark Cowell, Appeals Coordinator
Massachusetts Rehabilitation Commission
600 Washington St.
Boston, MA 02111
(617) 204-3603 Voice/Tty

DATE: _____

From:

Name:

Address:

Telephone(s):

Consumer's E-Mail:

Concerning:

MRC Office:

MRC Counselor:

Statement:

Please describe briefly your disagreement with the Massachusetts Rehabilitation Commission (MRC) and what changes or services you are requesting. (Attach a note or use the reverse side of this form if you require more space.)

Appeal Choice

I have been given a Copy of "Consumers' Rights and the MRC Appeals Process" and have decided I would like this appeal to be scheduled as a/an:

_____ **Administrative Review** is an informal meeting with you and MRC conducted by an independent commission employee. MRC will schedule it as soon as possible.

_____ **Mediation** is a voluntary, participatory, confidential process in which you and MRC agree to meet with a professional mediator, provided through the Office of Dispute Resolution. You will be notified if MRC is not willing to enter into mediation.

_____ **Fair Hearing** is a formal hearing before an Impartial Hearing Officer in which you and MRC present evidence of your distinct positions and the Hearing Officer renders a written decision within 30 days of the hearing.

Mediation & Fair Hearings are scheduled within 60 days from the Commission's receipt of your request.

Advocacy Notice

Advocates at the Client Assistance Program (CAP) of the Massachusetts Office on Disability are available to help you. They can be reached by calling: Boston (617) 727-7440, Toll free: 1-800-322-2020 (Voice/TDD).

- Are you represented by a CAP advocate or other advocate? Yes [] No []

- Name of advocate: _____ Telephone# _____

[03/12] **SIGN HERE:** _____

What is a Fair Hearing?

A Fair Hearing is a formal process whereby an Impartial Hearing Officer, not an employee of MRC, hears the dispute. The participants at the Fair Hearing include you, advocates of your choice, your MRC counselor and other MRC staff individuals of his/her choice and the Fair Hearing Officer. The Fair Hearing Officer will listen to testimony and take in the evidence. The Fair Hearing is tape-recorded and the Fair Hearing Officer will make the decision. The decision of the Fair Hearing Officer is final. If you disagree with the decision, you have 30 days from receipt of the decision to file an appeal in Superior Court of the Commonwealth.

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability in employment and public services provided by government agencies. If consumers or employees of the Massachusetts Rehabilitation Commission believe that they have been discriminated against on the basis of disability, they should contact the Commission's Civil Rights Officer: Mary Connolly, Office of Disability & Community Services, 600 Washington Street, Boston, MA 02111, (617) 348-5945.

01/09

Consumers' Rights and the MRC Appeal Process



Charles Carr, Commissioner
Massachusetts Rehabilitation Commission

This brochure has been designed for you, the consumer of the Massachusetts Rehabilitation Commission, in order to inform you of your rights to appeal a decision regarding vocational rehabilitation services.

OPTIONS

As a consumer of the MRC you have three appeal options to choose from, should you ever be dissatisfied with a decision regarding the delivery of services provided by the MRC.

Options:

- ◆ Administrative Review
- ◆ Mediation
- ◆ Fair Hearing
- ◆ If you need to appeal an MRC decision, you may request the necessary form from your MRC counselor.

The Client Assistance Program of the Massachusetts Office on Disability (MOD) is always available to assist you in advocacy and representation in disputes with MRC. Advocates can be reached at 617-727-7440.

What is an Administrative Review?

An administrative review is an informal meeting with you and advocates of your choice (CAP advocate, family member, and/or friend), your counselor and his/her supervisor. An Administrative Review Officer who is an MRC employee from outside your geographical area is assigned to assist you and your counselor in resolving the disputed issue. If no amicable resolution is reached, the Administrative Review Officer will make a decision based on information presented by you and your counselor. If you are unhappy with the Administrative Review Officer's decision, you have the right to appeal. You may proceed to either mediation or a Fair Hearing.

What is Mediation?

Mediation is a voluntary confidential process whereby all parties must agree to come to the table to try to resolve their dispute. An impartial third party (the mediator) facilitates a discussion between you and your counselor in order to assist you both in resolving the dispute. The mediator is a trained professional provided through the Massachusetts Office of Dispute Resolution. If you and your counselor are successful in resolving the dispute, the mediator will write a settlement agreement. If you agree with the contents of the settlement agreement, the mediator will ask you and your counselor to sign it. If the mediation is unsuccessful you may proceed to a Fair Hearing.