



## **Road Map to Vocational Rehabilitation (VR) Services for SSI and SSDI Beneficiaries**

People with disabilities may need assistance to obtain, maintain, or advance in employment. These supports may include, but are not limited to, guidance and counseling for selecting a career goal, job development, vocational training, on-the-job training, and assistive technology devices and services. It can be challenging to someone who is seeking such supports, including funding, if they are not familiar with various agencies that provide employment services.

### **Protection & Advocacy for Beneficiaries of Social Security (PABSS)**

PABSS is a program of Disability Rights Pennsylvania, a statewide non-profit organization that has been advocating on behalf of individuals with disabilities since 1977. The PABSS program is funded by a grant from the Social Security Administration (SSA) and is responsible for protecting the rights of SSDI beneficiaries and SSI recipients who wish to gain or continue work. One important purpose of the PABSS program is to remove barriers in employment preparation and placement services for Social Security beneficiaries. It also exists to ensure that Social Security beneficiaries whose goal is to retain employment and reduce dependency on cash benefits have the necessary services and supports to be successful.

## **Pennsylvania Office of Vocational Rehabilitation (OVR)**

The Office of Vocational Rehabilitation (OVR) is one option for obtaining the needed supports that lead to successful competitive employment outcomes. OVR is the designated agency responsible for promoting the employment of individuals with disabilities by providing vocational rehabilitation, job training, and sometimes placement services pursuant to the Rehabilitation Act of 1973, as amended, (29 U.S.C. §§ 701- et seq.). It is important to remember that OVR is not a job placement agency. OVR may provide you with job leads or assist you in searching for a job, but its primary purpose is to help job seekers with disabilities to prepare for employment. OVR provides services to eligible individuals with disabilities. Services are provided both directly by OVR counselors and staff, and through a network of approved vendors. OVR services must be individualized to meet the employment goals of the person with a disability.

### **The OVR Process**

Your first step should be to call your local OVR office. A referral to OVR can be made by anyone, including the student, a family member or school/agency personnel. You can even “refer” yourself to OVR simply by picking up the phone and calling your local OVR office. Students under the age of 18 must have parent/guardian permission to become involved with OVR services. You may access the OVR Office Directory online at <http://www.dli.pa.gov/Individuals/Disability-Services/ovr/Pages/OVR-Office-Directory.aspx> or by calling -

OVR CENTRAL OFFICE

1521 N. 6th Street

Harrisburg, PA 17102

717-787-5244/800-442-6351 - Voice

717-787-4885/866-830-7327 - TTY

Blindness & Visual Services

1521 N. 6th Street

Harrisburg, PA 17102

717-787-6176/800-622-2842 - Voice

### **How do I know that I am eligible for OVR services?**

Once your application for services is submitted, an OVR counselor will be assigned to meet with you. During the first meeting, you and your OVR counselor will have the opportunity to discuss your employment interests, concerns, and employment goals. In addition to getting information from you directly, the counselor may ask your permission to get information about you from other sources in order to determine if you are eligible for services. Your counselor must determine if you are eligible for services within 60 days of your application. If you receive Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits, then you have already been recognized as having a disability and you may be granted immediate eligibility for OVR services.

*Order of Selection:* In Pennsylvania, there is an order of selection because there are not enough resources to serve everyone who is eligible for OVR services. The Rehabilitation Act requires OVR to serve individuals with the most severe disabilities first when there are not enough resources. This means that individuals with the most significant disabilities are given a

priority over those with less significant disabilities. Once you are determined eligible and most severely disabled, OVR cannot turn you down or deny you services by saying that it doesn't have sufficient resources. Eligible individuals who do not meet the Order of Selection can be provided non-cost services such as information and referral and counseling and guidance.

During the assessment phase of determining eligibility, a variety of vocational tests may be administered to determine if a person will benefit from VR services. If you have information that documents work history, training, education, or other information that demonstrates that you can benefit from VR services, this information can assist with eligibility determination. You will need to give the Vocational Rehabilitation counselor permission to get copies of your records from your high school. If your OVR counselor decides that you are not eligible for services and you disagree, you have the right to appeal that decision.

## **Due Process Rights**

### Appealing an OVR Decision

If at any time you do not agree with a decision made by OVR, you have the right to appeal. If you file a formal appeal, the services written in your Individual Plan for Employment (IPE) must continue to be provided until the appeals process is completed.

### When to Ask for an Appeal

You must ask for an appeal within 30 days of the action or decision with which you disagree, unless you can show good reason for asking for an

appeal after 30 days. You should request the appeal when you are unhappy with an action or decision by OVR such as:

- Not allowing you to apply for services,
- Finding you ineligible for OVR services,
- Not allowing you to get the services you want or to receive services from your choice of approved OVR vendor,
- Refusing to draft an Individualized Plan for Employment with your career goal,
- Stopping or limiting your services,
- Closing your OVR case when you are not successfully employed, or
- Other reasons.

### Step 1: Request for Appeal

To file an appeal, you must write a letter to the Director of OVR within 30 days of the decision with which you disagree. You must explain why you disagree with your counselor's determination, or other determination by OVR, and the services or solution that you want from OVR. Your letter should also include your counselor's name and the location of the counselor's office. You should include your name and how OVR may contact you to discuss your appeal. You should keep your appeal letter short and to the point. If you need a sign language interpreter or other reasonable accommodation to participate in the appeal process, you should include this request in your appeal letter. It is recommended, but not required, that you use certified mail, return receipt when mailing your request for appeal. Always make a copy of the appeal letter for your own records before you mail it to OVR.

You will receive acknowledgment of your appeal request from OVR and you will be given a choice of either an Informal Administrative Review (IAR) or an Impartial Hearing. If you choose an Informal Administrative Review, the District Administrator of your local OVR office, or a person designated by him or her to hear the appeal, will listen to both sides and make a written decision. At your IAR, you will be given an opportunity to state your concerns and the services you need to achieve your vocational goal. If you choose to begin the appeal process with an IAR, this does not impact your right to request an impartial hearing if you are unhappy with the result of the IAR. The IAR can be a good way to resolve your dispute at the lowest level of appeal and with the fastest results. Written IAR decisions must be issued within five (5) business days of the IAR.

### Step 2: Mediation Option

You may request mediation by an impartial, unrelated third party at any time before you attend your formal Impartial Hearing. Mediation does not deny or delay your right to a Hearing. Both parties (you and OVR) must agree to participate in the mediation.

### Step 3: Impartial Hearing

Unlike Mediation, if you request an Impartial Hearing, OVR must attend and participate. An Impartial Hearing Officer (IHO) will be selected at random from a pool of Hearing Officers. This IHO is someone who will listen to both sides of the case. The Impartial Hearing will be held within 60 days after your appeal request is received. An Impartial Hearing is like a court trial, and a record will be kept of the proceedings. You may have a representative or attorney with you. If you are a recipient of SSDI or SSI

benefits, the PABSS program can help you prepare and may be able to represent you. You should call us as soon as possible, since it takes time to prepare for an Impartial Hearing. After the Impartial Hearing Officer has listened to everyone, he or she has 30 days to render a decision in writing.

#### Step 4: Review of Impartial Hearing Decision

##### A. State Official Review

After you are notified of the hearing decision, either you or OVR can request a review of the decision made by the Impartial Hearing Officer within 20 days of that decision. The reviewing official can be the chief official of the designated State agency or an official from the Governor's office. The reviewing official must give you the chance to present additional evidence or present a legal argument in writing. Unlike at the Impartial Hearing, there is no testimony presented to the reviewing official. The reviewing official conducts a "paper review" of all the documents and legal argument in the case file. The reviewing official cannot change the Hearing Officer's decision if it was favorable to you unless the Hearing Officer's decision was not consistent with state or federal law, the Rehabilitation Act itself, or state regulation or policy. The Reviewing Official's decision must be in writing and this decision is final unless you go to court.

##### B. Filing Civil Action

After the Impartial hearing Officer renders his/her decision, you or OVR can also file a civil action in state or federal court, if either side is unhappy with the outcome of the appeal to this point. The court will review the IHO's decision and may permit you to provide additional evidence and testimony.

You may contact our PABSS program to find out if we will represent you in a civil action.

## **My OVR counselor has found that I am eligible for their services.**

### **What's next?**

Now that you are eligible, it is time to develop a plan. Each person who receives vocational rehabilitation services must have an employment plan.

This plan is called an Individualized Plan for Employment (IPE). It is designed to help you reach your vocational goal of employment.

The IPE is developed by you and your OVR counselor. Your IPE should identify your chosen employment goal and the services needed to achieve that goal.

Some other important components you should expect to see in your IPE are estimated cost, funding source, and timeline for each service; identified provider(s), approved by the individual for each service required; and timelines and indicators to measure your progress towards the goals identified in your IPE.

If you do not agree with what is in your IPE, you should not sign it. You should also not sign a blank or incomplete IPE. If you have any questions or concerns about your plan talk with your counselor and/ or your counselor's supervisor. You can also call DRP at 1-800-692-7443 for assistance. Be sure to get a copy of the completed IPE. Your counselor should review your IEP with you at least once per year to determine if anything needs to be changed or updated. You can request a meeting to review your IEP at any time.

Vocational rehabilitation goals and services in the IPE can always be amended with your agreement. Your vocational goals need to be consistent with your unique strengths, capacities, abilities and informed choice. Although your counselor may assist you in coming up with a goal of your choice, he or she should not force or influence you towards a goal of their preference.

While your ultimate goal is to be in competitive integrated employment, it is important that you be very specific in your vocational goal. Here is an example:

*Employment Goal: To be a computer programmer/systems analyst  
For me to do this job I need to do these steps: Complete a college degree in Computer Science. I will know I have reached this step because I will receive a degree in Computer Science.*

Try not to use general statements in your employment goal such as “I want to go to work” or “I want to go to school.”

### **Do I pay for OVR services?**

Many vocational rehabilitation services are free; however, a sliding fee schedule is applied to some services. Depending on your income and resources, you may be asked to share in the cost of some services. Evaluation, counseling and guidance, and placement are vocational rehabilitation services that are always provided free of charge.

## **Can I use the VR system if I am ALREADY RECEIVING SERVICES from another state or private agency?**

Yes. Even if you are receiving services from another state or private agency, you can still receive services from OVR. **OVR may be able to provide or fund services that you do not already receive.** If you are receiving services from more than one agency, it is important to let your VR counselor know this and talk about how your services will be coordinated. You will want to work with the agencies to make sure that the services you receive complement each other and that you and your team are working together toward the same goals.

### **What services are provided by OVR?**

OVR provides or arranges for a wide range of services and supports with the focus of competitive employment outcomes. These services can include, but are not limited to, the following:

- Assessment for determining eligibility for VR services and for establishing an employment goal;
- Vocational counseling, guidance, and referral services;
- Physical restoration services;
- Vocational and other training, including on-the-job training;
- Augmentative and Alternative Communication devices;
- Refitting of vans for people with mobility impairments;
- Assistive technology services and devices;
- Job development and job placement services; and,

- Supported employment services including on-the-job training and customized employment as provided by an employment specialist.

### **What are Community Rehabilitation Provider Services (CRPs)?**

OVR purchases services from community rehabilitation providers (CRPs) because these agencies are **often able to provide more intensive services** than typically provided directly by OVR counselors. Your IPE may state that you will work with a CRP for more intensive employment services or training. You should be given a choice of providers and an opportunity to visit each one before deciding which one is best for you. If you decide to use the CRP's services, the staff there will work with your OVR counselor and keep them informed. Work on your goals with your CRP counselor or employment specialist. If you are not happy with the services provided by the CRP, you may always return to your VR counselor and ask to change providers.

### **What is Early Reach?**

Early Reach is a project started by OVR to help youth be more successful in transitioning from school to adult life. Every OVR district office in PA has an Early Reach Coordinator. An Early Reach coordinator connects transition-age youth and their parents and local schools to community organizations who can also assist in a smooth transition. These coordinators are very knowledgeable about the wide array of services available to youth with disabilities.

If you are 14 years of age and above and are looking for information in planning and applying for OVR services, you should contact OVR using the

contact information in this publication. Written consent must be provided to OVR by a parent or guardian for individual services to be provided to students under the age of 18.

### **What is the role of my OVR counselor?**

Your OVR counselor can help you access many services directly, such as counseling and guidance as well as job placement assistance. He or she can also provide case management and service coordination support. Case management through vocational rehabilitation continues until case closure occurs. Case closure can occur after a minimum of 90 days of employment in a job consistent with the employment goal established in the IPE. Case closure can also occur if the individual is not making progress towards achieving an employment outcome. You can always use the appeal process if you disagree with case closure.

Your counselor can also assist in deciding how VR funds can be used to purchase a variety of services from approved CRPs.

### **What is my role in the VR process?**

You have a very important role in working effectively with your OVR counselor and here are things that you can do to expect success:

- Become familiar with the range of services VR offers.
- Understand that participating in VR services involves going through multiple steps. Work with your counselor to identify the steps you will need to take and what will happen at each step in the process.
- Be as clear as possible about what help or tools you think you need to reach your goals.

- Participate actively in creating your IPE.
- Ask for a copy and read your VR agency's handbook for consumers.
- Ask questions, and listen to the answers.
- Stay in contact with your counselor throughout the process.

You should spend a lot of your own time on your job search and use many different methods. For instance, you could go to a One-Stop Career Center or college career center to use their services, attend job fairs to practice interview skills, network in your community to discover who may be hiring, and join employment-focused support groups. Ask your OVR counselor about some of these local employment resources. Visit the Pennsylvania Careerlink website at <https://www.pacareerlink.pa.gov/> to find your closest One-Stop Career Center.

### **What happens if I don't reach my work goal?**

If you cannot reach your work goal, ask your OVR counselor to help you to identify the reasons why. A new IPE with a new work goal may be developed. Setting a goal gives you something to focus on and work towards. Make sure you have S.T.A.R. goals - **S**pecific, **T**imely, **A**ttainable and **R**ealistic.

### **How does working with OVR affect my SSI or SSDI benefits?**

If you are enrolled in an OVR program, the SSA will not review your eligibility based on the medical requirements for disability, but any earnings you make may still affect your eligibility or benefit amount. However, the SSA has **work incentive programs** that can help minimize any potential

impact your return to work has on your benefits, through what is called the Ticket to Work program.

### **What are Work Incentives?**

Work Incentives are special rules that make it possible for people with disabilities receiving Social Security or Supplemental Security Income (SSI) to work and still receive monthly payments and Medicare or Medicaid.

**Ticket to Work (TTW)** is a Social Security work incentive program to encourage disability recipients to return to work. TTW expands the vocational services available to people on [SSDI](#) and [SSI](#) and provides additional protections to people's [disability benefits](#) as incentives for them to attempt to return to work. TTW is strictly a voluntary program; your benefits will not be threatened if you don't participate.

For more information on the Ticket to Work Program, visit their website at <https://www.ssa.gov/work/> or call Ticket to Work's Help line at 1-866-968-7842 (V) or 1-866-833-2967 (TTY)

### **What is an Employment Network (EN)?**

An Employment Network (EN) is an approved agency that offers services to help people with disabilities find a job, get job training and more. Some ENs specialize in providing services only to people with specific disabilities (such as developmental disabilities), while others serve all beneficiaries irrespective of the nature of their disabilities. Some ENs are businesses that rely on the EN system as a means to employ people with disabilities for their own businesses. These ENs are alternatives to the state OVR.

For a list of ENs doing business in your area, visit [www.choosework.net](http://www.choosework.net).

### **How can the TTW program help me?**

SSDI and SSI beneficiaries can assign their TTW to the EN or OVR. If SSI or SSDI beneficiaries who use an EN or OVR services reduce or end their reliance on disability benefits by going back to work, the EN or OVR eventually receive payments from Social Security beneficiaries.

Although an EN may accept or reject you as a client, OVR must accept you as a TTW participant if you meet its disability criteria. You can change ENs by withdrawing and reassigning your Ticket to Work, but changing ENs does not extend the time you have to complete your TTW program. More information about duration in the program can be found on Page 16.

### **Are there eligibility criteria for the TTW Program?**

Most SSDI and SSI beneficiaries are eligible for the TTW program. There are, however, these exceptions. The program is not available to those who:

- Are expected to improve medically but have not yet had a continuing disability review (known as a CDR, a review to determine whether your medical condition has improved) **but** people who have received benefits for three years without a review become eligible for the TTW program);
- Receive only state supplement SSI payments, also called SSP (state supplementary payment). (who are not receiving any federal money);
- Receive Section 301 payments while participating in an OVR program;
- Are getting continued benefits while appealing a medical cessation decision;

- Attain age 18 and continue to receive SSI benefits under the childhood disability standards;
- Receive temporary benefits under the expedited reinstatement rules, or
- Receive advance payments for presumptive disability or presumptive blindness (just until the SSA grants disability benefits for the disability or blindness).

If you are still unsure about your eligibility for the TTW program, please contact the TTW Helpline as noted in this publication.

### **How long can I be in the TTW program?**

Once you assign your ticket to an EN or OVR, you begin a seven-year program of education, job training, and work. You must fulfil the timely progress requirements in the first six years. This may vary depending on whether you are a student during those years (work requirements apply if you are not a student). During the seventh year, you must complete six months of work at the substantial gainful activity (SGA) level AND receive no SSDI or SSI benefits due to work during those six months. Please refer to the SSA website <https://www.ssa.gov/oact/cola/sga.html> or call SSA to find out the SGA for the current year.

### **When can SSA initiate a Continuing Disability Review (CDR)?**

Social Security cannot initiate a continuing disability review while you are pursuing a Ticket to Work program and meeting your timely progress requirements. Social Security can, however, complete any review that begins before you assign your Ticket to Work. If you fail to meet your timely progress requirements, SSA can initiate continuing disability reviews.

## **Can I benefit from other work incentives?**

Yes, there are several work incentives that you can benefit from as a beneficiary. To learn more, you may contact our PABSS staff by calling 1-800-692-7443, ext. 400. For detailed information about work incentives, you may also refer to SSA's Red Book at <https://www.ssa.gov/redbook/>.

You can request copies of the Red Book or other public information materials through:

Email: [OFSM.OSWM.RQCT.Orders@ssa.gov](mailto:OFSM.OSWM.RQCT.Orders@ssa.gov)

Fax: 410-965-2037

Phone: 410-965-2039

Mail: Social Security Administration

Office of Supply & Warehouse Management

Attn: Requisition and Quality Control Team

2508 Robert M. Ball Building

6401 Security Blvd.

Baltimore, MD 21235-6301

We will not ship to Post Office boxes.

## **Contact Information**

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). The email address is: [intake@disabilityrightspa.org](mailto:intake@disabilityrightspa.org).

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with

disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

**IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.**

**PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or [intake@disabilityrightspa.org](mailto:intake@disabilityrightspa.org).**

**This publication is produced at U.S. taxpayer expense.**