

# **IDVR Vocational Rehabilitation Counselor Training Series**

## **Case Closure**

### **Welcome**

Welcome to the Idaho Division of Vocational Rehabilitation Counselor Training. This training is provided by New Hampshire Department of Education, Bureau of Vocational Rehabilitation, and Interwork Institute of San Diego State University. It is part of the Agency's effort to provide readily available training support to vocational rehabilitation counselors. For further information contact: [shannon.wilcox@vr.idaho.gov](mailto:shannon.wilcox@vr.idaho.gov)

### **Introduction**

This module reviews concepts related to VR case closures, including federal performance indicators as they relate to closure outcomes, the procedures, and requirements for closing cases, and the accurate coding of closure information. Case closures fall into two general categories: Closures with an employment outcome (often referred to as successful or rehabilitated closures,) and closures without an employment outcome (sometimes referred to as "other" closure or "unsuccessful" closure). A VR Counselor's primary job function is to assist customers achieve a successful case closure.

### **Successful Case Closure**

A closure with an employment outcome means that a participant has obtained a job in their chosen field, has maintained stability in that job for at least 90 days, and no longer needs VR services to maintain employment. If a participant is successfully closed with an employment outcome, they are much more likely to be working in the second and fourth quarter after exit from the VR program. These are two of the six common performance accountability measures for the VR program found in the Workforce Innovation and Opportunity Act (WIOA).

### **Performance Accountability Measures**

The six common performance accountability measures found in WIOA are:

1. The percentage of program participants who are in unsubsidized employment during the 2nd quarter after program exit.
2. The percentage of program participants who are in unsubsidized employment during the 4th quarter after program exit.

3. The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.
4. The percentage of participants in a postsecondary education or training program and received a credential/certificate during the program or within one year after exit or received a diploma or equivalent from a secondary education program while in program or within one year of exit **AND** who were employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit.
5. The percentage of participants, who during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment **AND** who are achieving measurable skill gains toward such a credential or employment.
6. Effectiveness in serving employers.

For more information on the common performance measures, please visit the: [U.S. Department of Education](https://www.ed.gov/) site

## General Procedures for Case Closure

### Appeal Rights and Client Assistant Program

Now let's look at procedures that need to be followed when closing a case.

The participant should be provided the opportunity for full consultation before case closure. If the case is being closed for lack of cooperation or participation, the VR counselor should make efforts to elicit the participant's cooperation or participation before closing the case. Any contact attempts prior to closure must be documented in case notes in the customer record. Contact attempts can include phone calls, emails, and letters sent to the customer or the customer's legal guardian (when guardianship is in place). If the case is being closed as successful, the counselor should verify continued employment, that the client agrees that services are no longer needed, and that the employment is satisfactory. The decision to close a case must be justified by **supporting documentation** included in the case file.

### Closure Information

### Other than Rehabilitated Case Closures

## Closures without an Employment Outcome

Closures without an employment outcome can occur in any status during the VR process. Despite a counselor's best efforts, a case may close without an employment outcome. For example:

- The applicant may be unable to or may choose not to participate.
- The VR counselor may be unable to contact the participant.
- The participant may be uncooperative (including repeatedly missing appointments) or
- The participant may request case closure.

Federal regulations provide specific reasons that an individual's case can be closed unsuccessfully. Federal reporting standards require that counselors make every effort to correctly identify the reason a case is unsuccessfully closed.

## Closure before Eligibility Determination

A case cannot be closed before an eligibility or ineligibility determination is made **unless** the applicant **declines to participate** or is **unavailable to complete an assessment** for determining eligibility. The state VR agency must make an appropriate number of **attempts to contact** the applicant or applicant's representative to encourage participation. Contact attempts and outcome must be documented.

## Ineligibility Determinations

A case may be closed without an employment outcome if the applicant has been found **ineligible** for vocational rehabilitation services. Ineligibility decisions may be made if:

- The applicant **does not have** a documented physical or mental **impairment** which results in a **substantial impediment to employment**.
- The applicant **does not require** vocational rehabilitation services to prepare for, enter, engage in, or retain gainful employment.
- **Clear and convincing evidence** demonstrates the participant is **unable to benefit** from VR services in terms of an employment outcome due to the severity of the disability (determined through a Trial Work Experience).

Per federal regulations, all ineligibility determinations require the VR counselor to comply with the following requirements:

- The participant or the participant's representative must have the opportunity for a full consultation.
- The participant must be informed in writing, supplemented with other appropriate modes of communication, of the ineligibility determination and the means by which the individual can express and seek remedy for any dissatisfaction.
- The counselor must provide the participant with information regarding the Client Assistance Program (CAP) including information on how to contact that program.
- When appropriate, the counselor must refer the individual to other training or employment-related programs that are part of the Workforce Development System.

During the required consultation, the participant may provide additional information which may change the determination. However, if, after the consultation the individual is still determined ineligible, the counselor should **document that all criteria** have been met to close a case ineligible prior to case closure. Rarely is ineligibility determined due to **clear and convincing evidence** that the participant cannot benefit from an employment outcome **due to the severity of a disability**. A case can be closed ineligible due to the severity of disability at any time during life of a case. However, no matter the case status, a trial work experience is required to close a case as ineligible, too severe to benefit.

## Clear and convincing evidence

According to federal regulations, clear and convincing evidence means that the state VR agency must have a **high degree of certainty** before it can conclude that an individual is incapable of benefiting from VR services in terms of an employment outcome.

For example, as the word "clear" means "**unequivocal**," the use of an intelligence test in and of itself would not constitute clear and convincing evidence. The clear and convincing standard constitutes the **highest standard** used in our civil system of law and is to be **individually applied** on a case-by-case basis.

The demonstration of clear and convincing evidence must include, if appropriate, a **functional assessment of skill development activities in a real-life setting**. This functional assessment must include any supports deemed necessary, including assistive technology.

Clear and convincing evidence might include a **description of assessments**, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability.

## Review after Determined to be Ineligible

If the participant is determined to be ineligible based on a finding that the individual is incapable of achieving an employment outcome due to the severity of the disability, a **review must be conducted within 12 months and annually thereafter, if requested by the participant or the participant's representative.** However, this review may be waived if the participant refuses it.

## Successful Case Closures

### What Are Successful Case Closures?

Successful case closures are closures that have resulted in **successful employment outcomes**. As employment is an economic and social goal that benefits the individual, the community, the state, and the economy, knowing you played a role in assisting an individual achieve a successful employment outcome can be a source of personal and professional satisfaction.

### Successful Case Closure Criteria

Per federal regulations, all successful case closures must meet the following criteria:

- A. The individual is working in competitive integrated employment (CIE), which is defined in the Federal Regulations as work that:
  1. Is performed on a full or part-time basis and for which the individual is compensated at a rate that:
    - a. Is not less than minimum wage, or
    - b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and
    - c. In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
    - d. Is eligible for the same level of benefits provided to other employees.
  2. Is at a location:

- a. Typically found in the community
  - b. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
  - c. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
- B. The employment outcome must match the vocational goal on the IPE and be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. If the participant obtains employment in a job consistent with these criteria but not with the vocational goal on the IPE, the IPE must be amended to reflect the new employment goal.
- C. The individual has maintained the employment for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services.
- D. Both the participant and the VR counselor must consider the employment satisfactory and agree that the individual is performing well in the position.

## Prior to Case Closure

- VR staff should make every attempt to **maintain contact** with the participant during employed status and prior to case closure.
- VR staff should **communicate directly** with the participant to obtain the input into case closure. A job developer report or other types of collateral contact can provide helpful information, but it is not a substitute for direct contact with the participant.
- In some instances, it may be appropriate to **consult with the employer** to ensure the participant's employment is **stable** and the individual is **performing well** in the position. After the final conversation with the participant verifying their agreement to close the case, the VR staff should send a successful closure letter including notification of their rights and responsibilities, and the availability of the Client Assistance Program (CAP).

## **Rationale for Closure**

Successful closures require the rationale and justification for closure. Case documentation should include that the individual is satisfied with the employment (showing informed choice), no additional VR services are needed for the individual to maintain employment, and that the employment wages are commensurate with others doing similar work within the labor market, and how counselor obtained this information.

## **Conclusion**

Congratulate yourself for the role you played in assisting an individual achieve a successful employment outcome. Reflect on the process you followed and the positive work you accomplished to enable the successful closure. Use the lessons learned and apply best practices as you continue to assist other individuals on their journey toward employment and self-sufficiency.

## **Lesson Completed**

You have completed the lesson for this module. Click this [link](#) to complete the end of module quiz.