



Ticket Work

The Ticket to Work and Self-Sufficiency Program

Resolving Disputes

**Reference Guide for Employment Networks and State Vocational
Rehabilitation Agencies**

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Ticket to Work and Self-Sufficiency Program
Employment Network Training—Module 8 Dispute Resolution





Resolving Disputes

In this section we will discuss the types of disputes that might occur during the implementation and administration of the Ticket to Work and Self-Sufficiency Program as well as the steps involved for seeking resolution.



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Learning Objectives

The learning objectives of this module are to:

- Describe the process for resolving disputes between Employment Networks (EN) or State Vocational Rehabilitation (VR) Agencies, and MAXIMUS,
- Describe the process for resolving disputes between beneficiaries and ENs,
- Describe the process for resolving disputes between ENs and State VR Agencies,
- Describe the process for resolving disputes between beneficiaries and State VR Agencies, and
- Describe the process for resolving payment disputes between ENs and the Social Security Administration.

PART I - DISPUTES BETWEEN EMPLOYMENT NETWORKS OR STATE VOCATIONAL REHABILITATION AGENCIES AND MAXIMUS

MAXIMUS has internal procedures to resolve disputes with Employment Networks (ENs). The procedures do not include disputes that involve payment requests. This process enables the EN to seek a solution through MAXIMUS internal grievance procedures. If the process does not result in a mutually agreeable solution, then MAXIMUS refers the dispute and all relevant information to the Social Security Administration within 20 working days. Relevant information includes a description of the disputed issue, a summary of the EN's and MAXIMUS positions, and a description of any solutions proposed by the EN and MAXIMUS and reasons why these solutions were rejected. Once the dispute is referred to Social Security Administration, their decision is final.

If the dispute is between a State Vocational Rehabilitation (VR) Agency and MAXIMUS, and the State VR Agency is not functioning as an EN, and the dispute involves issues related to Ticket assignment and does not involve issues about a request for payment or other reimbursement issue, then the dispute will be handled in accordance with the MAXIMUS dispute resolution procedures.

A dispute over a payment request submitted by a State VR Agency that is serving a beneficiary with a Ticket under the traditional cost reimbursement system will be resolved under existing regulations governing the resolution of disputes regarding a payment request.

PART II - DISPUTES BETWEEN BENEFICIARIES AND ENS

Each EN is required to have an internal dispute resolution process where beneficiaries have the opportunity to work with a representative of the EN to try to resolve any dispute. The EN must give the beneficiary a copy of the process at the time the Individual Work Plan (IWP) is signed. This process should include:

- Informing the beneficiary seeking services of the right to refer a dispute to MAXIMUS,
- Informing the beneficiary of the right to refer a dispute to the Social Security Administration if he/she is dissatisfied with MAXIMUS resolution, and
- Informing the beneficiary of the availability of assistance from the State Protection & Advocacy (P&A) system.

There are then three possible steps in the process for resolving disputes between the beneficiaries and the EN. These steps include the following:

- The beneficiary seeks solution through the EN's internal grievance process, if still unresolved,
- The beneficiary or the EN may seek resolution from MAXIMUS, and if still unresolved,
- The beneficiary or the EN might seek resolution from Social Security Administration.

As stated above, each EN must give the beneficiary information on the procedures for resolving disputes when the beneficiary signs the IWP, when the IWP is amended or services are reduced, suspended or terminated, and when a dispute arises between the beneficiary and the EN regarding the EN's services or the beneficiary's participation in the IWP.

When MAXIMUS is contacted by the beneficiary or EN to review a disputed issue, MAXIMUS requests all relevant information from the EN, which should be received within 10 business days. MAXIMUS will conduct a full review of the matter in dispute and make a recommendation to the beneficiary and EN as

to how the dispute might be resolved. This step is intended to provide the parties in the dispute the opportunity to present their case to an impartial third party.

Specific information requested by MAXIMUS includes the following:

- Description of the disputed issues;
- Summary of the beneficiary's position related to each disputed issue, prepared by the beneficiary or his/her designee;
- Summary of the EN's position related to each disputed issue, prepared by the EN; and
- Description of any solutions proposed by the EN when the beneficiary sought resolution through the EN's internal grievance procedures, including the reasons why the beneficiary rejected the solution(s).

After receiving the information above, MAXIMUS has 20 working days to provide a written recommendation explaining to the EN and to the beneficiary the reasoning for the proposed resolution. If the beneficiary or the EN is dissatisfied with the results, then either party can request a review of the decision by the Social Security Administration Dispute Resolution Board for decision. The Board will consist of five members of the staff from the Social Security Administration Office of Employment Support Programs who are knowledgeable regarding the Ticket to Work Program.

The request for a review by Social Security Administration must be in writing and be sent through MAXIMUS. The request must be received by MAXIMUS within 15 working days of the receipt of MAXIMUS recommendation for resolving the dispute. MAXIMUS then has 10 working days to refer the request for review to the Social Security Administration. The request to the Social Security Administration must include the following:

- Copy of the beneficiary's IWP;
- Information on the disputed issue;
- Any relevant evidence;
- Detailed discussion of the facts, evidence, and other issues relating to the dispute;
- Supporting documentation for MAXIMUS recommendation including statements from the parties and excerpts from relevant statutes or regulations; and
- MAXIMUS conclusions and recommendations.

The Social Security Administration recommendation is final. If either party is dissatisfied with the Social Security Administration decision, then either has the right to terminate its relationship with the other. At any point in the process, the beneficiary may seek the assistance and advocacy services from the appropriate state P&A system. Both the beneficiary and the EN may use an attorney or other person of their choice to represent them at any time during the process.

PART III - DISPUTES BETWEEN EMPLOYMENT NETWORKS AND STATE VR AGENCIES

In order to alleviate disputes between ENs and State VR Agencies, it is important that the agreement between these two entities include procedures for dispute resolution. If disputes arise between the EN and the State VR Agency and there are no procedures listed in the agreement, then the two entities

should seek resolution through the procedures for resolving disputes as addressed under state law or administrative procedures. If the state law or administrative procedures do not address dispute resolution, then either the EN or the State VR Agency may contact MAXIMUS for a suggested resolution. This request should be in writing and include the following:

- Copy of the agreement,
- Information regarding the dispute, and
- Information regarding the position of both the EN and the State VR Agency.

Following receipt of this request, MAXIMUS has 20 calendar days to recommend a resolution to the dispute. If, after receiving the suggested resolution from MAXIMUS, the EN or the State VR Agency does not agree with MAXIMUS recommendation, then either entity may contact the Social Security Administration within 30 calendar days after receiving MAXIMUS recommendation to request another review of the information.

PART IV - DISPUTES BETWEEN BENEFICIARIES AND STATE VR AGENCIES

The procedures in the Rehabilitation Act of 1973, as amended, apply to any beneficiary who has assigned a Ticket to the State VR Agency. This act requires the State VR Agency to provide each beneficiary with a description of the services available through the Client Assistance Program (CAP). It also provides the opportunity to resolve disputes using formal mediation services or the impartial hearing process of the amended Act.

PART V - PAYMENT DISPUTES BETWEEN EMPLOYMENT NETWORKS (OR STATE VR AGENCY FUNCTIONING AS AN EMPLOYMENT NETWORK) AND THE SOCIAL SECURITY ADMINISTRATION

If an EN, other than a State VR Agency, has a payment dispute with the Social Security Administration, then the dispute is resolved through the dispute resolution process contained in the EN's agreement (the Request for Proposal or RFP) with the Social Security Administration. If a State VR Agency is functioning as an EN and has a dispute with the Social Security Administration regarding payment under an EN payment system, then the State VR Agency may, within 60 days of receiving notice of the Social Security Administration decision, request reconsideration in writing. The State VR Agency sends the request to MAXIMUS who forwards the request to the Social Security Administration for reconsideration and a recommendation. Once the Social Security Administration makes a decision, it notifies the State VR Agency of its decision in writing. The EN or State VR Agency functioning as an EN cannot appeal any Social Security Administration decision that affects a beneficiary's entitlement or eligibility for benefits, despite the decision's effect on the EN's payment. Only the beneficiary or his representative can appeal the decision. The EN, however, can provide evidence that might support a change in the Social Security Administration decision.

An important role for MAXIMUS is to ensure that discrete and comprehensive records are maintained by the panel of Ticket staff assigned to mediate disputes for all disputes that arise during the contract period. MAXIMUS provides complete assistance to the Social Security Administration in the investigation and resolution of any such issues. An important role of MAXIMUS is to update the MAXSTAR™ system with detailed information about disputes between parties. Both electronic and hard copy records are available at all times to the Social Security Administration for their review in this regard.

Because the majority of disputes will likely involve payments and the selection of payment method, the MAXSTAR™ system contains a complete record of all payment history, a complete record of all correspondence, telephone contact, and other communications with each EN in the Program. This docu-

mentation assists the Social Security Administration in having sufficient data available to resolve such types of disputes.

PART VI: KEY POINTS

The key points of this unit include the following:

- MAXIMUS has internal procedures to resolve disputes that do not involve payment requests with Employment Networks (ENs) and disputes with State VR Agencies (not functioning as ENs) that do not involve payment requests.
- If the process does not result in a mutually agreeable solution, then MAXIMUS refers the dispute and all relevant information to the Social Security Administration. Once the dispute is referred to Social Security Administration, their decision is final.
- A dispute over a payment request submitted by a State VR Agency that is serving a beneficiary with a Ticket under the traditional cost reimbursement system will be resolved under existing regulations governing the resolution of disputes regarding a payment request.
- Each EN is required to have an internal dispute resolution process where beneficiaries have the opportunity to work with a representative of the EN to try to resolve any dispute.
- The EN should give the beneficiary a copy of the process at the time the IWP is signed. This process should include informing the beneficiary of the right to refer a dispute to MAXIMUS, the Social Security Administration and of the availability of assistance from the State Protection & Advocacy (P&A) system.
- The beneficiary may seek resolution through the EN's internal grievance process, or if unresolved, seek resolution from MAXIMUS or if still unresolved, seek resolution from the Social Security Administration.
- Agreements between ENs and State VR Agencies should include procedures for resolving disputes. If no procedures listed in the agreement, then the two entities should seek dispute resolution through the procedures as addressed under State law or administrative procedures. If the State law or administrative procedures do not address dispute resolution, then either the EN or the State VR Agency may contact MAXIMUS for a suggested resolution.
- The procedures in the Rehabilitation Act of 1973, as amended, requires the State VR Agency to provide each beneficiary with a description of the services available through the Client Assistance Program. It also provides the opportunity to resolve disputes using formal mediation services or the impartial hearing process of the amended act.
- If an EN, other than a State VR Agency, has a payment dispute with the Social Security Administration, then the dispute is resolved through the dispute resolution process contained in the EN's agreement (the Request for Proposal or RFP) with the Social Security Administration. The EN cannot appeal any Social Security Administration decision that affects a beneficiary's entitlement or eligibility for benefits, despite the decision's effect on the EN's payment.
- If a State VR Agency is functioning as an EN and has a dispute with the Social Security Administration regarding payment under an EN payment system, then the State VR Agency sends the request to MAXIMUS who forwards the request to the Social Security Administration for reconsideration and a recommendation. Once the Social Security Administration makes a decision, it notifies the State VR Agency of its decision in writing.