

3325.0130 CONDITIONS OF ELIGIBILITY.

An applicant is eligible for rehabilitation services under the vocational rehabilitation program only if a vocational rehabilitation counselor determines that the conditions of either item A or B are met.

A. The applicant has a visual impairment and meets the following conditions:

(1) the visual impairment constitutes or results in a substantial impediment to employment for the applicant; and

(2) a vocational rehabilitation counselor determines that the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

If the applicant meets both requirements, SSB shall presume the applicant can benefit from the provision of vocational rehabilitation services in terms of employment, unless clear and convincing evidence demonstrates the individual is incapable of benefiting in terms of an employment outcome. Prior to any determination that an applicant is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of the applicant's impairment, SSB must conduct a trial work experience pursuant to part 3325.0145, or if the applicant cannot take advantage of a trial work experience, an extended evaluation pursuant to part 3325.0150.

B. The applicant has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act based upon a visual impairment, in which case the applicant is presumed eligible consistent with Code of Federal Regulations, title 34, section 361.42 (a)(3).

The determination of eligibility must be made within 60 days of receipt of an application unless documentation supports:

(1) exceptional and unforeseen circumstances beyond the control of SSB precludes making an eligibility determination within 60 days and SSB and the individual agree to a specific extension of time;

(2) a trial work experience is required pursuant to part 3325.0145 regarding the presumption that the applicant can benefit from the provision of vocational rehabilitation services; or

(3) an extended evaluation is required pursuant to part 3325.0150 regarding the presumption that the applicant can benefit from the provision of vocational rehabilitation services.

Statutory Authority: *MS s 248.07*

History: *11 SR 1784; 36 SR 33*

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