

Resolving Problems with Vocational Rehabilitation Services: Mediation

If you disagree with a decision made by Vocational Rehabilitation Services (VR), you can try to resolve the disagreement using a procedure called **Mediation**.

What is mediation?

Mediation is an informal opportunity for people who disagree – here, you and your VR counselor – to talk more about the issue(s) and try to reach an agreement. A mediator, who is trained in problem-solving strategies and who is not in favor of either party, helps guide discussion and identify areas where parties agree or may be willing to compromise. Mediation is voluntary and free.

Can you tell me more about the mediator's role?

The mediator wants to help you and your VR counselor reach an agreement. They do not represent you or VR; the mediator is a neutral party. Although the mediator might offer suggestions and ask for compromise, the mediator has no power to make decisions or force an agreement. VR mediators are trained in problem-solving methods and VR programs, services, and laws.

What kind of disagreements can go to mediation?

If you have applied for, or participate in, VR services, you can request mediation if you disagree with a decision made by VR. For more information about what VR decisions can be mediated, please read [Resolving Problems with Vocational Rehabilitation Services: An Introduction](#). You can request mediation when you ask for a VR hearing, or you can ask for only mediation or only a hearing. Mediation is most valuable if there is room for both parties to compromise regarding the decision at issue.

How do I ask for mediation?

You must ask for mediation in writing **no more than 20 days after**: (1) VR tells you of its decision or (2) VR's decision becomes effective. Generally, use the earlier of these dates as your deadline. VR has a form that you can use to request mediation and/or a hearing. You can get a copy of this form from your VR counselor.

Equity Through Advocacy

The Protection and Advocacy System for the State of Indiana



Can I bring someone to support me at mediation?

Yes, you can bring individuals to support you during mediation. These individuals might be professional support people, like an IDR advocate or attorney. Alternatively, you can also bring a family member or friend to support you during mediation.

If your support person is an attorney, you must notify the mediator and your VR counselor **at least 10 days before mediation**. If you are represented by an attorney, your VR counselor will likely bring an attorney to mediation, too.

Can I use other reasonable accommodations during mediation?

Yes, you should notify the mediator and your VR counselor of any reasonable accommodations that you need **at least five days before mediation**. Examples of possible reasonable accommodations that can be used during mediation include American Sign Language interpreters and taking regular breaks. If you need reasonable accommodations to request mediation, such as assistance completing the mediation request form, you should tell your VR counselor as soon as possible.

What happens to my VR case while I wait for mediation?

Your VR services cannot be reduced or stopped while you wait for mediation. If you requested a hearing in addition to mediation, and if mediation is not successful, your VR services will continue as agreed upon in your Individualized Plan for Employment (IPE) until the administrative law judge issues a hearing decision.

What if my VR counselor and I reach an agreement during mediation?

If you and your VR counselor come to an agreement regarding the issue(s) being mediated, the mediator will write down all parts of the agreement. You and your VR counselor will each sign and date the written agreement. You should ask your VR counselor to make a copy of the agreement for you to keep. If needed, your VR counselor will also amend your IPE to reflect any service changes that you agreed to during mediation. If your IPE is amended, you will need to sign and date it. IPE amendments may happen directly following mediation or your VR counselor may send you a revised IPE by mail or email.

What if no agreement is reached during mediation?

If you requested a hearing in addition to mediation, the hearing must occur within 60 days of your request, unless you and your VR counselor both agree to delay it. While you wait for the hearing decision, VR cannot reduce or end your services. If mediation is not successful and you do not want a hearing, your VR counselor's decision is final and will be implemented.

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