# PART B, CHAPTER 10: VR CASE CLOSURE

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part B, Chapter 10 | 34 CFR [§361.44](https://www.ecfr.gov/current/title-34/section-361.44), [§361.47](https://www.ecfr.gov/current/title-34/section-361.47), [§361.56](https://www.ecfr.gov/current/title-34/section-361.56), [§363.55](https://www.ecfr.gov/current/title-34/section-363.55), TWC Rule [§856.24](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=24), and [§856.53](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=53) | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to specific requirements to be followed when closing the TWC-VR case record for potentially eligible students with disabilities, applicants, eligible individuals, ineligible individuals, unsuccessful closures of customers and successful closures of customers who achieved an employment outcome.

## DEFINITIONS

Case Closure: When a customer has been referred to, applied for and/or received services from TWC-VR and, for whatever reason, their case is closed. They can no longer receive services but may reapply in the future.

Employment Stability: When a customer is maintaining consistent and satisfactory employment for a specified period of time, with regular work hours, satisfactory job performance, employer and customer satisfaction, and financial independence, without immediate threats to continued employment. The customer has likely finished services in the IPE and no longer requires TWC-VR services to maintain employment.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR program's rules, including case closure.

Potentially Eligible Student with a Disability Closure: When a potentially eligible student with a disability is no longer interested in receiving Pre-Employment Transition Services, is unable to locate, or does not pursue TWC-VR application, their case is closed.

Standard Occupational Classification System: Federal statistical standard used by Federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data.

Successful Closure: When a customer has received services under an Individualized Plan for Employment (IPE) and achieved their employment goal in competitive integrated employment (CIE), in addition to criteria outlined in this policy, and their case is closed.

Unsuccessful Closure: When a customer has been determined eligible for TWC-VR services and/or received services under an IPE but did not successfully achieve an employment outcome and their case is closed.

## POLICY

### General Overview

TWC-VR customers exit the VR program for a variety of reasons and at different stages of the VR process, which results in their VR case being closed. The VR Counselor may close the customer's case when it is determined that—

* The customer is not eligible or is no longer eligible;
* Services have been provided and the customer has achieved a competitive integrated employment outcome under an IPE; or
* The customer is not interested in services, is not cooperating, or is otherwise unavailable for services or there are no resources available for extended ongoing support services for supported employment.

### Successfully Employed Closures

TWC-VR must follow required procedures when closing the case of a customer who has achieved an employment outcome in competitive integrated employment. Additionally, there are stages in the VR process where a customer's case is closed for other reasons and is not considered successful.

### Ineligibility and Unsuccessful Closures

There are stages in the VR process where a customer's case is closed for a variety of reasons, some of which are considered unsuccessful. TWC-VR must follow required procedures when closing the case of a customer due to ineligibility, prior to making a determination of eligibility, and in Competitive Integrated Employment (CIE) in Supported Employment.

## PROCEDURES

### Customer Notification

Before closing the case, the VR Counselor must inform the customer that their TWC-VR case is being closed. Notification may be provided in person, by phone, or in writing. The notification must include the reason the case is being closed and the availability of post-employment services, if applicable, and must be documented in a case note.

If the individual has submitted an application for TWC-VR services and the VR Counselor has been unsuccessful in all attempts to contact the customer (i.e., good faith effort), the customer must be notified in writing. A letter or encrypted email must be sent, providing 10 business days before closing the case, to allow the customer to contact TWC-VR with any concerns.

The VR Counselor copies and pastes the email or letter notification in a case note with the topic "Attempt to Contact." If there is no response from the customer, the case may be closed.

Once the closure has been processed, a closure letter is available in RHW. TWC-VR staff must email or mail the letter to the customer at the time of closure as well as provide the "Can We Talk?" brochure, which outlines the TWC-VR appeals procedure if the customer disagrees with the closure. TWC-VR staff must document in RHW the date and method used to provide the notification. Additionally, the VR Counselor provides information about community resources that may benefit the customer and let them know that they can always re-apply for TWC-VR services when they are ready.

### Reasons for Closure

The VR Counselor must document the reason a customer exited the program, including why they may be determined ineligible and/or any circumstances related to their case being closed in RHW. It is not uncommon that more than one reason may be applicable. Individualized circumstances can create confusion or misrepresent the actual reason a customer’s case is closed. VR Counselors should consistently select the reason that best describes the customer's circumstances, while following TWC-VR guidance in this policy and these procedures. If the VR Counselor has any concern or questions arise, it is always best practice to consult with supervision.

The reason a customer’s case is closed (after receiving services under an IPE) also determines whether they will be included or excluded from the WIOA performance indicators.

The following table contains the reasons a customer may exit the VR program, and which option the VR Counselor documents in RHW.

| Reason | Explanation |
| --- | --- |
| Achieved Competitive Integrated Employment Outcome | Customer achieved competitive integrated employment, or supported employment, after receiving services under an IPE.  |
| Completed Pre-ETS, Not Pursuing VR Application | Student with a disability participated in pre-employment transition services and chose not to apply for VR services. This reason is only available for potentially eligible cases being closed before case assignment/application.  |
| Criminal Offender | Customer entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders (§225 of WIOA). |
| Death of the Individual | Customer passed away during the VR process. No notification is required. Contact with family is only required when TWC-VR is obligated to reclaim equipment.  |
| Health/Medical | Customer is hospitalized or receiving medical treatment that is expected to last longer than 90 days and precludes entry into competitive integrated employment or continued participation in the program. |
| Not Available for Services – In an Institutional Setting Other than Prison/Jail | Individual entered an institution other than a prison or jail and will be unavailable to participate in TWC-VR for an indefinite or considerable period of time. This category of institutions includes hospitals, nursing homes, and residential/psychiatric treatment centers. |
| Ineligible | Customer was determined eligible for the VR program; however, the individual was no longer eligible because they no longer wished to seek competitive integrated employment or the individual’s disability prevented the individual’s ability to seek competitive integrated employment.  |
| Ineligible: Disability Too Significant to Benefit from TWC-VR Services | Following a minimum of two Trial Work Experiences, the customer was determined ineligible because they were unable to benefit, in terms of an employment outcome, due to the severity of their disability.  |
| Ineligible: No Disabling Condition | Individual is not eligible for VR services because no physical or mental impairment exists. |
| Ineligible: No Impediment to Employment | Individual is not eligible for TWC-VR services because the physical or mental impairment does not constitute a substantial impediment to employment. |
| Ineligible: Does Not Require VR Services | Individual does not require TWC-VR services to prepare for, enter, engage in, or retain gainful employment consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. |
| Currently Not Able to Legally Work in the U.S. | When the customer's employment authorization documents expire while participating in VR services, they are no longer eligible for VR services and the case must be closed, unless the case is in employment status (which means they are eligible to work).  |
| Ineligible: Pursuant to Section 511 | Customer applied for VR services pursuant to section 511 of the Rehabilitation Act and was determined ineligible because they did not wish to pursue competitive integrated employment. The 14(c) population indicator must be selected in RHW to use this closure reason.  |
| No Longer Interested in Receiving Services or Further Services | Customer actively chose not to participate or continue in the VR program or when their actions make it impossible to begin or continue the VR process. Examples would include repeated failures to keep appointments for assessment, counseling, or other services. |
| Reserve Forces Called to Active Duty | Customer is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days. |
| Supported Employment Earning Subminimum Wage | Customer achieved supported employment in integrated employment but did not earn a competitive wage after exhausting the short-term basis period. |
| Transferred to Another Agency | Customer needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Includes customers transferred to other VR agencies. |
| Unable to Locate or Contact | Customer has relocated or left the State without a forwarding address, or when they have not responded to repeated attempts to contact the individual by mail, telephone, text, or email. Three or more documented attempts must have been made by TWC-VR staff. |
| Pre-ETS Unable to Locate or Contact | A potentially eligible student with a disability has relocated or left the State without a forwarding address, or when they have not responded to repeated attempts to contact the individual by mail, telephone, text, or email. Three or more documented attempts must have been made by TWC-VR staff. |
| Extended Employment | Individuals who received TWC-VR services and were placed in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (34 CFR §361.5(c)(18)). |
| Extended Services Not Available | Individual has received TWC-VR services but requires long-term extended services for which no long-term source of funding is available. This code is used only for individuals who have received TWC-VR services. |
| Transportation Not Feasible | Customer actively chose not to participate or continue in the VR program or when their actions make it impossible to begin or continue the VR process because sufficient transportation is not feasible.  |
| All Other Reasons | Customers case is closed for reasons not otherwise described. |

### Successfully Employed Closures in CIE

A customer's case can be closed successfully once they achieve an employment outcome in CIE. A successful employment outcome means—

* The customer has entered, advanced in, or retained full- or part-time employment, including supported employment, customized employment, and self-employment (including BET);
* The customer's employment setting is considered both competitive and integrated;
* The employment is consistent with the customer's goal on their IPE and their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
* The customer has maintained the job for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome;
* The customer no longer needs TWC-VR services;
* The customer and VR Counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment; and
* The customer has been informed through appropriate modes of communication of the availability of post-employment services.

The VR Counselor must document the type of employment and SOC code once the customer becomes employed and when completing the "Successful Closure" page in RHW.

### Employment Verification

Documentation verifying the customer's start date of employment, hourly wages, and hours worked, must be in their case file before closure, along with a case note detailing the verification method used. For closure, the customer must be employed, and documentation verifying their employment must be current, not exceeding 14 days before closure. A case note detailing the employment verification method must also be entered. If the date on the verification document does not reflect the same date the case is being successfully closed, TWC-VR staff must obtain employment confirmation at the time of closure, through contact with the customer, employer, Employment Service Provider (ESP), or other means. Documentation must reflect 90 days of employment after stability.

The employment verification of the customer’s start date can be obtained at any time during the VR process and does not have to be re-verified at closure unless there are changes to the start date that was initially verified. Wages may be obtained at any time throughout the life of the case but must be obtained before the case closure. The wages must be accurate at the time of the case closure.

TWC-VR staff should initially seek one of the primary source documents to verify employment, start date and hourly wages. Hours worked can be verified through the same source documents or by the customer. The primary source documents include—

* Pay stubs;
* Automated databases (e.g., The Work Number);
* Self-employment worksheets (e.g., IRS forms or financial spreadsheets, profit and loss statements);
* Employer emails/letters;
* Unemployment Insurance (UI) wage match for out-of-state employers, federal employers or military employers (not total quarterly earnings);
* One-stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility; or
* ESP documentation which includes the signatures of both the customer and provider.

If unable to obtain primary source documents after three good faith effort documented attempts, alternate verification methods may be pursued.

### Alternative Methods to Obtaining Employment Verification

After three good faith effort documented attempts to obtain primary source documents for verifying employment, hourly wages, and start date, TWC-VR staff may pursue alternate methods. Each attempt should be documented in a case note, specifying the type of document requested and the reason it couldn't be obtained. If alternate methods are used, detailed case notes must include the verification method, date received, and justification for lack of formal documentation.

Alternate methods may include:

* Contacting the customer's place of employment to verbally verify information;
* Contacting the customer directly; or
* Contacting the customer's guardian, if applicable.

When contacting the place of employment for verification, TWC-VR staff must not disclose details about the customer's disability or services unless specific consent has been obtained. If direct contact is made, document the name of the verifying individual (e.g., manager or customer).

### Multiple Employments

A customer may hold multiple concurrent jobs within the 90-day period and still fulfill closure requirements if each job aligns with their unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. Verification of wages is required for each job prior to case closure.

To document concurrent jobs in RHW, the VR Counselor follows these steps:

* Records each job separately on an "Employment Information" page;
* Selects one job from the "Employment List" page for closure, typically prioritizing the job with more hours or higher pay, marking "yes" for the "Start 90-Day Clock" field;
* Marks "no" for the "Start 90-Day Clock" field for other jobs;
* Enters the hire date or the employment stability date, whichever is later, in the "Substantial Services Completed Date (90-day clock)" field for the selected job;
* Documents in a case note the customer's concurrent employment situation and reasons for preferring multiple jobs, emphasizing how it supports the successful closure; and
* Enters the total net wages for concurrent jobs on the "Monthly Financial Information" page.

### Service Provision During Employment Stability

The 90-day employment stability period is a pivotal phase in the VR process. Throughout this period, the VR Counselor monitors the customer's employment stability and evaluates their need for post-employment services. VR counseling and guidance services are available throughout the entire 90-day stability period without impacting the anticipated closure date.

However, if significant, complex, or comprehensive TWC-VR services are required after the stability period begins, the 90-day clock restarts.

The 90-day count for successful closure will start over anytime a customer:

* Loses their job;
* Changes employers;
* Changes positions with same employer;
* Receives a promotion; or
* Quits their job voluntarily.

### Supported Employment Closures

If the customer received supported employment services, there must be sufficient documentation that the customer's employment was maintained for a minimum of 90 days following completion of the Job Stability benchmark and when services are transferred to the extended services provider.

### Self-Employment Closures

If the customer is self-employed, the case record must clearly document the length of business operation and the income level.

### Successfully Employed Closure Procedures

Before closing a case as successful, the VR Counselor must do the following:

* Confirms that the requirements for closure and the conditions for successful employment have been met;
* Reviews the case—
	+ For technical compliance and data integrity, and makes needed corrections; and
	+ To determine the SOC code is accurate or if an IPE amendment to update the employment goal is needed;
* Reviews any open service authorizations, TWC-VR in-house service records, and associated financial actions needed (Case will not close if in-house service records are open. Only the in-house specialist is authorized to close their service records.);
* Ensures that verification of the start date of employment, wages, and continued employment are documented in RHW and includes the method used in a case note and a copy of the source documentation in the case file;
* Confirms that services were delivered by TWC-VR and they contributed to the customer's successful employment;
* Confirms that a minimum of 90 days have passed since the customer achieved stability and they continue to be employed;
* Ensures that agreements for extended services are still in place, when necessary;
* Contacts the customer to discuss closure and availability of post-employment services. If post-employment services are needed, amend the IPE to include the required service, prior to providing to the customer; and
* Closes the case in RHW when post-employment services are completed (or not needed) and the customer has maintained their employment; notifies the customer.

### Other Closure Procedures

For case closures that are not due to successful employment after services provided under an IPE, the following procedures apply:

* Closing an Initial Contact: An initial contact has not yet applied for TWC-VR services; therefore, it is not closed in the same manner as customers. An initial contact can be closed after TWC-VR staff have made a good faith effort to contact the individual. All attempts must be documented in RHW using the case note topic "Attempt to Contact."
	+ Though any TWC-VR staff may contact, or attempt to contact the individual, only the VR Counselor can close the case in RHW.
	+ When the case is closed, the individual must be informed that they can contact TWC-VR services at any time in the future and must be provided a copy of the "Can We Talk?" brochure.
* Closing Potentially Eligible Case: Potentially eligible students with disabilities receiving Pre-Employment Transition Services (Pre-ETS) are not required to apply for TWC-VR services; however, VR Counselors should encourage students to apply if they have additional needs that go beyond what can be provided with Pre-ETS, or if the student feels they will need continued services post-high school graduation and/or if they reach the age limit for Pre-ETS.

When a potentially eligible student with a disability is no longer interested in receiving Pre-ETS, no longer meets the definition of a student, is unable to locate, or does not pursue TWC-VR application, their case is closed.

* Closing an Applicant: A customer's case may be closed when the VR Counselor is unable to determine eligibility when the customer declines to participate in or is unavailable to complete an assessment for determining eligibility and priority of services. TWC-VR must document multiple and varied attempts (i.e., email, letter, phone) to contact the customer to encourage participation prior to closing as an applicant, prior to a determination of eligibility.

Customers must be notified in writing of the intent to close their case 10 business days prior to the closure. Once the case is closed, the customer is notified in writing to confirm the case has been closed, appeal rights, and how to reapply for TWC-VR services in the future, if needed.

The date of exit/closure is the date the VR Counselor completes and signs the closure confirmation letter, which must be consistent with the closure date in RHW, documented in the case file, and mailed to the customer.

* Ineligibility Determination: Based on the eligibility criteria for TWC-VR, there are four reasons a VR Counselor may determine an applicant is ineligible for the program:
	+ No disabling condition (physical or mental impairment);
	+ No substantial impediment to employment;
	+ TWC-VR services are not required to prepare for, secure, retain, advance in, or regain employment; and
	+ Disabling condition is too significant to benefit from TWC-VR services in terms of an employment outcome – requires Trial Work Experience.
* Ineligible Due to Disability Too Significant to Benefit: Closing a TWC-VR case with the reason "Disability Too Significant to Benefit from Services" in terms of an employment outcome requires the completion of the following procedures:
	+ The customer has participated in Trial Work Experiences (TWE);
	+ The VR Counselor reviews documentation from TWE that provides clear and convincing evidence to confirm the customer cannot benefit from TWC-VR services in terms of an employment outcome;
	+ The VR Counselor discusses the decision with the customer and provides them with a copy of the "Can We Talk?" brochure, and documents in RHW the date and method the brochure was provided;
	+ The VR Counselor completes the certification of ineligibility in RHW;
	+ The VR Counselor refers the customer to other programs that are part of the workforce development system or appropriate community resources, and documents these referrals in a case note;
	+ The VR Counselor prints the closure letter from RHW and provides this to the customer; and
	+ The VR Counselor documents these circumstances and proceeds with closure.

When this reason is used, the VR Counselor should anticipate an annual RHW generated alert to review the case for reconsideration of the customer's eligibility. This requires the VR Counselor to discuss with the individual and determine if they can benefit from TWC-VR services and should reapply.

* Procedures for Ineligible Closure: Before closing any case as ineligible, the VR Counselor—
	+ Discusses with the customer and/or the customer's representative the reason for the closure; and
	+ Ensures the case reflects the justification for the decision.

Before case closure, the VR Counselor must give the customer an opportunity to fully discuss the decision, including the right to appeal. In addition, the VR Counselor—

* + Refers the customer to other programs that are part of the workforce development system or appropriate community resources, and document these referrals in a case note;
	+ Notifies the customer in writing of their ineligibility using RHW *VR* *Ineligibility Notice (VR5104)* and includes the following:
		- Reason(s) for the determination of ineligibility;
		- Right of appeal and availability of the Client Assistance Program (CAP);
	+ Documents the reason for closing the case; and
	+ Proceeds with closure.

### Reopening a Closed Case

There may be circumstances where a case was previously closed, but there is new information available such that the case can be reopened or the individual can reapply for TWC-VR services. Consideration should be given to opening a new case if—

* The customer requires comprehensive services to be successful;
* The customer's barrier to employment is new and distinct from information addressed in the original IPE;
* The customer has a new vocational goal that would require extensive additional training; and/or
* The case was closed outside of the current program year quarter.

If the customer requires only limited services to maintain, regain, or advance in employment, the VR Counselor should consider phase adjusting the case if it is within the program year quarter of case closure, using post-employment services.

If the customer requires more complex and comprehensive (substantial) services after the case is closed, the individual must reapply for TWC-VR services.

If the customer will be reapplying for services, the office serving the customer can request the hard case file. The closed case file must be sent to the receiving office within three days of the request to ensure timely processing of the case.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

|  |  |  |
| --- | --- | --- |
| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |