ALABAMA DEPARTMENT OF REHABILITATION SERVICES
ADMINISTRATIVE CODE

CHAPTER 795-2-3
MEDIATION

795-2-3-.01 Mediation.

(1) In addition to an administrative review, an applicant or client applying for or receiving services from Adult Vocational Rehabilitation Services (AVRS) who files a complaint regarding an AVRS determination may request mediation. Mediation is a voluntary process in which an applicant or client and an AVRS representative work with an impartial mediator to attempt to resolve a dispute.

(2) To request mediation, an applicant or client shall file a written request specifying the reasons why mediation is requested with the Commissioner within fourteen (14) calendar days of the date of receipt of the issuance of the notice of action as specified in Administrative Code Rule 795-2-1-.01, above.

(3) Within ten (10) calendar days of receipt of the request, the Department shall randomly select an individual from a list of qualified mediators who are knowledgeable about the laws and regulations concerning vocational rehabilitation services. The mediation process cannot deny or delay the applicant or client's right to pursue resolution of the dispute through a formal hearing or any other rights described in this chapter. At any point during mediation, either party or the mediator may decide to end the mediation. When mediation is ended, the applicant or client may pursue resolution through a formal hearing.

(4) The mediation shall be timely scheduled, but in no event more than thirty days after receipt of the request by the Department, unless extended by agreement or for good cause shown. The mediation shall be held in a location that is convenient to all parties. Any needed accommodations must be requested prior to the mediation session.

(5) The Department shall pay the cost of mediation. However, the Department shall not pay for costs related to the applicant or client's representation by counsel or any other advocate.

(6) Discussions that occur during the mediation process shall be kept confidential and not used as evidence in any subsequent formal hearing or civil proceeding. The parties may be required to sign a confidentiality agreement before mediation begins.

(7) Any agreement reached during mediation must be in writing and signed by all parties. Copies of the agreement shall be sent to both parties.

Author: Alabama Board of Rehabilitation Services
Statutory Authority: Code of Ala. 1975, §21-9-9(1).
History: New Rule: Filed April 13, 1995; effective May 18, 1995.
Repealed and New Rule: Published March 31, 2022; effective May 15, 2022.