

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPARTMENT OF)
 WORKFORCE DEVELOPMENT)

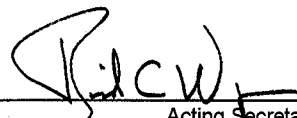
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, RICHARD WEGNER, Acting Secretary of the Department of Workforce Development, and custodian of the official records of said department, do hereby certify that the annexed (rule(s) relating to VOCATIONAL REHABILITATION PROGRAM APPEALS

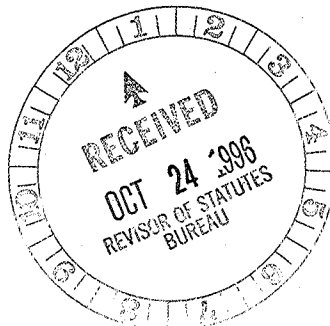
were duly approved and adopted by this department on 10/22/96
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:00 pm in the city of Madison, this 22nd day of October A.D. 1996.


 Acting Secretary

ADM-6056(R 08/96)



1-1-97

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Workforce Development by section(s)

47.02(5)

Stats., the Department of Workforce Development creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

DWD 75

(Number)

VOCATIONAL REHABILITATION-PROGRAM APPEALS

(Title)

The attached rules shall take effect on PUBLICATION

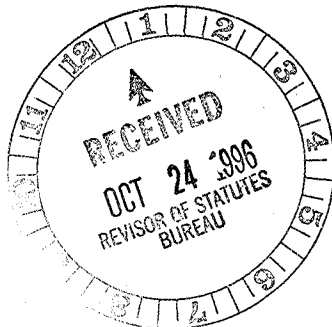
pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin this

date: October 22, 1996

DEPARTMENT OF WORKFORCE DEVELOPMENT

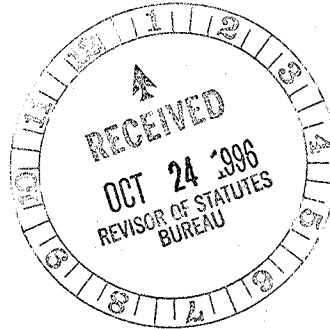
R. C. W.
Acting Secretary





State of Wisconsin \ Department of Workforce Development

RULES in FINAL DRAFT FORM



Rule No.:

DWD 75 (HSS 275)

Relating to:

VOCATIONAL REHABILITATION PROGRAM APPEALS

PROPOSED ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES

To create chapter HSS 275, relating to appeal procedures for persons applying for or receiving vocational rehabilitation services.

Analysis Prepared by the Department of Health and Social Services

Vocational Rehabilitation is a federal-state program, administered in Wisconsin by the Department's Division of Vocational Rehabilitation (DVR). Following passage of the 1992 amendments to the Rehabilitation Act of 1973, the U.S. Department of Education issued revised regulations, 34 CFR 361.48, for operation of state vocational rehabilitation programs which included new procedures for hearing client appeals of program decisions. The rules included in this order formalize the appeals process which has been developed in response to requirements of the Rehabilitation Act Amendments of 1992 and the implementing regulations. The new procedures replace the Department's former procedures for hearing appeals which relied on Division employees and volunteers.

The Department, through its Division of Vocational Rehabilitation, will contract for the services of hearing officers. In accordance with the rules, these individuals are to: (1) be knowledgeable about the delivery of vocational rehabilitation services; (2) have no previous involvement in decisions affecting the applicant or recipient; (3) have no personal or financial interest in the outcome of the hearing; and (4) not be employed by a public agency that is involved in any decision about furnishing or denying vocational rehabilitation services to an applicant or recipient.

The rules make clear that a decision of the Division of Vocational Rehabilitation may be appealed if the decision involves denial of a service mandated by federal vocational rehabilitation law or funded in any part by federal vocational rehabilitation funds. The rules state that a hearing request must be in writing and must be filed with the Division's hearing coordinator within 12 months after the notice of decision or action was mailed to the individual; permit an attempt to reach quicker agreement between the parties through a prehearing interview; specify that the hearing must ordinarily be held within 45 days after the initial request for a hearing; establish that the hearing must be conducted in accordance with the procedures set out in the rules unless the hearing officer finds

that there is good cause for deviating from a particular procedure; permit the client to present additional evidence and examine witnesses; and provide that the hearing officer's decision is the final administrative decision subject to review by the Division Administrator for conformance with law.

These rules do not apply to all programs administered by the Department's Division of Vocational Rehabilitation. They apply only to decisions related to services mandated by the Federal Rehabilitation Act of 1973, as amended, 29 USC 701-796, or funded in any part by federal vocational rehabilitation program revenue. They do not apply, for instance, to the program of supervised business enterprises operated by blind persons under ch. HSS 260. The rules for that program include similar grievance provisions.

The Department's authority to create these rules is found in ss. 47.02(5) and 227.11(2), Stats. The rules interpret s. 47.02(1), Stats.

SECTION 1. Chapter HSS 275 is created to read:

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CHAPTER HSS 275

APPEAL PROCEDURES FOR PERSONS APPLYING FOR OR RECEIVING VOCATIONAL REHABILITATION SERVICES

HSS 275.01	Authority and purpose
HSS 275.02	Applicability
HSS 275.03	Definitions
HSS 275.04	Right to a hearing
HSS 275.05	Filing a hearing request
HSS 275.06	Acknowledgment of a hearing request
HSS 275.07	Time limit for hearing
HSS 275.08	Motions relative to a hearing
HSS 275.09	Identification of a representative
HSS 275.10	Filing documents
HSS 275.11	Services while a hearing officer's decision is pending
HSS 275.12	Hearing officer qualifications
HSS 275.13	Authority of the hearing officer
HSS 275.14	Prehearing interview
HSS 275.15	Agreement prior to a hearing
HSS 275.16	Hearing procedures
HSS 275.17	Notice of hearing officer's decision
HSS 275.18	Hearing officer's report
HSS 275.19	Administrator's review of hearing officer's decision

HSS 275.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of ss. 47.02(5) and 227.11(2)(a), Stats., and in conformity with requirements under 29 USC 711 (c) and 722(d), and 34 CFR 361.48, to establish procedures for appealing decisions of the department's division of vocational rehabilitation concerning eligibility for services or the furnishing or denial of services under the rehabilitation act of 1973, as amended.

HSS 275.02 APPLICABILITY. This chapter applies to the department, to applicants for and recipients of services under the act who wish to appeal decisions of the department's division of vocational rehabilitation concerning eligibility for or the furnishing or denial of services under the act, and to hearing officers appointed to hear the appeals.

HSS 275.03 DEFINITIONS. In this chapter:

(1) "Act" means the federal rehabilitation act of 1973, as amended, 29 USC 701 et seq.

(2) "Administrator" means the administrator of the division.

(3) "Appeal" means a request for relief filed with the division based a decision of the division relating to eligibility for services or the furnishing or denial of services under the act.

(4) "Appellant" means the person who filed the request for a hearing or an appellant's representative.

(5) "Department" means the Wisconsin department of health and social services.

(6) "Division" means the department's division of vocational rehabilitation.

(7) "File" or "filed" means the physical receipt of a document by the person designated in this chapter.

(8) "Hearing" means a formal review of a decision of the division by an impartial hearing officer.

(9) "Hearing coordinator" means the person who maintains records of hearings under the act, contacts hearing officers to initiate hearings and ensures that required time limits for completion and reporting of hearings are observed.

(10) "Hearing request" means a written request for a hearing signed by an appellant or an appellant's representative which states the issue involved in the appeal and the desired outcome.

(11) "Intent to review" means that the administrator will review the decision of a hearing officer to determine if the decision will be allowed to stand or will be modified as provided by the act.

(12) "IWRP" means individualized written rehabilitation program.

(13) "Order of selection" has the meaning prescribed in s.HSS 255.03 (17).

(14) "Party" means the appellant or appellant's representative or the administrator's representative .

(15) "Prehearing interview" means a joint face-to-face meeting, a telephone conference, separate meetings or separate telephone calls by the hearing officer with the parties prior to the hearing to formulate a statement of the issue or issues presented by an appeal, to identify potential witnesses, to

establish a schedule for discovery and deadlines for exchange of witness lists and exhibits, to receive motions and to clarify any remaining issues to be considered or excluded from a hearing.

(16) "Representative" means a parent or guardian of an appellant under age 18, a person designated in writing by an adult appellant as the representative, a person appointed by a court to represent an appellant or the person designated by the administrator as his or her representative for a hearing.

(17) "Wisconsin client assistance program" or "client assistance program" means a service program established by the governor under 34 CFR 370.2 (a) to (d) and funded in whole or in part by the act to assist individuals with disability-related issues and appeals under the act.

HSS 275.04 RIGHT TO A HEARING. An individual or a representative of an individual may appeal a decision concerning eligibility for services or the furnishing or denial of services under the act, including a decision relating to an order of selection for services.

HSS 275.05 FILING A HEARING REQUEST. (1) TIME LIMITS. The time limit for filing a hearing request shall be 12 months after the notice of a decision or action was mailed to the appellant. Failure to file within the 12 month limit shall be cause for the hearing request to be dismissed.

(2) HOW TO FILE. A hearing request shall be filed with the hearing coordinator.

Note: The address for requesting a hearing is Hearing Coordinator, Division of Vocational Rehabilitation, P.O. Box 7852, Madison, Wisconsin 53707.

HSS 275.06 ACKNOWLEDGMENT OF A HEARING REQUEST. The hearing coordinator shall notify the parties when a hearing request has been properly filed, within 5 working days after receiving the request. If a representative has been designated, the notice shall be sent to the representative. If the appellant has a representative, a copy shall also be sent to the appellant by certified mail. This notice shall include as enclosures a copy of this chapter, a brochure explaining the appeal process and a client assistance program brochure.

HSS 275.07 TIME LIMIT FOR HEARING. A hearing shall be held within 45 days of the receipt of the hearing request by a hearing coordinator unless the hearing officer grants an extension for good cause at the request of either party.

HSS 275.08 MOTIONS RELATIVE TO A HEARING. Motions shall be filed by the parties in writing as soon as possible and are expected at least 5 working days prior to a hearing. A motion shall state the grounds of the motion and the relief or order requested. Briefs, affidavits, documentary evidence and other papers in support of a motion shall be filed with the motion. The following are examples of common motions but motions are not limited to these examples:

(1) **MOTION TO EXTEND TIME LIMITS.** A motion to extend any time limit, including the 45 day time limit for holding a hearing, shall be filed with the hearing officer.

(2) **MOTION TO DISMISS A HEARING REQUEST FOR LACK OF SUBJECT MATTER JURISDICTION.** A motion to dismiss a hearing request on the grounds that the division does not have subject matter jurisdiction may be filed at any time with the hearing officer.

(3) **MOTION TO AMEND A HEARING REQUEST.** A motion to expand or restrict the nature or scope of the hearing shall be filed with the hearing officer.

(4) **MOTION TO WITHDRAW A HEARING REQUEST.** An appellant may withdraw from the appeal process at any time. If the appellant has made a verbal request to withdraw and a motion has not been filed with the hearing officer within 10 days, the hearing officer shall act on the verbal request and issue a decision.

(5) **MOTION FOR A SUBSTITUTE HEARING OFFICER.** Either party may file a motion for a substitute hearing officer for reasons of conflict of interest, bias or qualifications. A motion for a substitute hearing officer shall be filed with the hearing coordinator. The hearing coordinator shall immediately forward the request with his or her recommendation to the administrator with a copy of any relevant comments regarding that hearing officer's performance. If the motion is granted, the hearing coordinator shall assign a different hearing officer. The hearing coordinator shall forward a copy of any administrator's comments regarding the performance of that hearing officer to the division contract administrator as comments on hearing officer's performance under a contract.

HSS 275.09 IDENTIFICATION OF A REPRESENTATIVE. (1) **ADMINISTRATOR'S REPRESENTATIVE.** The administrator shall designate a representative for each hearing.

(2) **APPELLANT'S REPRESENTATIVE.** Designation of a representative is optional for the appellant. An appellant may

select any responsible adult as a representative or, as permitted under federal law, an appellant may ask the Wisconsin client assistance program to provide assistance in resolving the disagreement, including preparing the request for a hearing or serving as the appellant's representative.

(3) NOTICE OF REPRESENTATION. Notice of representation shall be filed with the hearing officer as part of the prehearing interview or at least 5 working days in advance of the scheduled hearing. If an appellant's representative has been properly designated prior to a hearing request, that designation shall be valid for a hearing unless revoked by the appellant. If the appellant is not present at a hearing to introduce a representative, the hearing officer may require the representative to present identification before the hearing may proceed.

HSS 275.10 FILING DOCUMENTS. (1) DOCUMENTS FILED WITH REPRESENTATIVE. If a party has designated a representative, all correspondence and other documents related to the hearing shall be mailed to the representative. For documents sent by mail, the date the document is received by the addressee named in this chapter determines the date of filing.

(2) FILING IN PERSON. For papers filed in person, the date the addressee named in this chapter receives the document determines the filing date.

(3) DOCUMENT EXCHANGE. Filing of any document with the hearing officer or the hearing coordinator constitutes a certification that a copy of the document has been served on the other parties.

HSS 275.11 SERVICES WHILE A HEARING OFFICER'S DECISION IS PENDING. Pending the decision of a hearing officer, the department may not suspend, reduce or terminate services under an IWRP unless the services were obtained through misrepresentation, fraud, collusion or criminal conduct.

HSS 275.12 HEARING OFFICER QUALIFICATIONS. A hearing officer shall be knowledgeable about the delivery of rehabilitation services, the requirements of the state plan for services under the act, the rules governing the provision of the services and the procedures for conducting an impartial hearing, but may not:

(1) Be an employe of the division or other public agency involved in any decision about furnishing or denying vocational rehabilitation services except as an administrative law judge, a hearing examiner or an employe of an institution of higher

education. An individual is not considered an employe of the division solely because the individual is paid by the division to serve as a hearing officer.

(2) Be a member of the state rehabilitation planning advisory council.

(3) Have been involved in previous decisions regarding the vocational rehabilitation of the appellant.

(4) Have any personal or financial interest that may conflict with the hearing officer's obligation to be objective.

HSS 275.13 AUTHORITY OF THE HEARING OFFICER. (1) The hearing officer shall conduct a prehearing interview, may receive and act on motions under s. HSS 275.08, may use the power of subpoena under s. 885.01, Stats., and may contact any party prior to a scheduled hearing to obtain needed information or to suggest mediation if the parties agree that agreement is possible prior to the hearing. The parties retain all rights under this chapter regardless of their participation or nonparticipation in mediation.

(2) The hearing officer shall control the course and conduct of the hearing to ensure that all required procedures are followed, that the parties are fairly represented and that the issues are presented clearly and briefly.

(3) The decision of the hearing officer is final except when the administrator acts under s. HSS 275.19 to change the decision.

HSS 275.14 PREHEARING INTERVIEW. (1) PURPOSE. The hearing officer shall ask the parties to participate in a prehearing interview to do one or more of the following:

(a) Formulate a statement of the issue or issues presented by an appeal.

(b) Identify potential witnesses and receive motions.

(c) Confirm the scheduled hearing.

(d) Clarify any other issues to be considered or excluded from a hearing.

(2) PARTICIPATION. The administrator's representative shall participate in the prehearing interview. If the appellant fails to participate in a prehearing interview without prior notice,

the hearing officer shall continue the prehearing interview period for 5 working days. During this period the appellant may file a good cause explanation and request that the prehearing interview be rescheduled. If a motion is not filed within 5 working days, the hearing officer shall schedule the hearing within the 45 day limit and notify the parties and the hearing coordinator of this decision. The administrator may review this decision as provided in s.HSS 275.19.

(3) HEARING NOT DELAYED BY PARTICIPATION IN A PREHEARING INTERVIEW. Participation in a prehearing interview shall not delay a hearing and does not affect time limits under this chapter. The parties shall not forfeit any rights under this chapter by participating in a prehearing interview or meeting to reach agreement prior to a hearing.

HSS 275.15 AGREEMENT PRIOR TO A HEARING. (1) NOTICE OF AGREEMENT. If the parties reach agreement prior to a hearing, the hearing officer shall notify the parties by certified mail that the issue has been resolved by mutual agreement and is dismissed without prejudice. The dismissal notice shall include a brief summary of the agreement between the parties and advise the parties that failure to meet the conditions of the agreement shall be grounds for a new hearing request.

(2) IF PROPOSED SETTLEMENT REJECTED. If either party rejects a proposal prior to a scheduled hearing, the scheduled hearing shall be held without additional notice.

HSS 275.16 HEARING PROCEDURES. (1) HEARING IS CLOSED. A hearing shall be closed to the public as a confidential matter under the act unless the appellant files a motion to open the hearing at least 5 working days in advance of the scheduled hearing.

(2) HEARING NOT A COURT. The hearing officer is not bound by the rules of evidence and customary procedures of a court of law. However, the hearing officer shall adhere to the hearing procedures in this section unless there is good cause and shall document, on the record of the hearing, the reasons for deviation from any procedure required under this chapter.

(3) ATTENDANCE AT A HEARING. Parties and witnesses shall attend a scheduled hearing unless a motion has been filed with the hearing officer at least 5 days prior to the hearing stating reasonable cause for an individual to participate in the hearing by a live, real time electronic means as an alternative to appearing in person. The hearing officer may grant the request if the other party has no objection.

(4) TESTIMONY BY WITNESSES. Witnesses may testify in person by answering questions posed to them, in narrative form, or by deposition provided that the witness agrees in advance, as part of the deposition, to permit the recording of the testimony and any subsequent cross-examination and the witness understands that he or she may be subpoenaed to appear by the hearing officer based on the information in the deposition. Requests for testimony by witnesses by deposition or electronic means shall be filed with the hearing officer at least 5 days prior the hearing date. The hearing officer may grant the request if the other party does not object provided that the witness agrees in advance, on the record, to permit the recording of his or her telephone testimony and any subsequent cross-examination.

(5) IDENTIFICATION OF WITNESSES AND EXHIBITS. Each party shall file lists of witnesses and copies of exhibits not previously identified in the prehearing conference with the hearing officer and the other party at least 5 working days prior to a scheduled hearing.

(6) RECORD OF THE HEARING. (a) Tape recording. The hearing officer shall record the hearing on tape. The appellant may obtain one free copy of the tape from the hearing coordinator. No other tape recording of the hearing is permitted

(b) Transcript. Transcripts of the hearing record may be provided at the expense of the requestor. However, a party who cannot, due to a disability, use the free copy of the tape provided in s. HSS 275.17 may file a written request with the hearing coordinator for a copy of the record in a different media as a reasonable accommodation.

(7) OPENING STATEMENT BY HEARING OFFICER. The hearing officer shall open the hearing with a brief statement of the date, the location of the hearing, the issues, the parties directly involved in the hearing and the standard procedures, and shall remind all participants that all personally identifiable information made available for the hearing is confidential.

(8) ROLL CALL. (a) The hearing officer shall determine if the parties and announced witnesses are present. The hearing officer may admit other individuals to the hearing for good cause at the request of either party.

(b) If either party fails to appear at a hearing without prior notice, the hearing officer shall immediately reschedule the hearing to a date at least 5 working days after the current date to allow the absent party to explain the absence. The

hearing officer shall notify the parties and the hearing coordinator by certified mail of the new hearing date and the reason for rescheduling the hearing. If the appellant fails to appear at the rescheduled hearing, the hearing officer shall dismiss the appeal. This dismissal shall not be construed as violation of the 45 day limit for holding a hearing since the hearing was scheduled and held but the appellant did not appear to present his or her arguments. The administrator may review this decision as provided in s.HSS 275.19.

(9) ADMISSIBILITY OF EVIDENCE OR TESTIMONY. At the request of either party, the hearing officer may exclude testimony or evidence. The hearing officer may also exclude immaterial, irrelevant or unduly repetitious testimony. A decision to exclude evidence or testimony shall be made on the record and shall include the rationale and arguments used by the hearing officer to exclude the material. The hearing officer may issue reserved rulings on evidence and determine, before the close of the hearing, if the material will be considered in his or her decision.

(10) ADMINISTERING OATH. The hearing officer shall swear in the parties and all witnesses. After the roll call, witnesses shall be present in the hearing room only while giving testimony.

(11) CROSS-EXAMINATION. Cross-examination is not limited to matters to which a party or witness testified on direct examination.

(12) PRELIMINARY STATEMENTS BY THE PARTIES. The hearing officer shall ask the parties to state their names for the record.

(13) REQUEST FOR DIRECT TESTIMONY, EVIDENCE AND ARGUMENTS.
(a) The hearing officer shall ask the parties to present written and oral statements regarding the facts, issues and desired outcome of the hearing. This includes new information which may not have been available when the original request for a hearing was filed.

(b) Witnesses may testify either by answering questions posed to them or in narrative form. Written or electronic depositions may also be used with the understanding that a witness may be asked or subpoenaed to appear by the hearing officer based on the information in the deposition.

(c) Cross-examination is not limited to matters to which a party or witness testified on direct examination.

(d) The hearing officer shall ensure that the parties have an opportunity to review and comment on all evidence.

(e) At the request of either party, the hearing officer may exclude the testimony of a witness.

(14) DIRECT TESTIMONY. (a) The hearing officer shall ask the appellant to make the first presentation and to question the administrator's representative and witnesses.

(b) The hearing officer shall ask the administrator's designee to make the second presentation and to question the appellant and witnesses.

(15) REBUTTAL AND QUESTIONS. The hearing officer shall give the appellant the opportunity to make a rebuttal of evidence presented at the hearing and to question the administrator's representative and witnesses and then request the give the same opportunity to the administrator's representative.

(16) CLOSING ARGUMENTS. The hearing officer shall ask the administrator's representative to present closing arguments. than ask the appellant to present closing arguments. Closing arguments may be submitted both as verbal arguments and as written briefs.

(17) ENDING THE HEARING. The hearing officer shall inform the parties that a written decision will be sent to them by certified mail within 30 working days after the date of the hearing and state the date time at which the hearing was closed.

HSS 275.17 NOTICE OF HEARING OFFICER'S DECISION. The hearing officer shall issue a written decision within 10 days of a written motion and within 30 days of a hearing. The hearing officer shall provide a report of the hearing including the findings and the grounds for the decision. This decision notice shall state that the decision is final unless the administrator acts under s. HSS 275.19 to change the decision or the appellant, under s.227.53 Stats., chooses to petition the circuit court. The notice shall specify the procedures for filing a claim in circuit court. The hearing officer shall send the original to the appellant and send copies of the notice to the administrator's representative, to the division office of record for placement in the appellant's case record and to the hearing coordinator.

HSS 275.18 HEARING OFFICER'S REPORT. The hearing officer shall forward the tape of the hearing, a written summary of the hearing and any other items specified by contract to the hearing coordinator. The hearing coordinator shall ensure that all required materials have been received and shall forward the

materials to the administrator for a decision as to whether a formal review of the hearing officer's decision is needed.

HSS 275.19 ADMINISTRATOR'S REVIEW OF HEARING OFFICER'S DECISION. (1) **NOTICE OF INTENT TO REVIEW.** If the administrator decides to review the hearing officer's decision, written notice of this decision shall be filed with the parties by certified mail within 20 days of the date that the decision of the hearing officer was mailed. The intent to review notice shall advise the parties that additional evidence and information relevant to the final decision may be filed with the administrator not later than 30 days following the date of the intent to review notice and that the administrator may also collect new evidence from other sources during that period.

(2) **NO DELEGATION OF ADMINISTRATOR'S AUTHORITY.** Authority for modifying the decision of a hearing officer under this chapter is reserved to the administrator and may not be delegated.

(3) **BASIS FOR CHANGING HEARING OFFICER DECISION.** The administrator may not modify a decision of a hearing officer which supports the position of the appellant unless, based on clear and convincing evidence, the decision is clearly contrary to law or federal policy issuances.

(4) **CONSULTATION WITH HEARING OFFICER.** The administrator may consult with the hearing officer regarding the decision.

(5) **NOTICE OF OUTCOME OF ADMINISTRATOR'S REVIEW.** The administrator shall notify the parties in writing by certified mail of the outcome of the review within 30 calendar days after the date of the intent-to-review notice. The notice shall state the findings, the grounds for the final decision, that it is the final decision unless modified by a court and how to file a request for circuit court review. The administrator shall send copies of the letter and any attachments to the hearing coordinator, to the hearing officer and to the division office of record for placement in the appellant's case record.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Tommy G. Thompson
Governor
Richard C. Wegner
Acting Secretary



Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552
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State of Wisconsin Department of Workforce Development

October 22, 1996

Gary Poulson
Assistant Revisor of Statutes
Suite 800
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

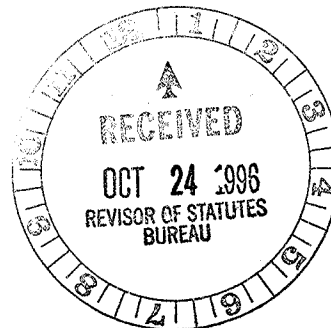
This rule was initiated under the system of numbering used by the former Department of Health and Social Services. This numbering system is managed by Paul Menge. The rule prefix should now be changed from HSS to the prefix you have assigned to the Department of Workforce Development. Presumably, this is DWD.

There are also references to the Department of Health and Social services in the text of the rule which should be changed to the Department of Workforce Development.

As far as we can determine, the numerical identifier for the rules does not need to change as there is no conflict with numbers previously assigned to DILHR.

Respectfully submitted,

Harry Emerson
Rules Manager



Tommy G. Thompson
Governor
Richard C. Wegner
Acting Secretary



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State of Wisconsin
Department of Industry, Labor and Human Relations

October 22, 1996

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 95-070

RULE NO.: WD 75 (HSS 275)

RELATING TO: Vocational Rehabilitation Program Appeals

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard C. Wegner'.

Richard C. Wegner
Acting Secretary

