**Section 510.10 General Information**

General Provisions

a) A grievant who is not satisfied with an action taken by DHS-DRS, or with the failure of DHS-DRS to take action, is entitled to a hearing. A customer of the Vocational Rehabilitation program may also request mediation.

b) Any and all notices and communications to DHS-DRS made pursuant to this Part should be in writing. Nonwritten communications will be accepted if the information required in subsection (b)(6) of this Section is provided. All nonwritten communications shall be documented by DHS-DRS.

c) A grievant may appoint a representative in accordance with Section 510.40(e)(2), who may exercise any right of the grievant on the grievant's behalf. A grievant may only designate one representative at a time. The designation must be in writing or on the record.

d) All time periods related to communications arising under this Part commence on the date of receipt (receipt is presumed 5 days after the date of postmark or on the day of delivery for hand delivered items) or, if a nonwritten form of communication, on the date of receipt.

e) A request for a hearing by any person not a "grievant" cannot be heard by DHS-DRS pursuant to this Part.

f) The request for a hearing should include the specific determination and the date of the determination or, if appealing inaction, the date the action was requested, and specific identification of any other matter that is being appealed, but if this information is not readily available to the grievant, the grievant must supply sufficient information for DHS-DRS to identify the specific action or inaction that is being appealed.

g) Should a grievant improperly request an appeal and other procedures for appeal are available, DHS-DRS will advise the grievant of the proper appeal process.

h) Failure of a grievant to follow procedures as set forth in this Part or failure to request an appeal within the specified time frames found in Section 510.80 shall result in dismissal of the appeal except if the failure to follow procedure was a result of DHS-DRS failure to provide required notice or information.

i) After a request for a hearing is filed, the grievant or DHS-DRS may initiate attempts to resolve the grievance informally. The grievant and the appropriate DHS-DRS employee may agree to resolve disputed issues, at any time during the appeals process, prior to the issuance of the hearing decision. If prior to the hearing there is mutual agreement on an issue under dispute, this will remove the need for a hearing on that issue.

j) DHS-DRS, and the Department of Healthcare and Family Services in the case of Home Services Program (HSP) hearings, will assume all administrative costs of the appeal (i.e., interpreters, pursuant to Section 510.40(b), and record, pursuant to Section 510.80(e)) but will not assume costs personally incurred by the grievant because of the proceeding (e.g., legal fees, travel, witness costs, and room and board).

(Source: Amended at 32 Ill. Reg. 10047, effective June 26, 2008)