**February 2, 2024 SRC Policy Committee Meeting**

*Questions Regarding Administrative Law Judges and the Consumer Mediation/Fair Hearing Process*

# SRC Policy Committee Question #1:

Does DOR have a handout in plain language that is provided to consumers that explains the right and remedies process and outlines all of the steps? If so, can the SRC please have a copy.

DOR Response:

These handouts are DOR forms that have been available to the public and consumers for many years. These handouts are the [DR 1000](https://publicaccessstorage.blob.core.usgovcloudapi.net/publicsitefiles/DOR%20Documents/Forms/DR1000%20Rights%20%26%20Remedies.pdf) and [DR 107](https://publicaccessstorage.blob.core.usgovcloudapi.net/publicsitefiles/DOR%20Documents/Forms/DR107%20Request%20For%20Mediation.pdf) forms. They are available on the [DOR public website](https://www.dor.ca.gov/Home/Forms) and are provided to consumers as necessary by either DOR staff or the DOR Mediation and Fair Hearing Office. The DR 1000 form explains consumer rights and remedies. The consumer submits an appeal with the DR 107 form. Both forms address how to proceed when they disagree with a DOR action or decision regarding an application for or receipt of DOR vocational rehabilitation services.  These forms are attached to these responses.

# SRC Policy Committee Question #2:

Can the SRC please have a copy of the implicit bias training that is given to the ALJs?

DOR Response:

Please reference the training entitled “SHD Engaged Neutrality in Hearings.”

**SRC Policy Committee Question #3:**

During today’s [February 2, 2024] meeting, Lisa referenced the regulations that govern the mediation and fair hearing process. Would it be possible to please get a link to those regs?

DOR Response:

Please reference the links below:

[Title 34 of the Code of Federal Regulations part 361.57](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ecfr.gov%2Fcurrent%2Ftitle-34%2Fsubtitle-B%2Fchapter-III%2Fpart-361%23361.57&data=05%7C02%7CKate.Bjerke%40dor.ca.gov%7C22bf72fbb6814f45402508dc63ed845c%7C19ed70549d9743c792b16781b6b95b68%7C0%7C0%7C638495120422870450%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=GqifQVBsaulLdam1l6G4kRv6mSXg12QkhE%2FjIhfV%2FQk%3D&reserved=0)

[Welfare and Institutions Code section 19705](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fleginfo.legislature.ca.gov%2Ffaces%2Fcodes_displaySection.xhtml%3FlawCode%3DWIC%26sectionNum%3D19705.&data=05%7C02%7CKate.Bjerke%40dor.ca.gov%7C22bf72fbb6814f45402508dc63ed845c%7C19ed70549d9743c792b16781b6b95b68%7C0%7C0%7C638495120422880558%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=HNPlxAY%2BaWA5cMblhfZoUi46DsQe6KwpWnOuczZkQyU%3D&reserved=0)

[California Code of Regulations, title 9, sections 7354 through 7361](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgovt.westlaw.com%2Fcalregs%2FBrowse%2FHome%2FCalifornia%2FCaliforniaCodeofRegulations%3Fguid%3DI59E145704C6B11EC93A8000D3A7C4BC3%26originationContext%3Ddocumenttoc%26transitionType%3DDefault%26contextData%3D(sc.Default)&data=05%7C02%7CKate.Bjerke%40dor.ca.gov%7C22bf72fbb6814f45402508dc63ed845c%7C19ed70549d9743c792b16781b6b95b68%7C0%7C0%7C638495120422887498%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=wBGU42R%2BRStBnQFS15aHEeLGrLGIrX16GphnNCjGyxs%3D&reserved=0)

# SRC Policy Committee Question #4:

When a consumer files for mediation or fair hearing, are they given info on or referred to CAP?

DOR Response: The DR 107 form, which is utilized by our consumers when filing an appeal, contains the Client Assistance Program (“CAP”) information directly on the form. The DOR Mediation and Fair Hearing Office also acknowledges appeal requests, DR 107 forms, and requests for information and provides consumers with the DR 1000 form. The DR 1000 form also contains CAP information. In addition, if the consumer requests representation, CAP information and referral is sent out to the consumer.

# SRC Policy Committee Question #5:

Who at DOR explains all the steps to a consumer about fair hearings and mediations? Is the counselor involved? Does the relationship between the counselor and the client tend to turn adversarial if the consumer files?

DOR Response: The DR 1000 provides information about rights and remedies, including the availability of the Client Assistance Program. The DOR Mediation and Fair Hearing Office is also available to provide information to appellants and answer questions. Regarding the counselor-consumer relationship, DOR respects and supports a consumer’s right to exercise their rights in relation to administrative reviews, mediations, and fair hearings. Further, DOR respects and supports a collaborative counselor-consumer relationship, which is an important aspect of the vocational rehabilitation services. On a case-by-case basis, DOR considers consumer requests for counselor changes.