

**CHAPTER 12C**

**DEPARTMENT OF LABOR VOCATIONAL  
REHABILITATION CASES**

**Authority**

N.J.S.A.52:14F-5(e), (f), and (g).

**Source and Effective Date**

R.1997 d.474, effective, November 3, 1997.  
See: 29 N.J.R. 3758(a), 29 N.J.R. 4677(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 12C, Department of Labor Vocational Rehabilitation Cases,  
expires on November 3, 2002.

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**SUBCHAPTER 1. HEARING APPLICABILITY**

**1:12C-1.1 Applicability**

The rules in this chapter shall apply to Department of Labor vocational rehabilitation cases arising under N.J.S.A. 34:16-20 et seq. Any aspect of the OAL hearing not covered by these special hearing rules shall be governed by the Uniform Administrative Procedure Rules (UAPR) contained in N.J.A.C. 1:1. To the extent that these special rules are inconsistent with the UAPR, these rules shall apply.

**SUBCHAPTERS 2 THROUGH 4. (RESERVED)**

**SUBCHAPTER 5. REPRESENTATION**

**1:12C-5.1 Representation**

Pursuant to 34 C.F.R. 361.1 et seq., the applicant or client may be represented by himself or herself, by an attorney, by a parent, guardian, or friend, or by the Client Assistance Program located in New Jersey Protection and Advocacy, Inc., pursuant to the procedures set forth in N.J.A.C. 1:1-5.4.

**SUBCHAPTERS 6 THROUGH 8. (RESERVED)**

**SUBCHAPTER 9. SCHEDULING; CLERKS  
NOTICES, ADJOURNMENT; INACTIVE LIST**

**1:12C-9.1 Scheduling**

Upon filing of a case pursuant to this chapter, a hearing shall be scheduled which shall be no later than 45 days from the date of the request for a hearing.

**SUBCHAPTERS 10 THROUGH 17. (RESERVED)**

**SUBCHAPTER 18. INITIAL DECISION;  
EXCEPTIONS; FINAL DECISION; REMAND;  
EXTENSIONS OF TIME LIMITS**

**1:12C-18.1 Initial decision**

An initial decision shall be issued in writing no later than 30 days from the conclusion of the hearing.

**1:12C-18.2 Final decision**

(a) The Director of Vocational Rehabilitation Services may elect to review the initial decision within 20 days of its mailing to the applicant and to the Director of Vocational Rehabilitation Services. If the Director elects to review the initial decision, he or she shall notify the applicant or client in writing of the intention to review the initial decision. If

the Director fails to notify such individuals within 20 days, the decision of the administrative law judge shall be deemed final.

(b) The Director's decision to review any initial decision shall be based upon inconsistencies between the decision and the approved State plan, the Act, Federal vocational rehabilitation regulations, or State rules or policies that are consistent with Federal requirements.

(c) If the Director decides to review the decision, the applicant or client may submit to the Director additional information relevant to a final decision within 15 days of receipt of the notice of intent to review.

(d) The final decision shall be issued by the Director no later than 30 days from mailing of the notice of intent to review.

**1:12C-18.3 Extensions**

Except for the time limitation for the Director to elect to review the initial decision set forth in N.J.A.C. 1:12C-18.2(a), at the request of a party for good cause shown, the time limits established by these special rules may be extended for a reasonable time.