**Section 510.40 Grievant Rights**

a) DHS-DRS shall make the grievant aware, in a language that is understandable to the grievant, of the right to appeal pursuant to this Part, at the following times or events:

1) upon application for services;

2) upon denial of application;

3) after the initiation, or change, of services;

4) upon termination of a service;

5) upon closure;

6) upon enrollment in a DHS-DRS school; and

7) upon entrance into the Business Enterprise Program for the Blind.

b) The grievant may request an interpreter or reader, either sign (if sign-language is the grievant's usual mode of communication) or language (if the grievant's normally spoken language is other than English), to attend the hearing. The request should be made 10 days before the date of the hearing. A visually impaired grievant may either request a reader to read materials provided by DHS-DRS in preparation for the hearing or request that the materials be provided in Braille, large print or audio tape. The request must be made within 5 working days after being informed of the date of the hearing.

c) All meetings with the grievant pursuant to this Part must occur at a time and location convenient to both parties.

d) If the grievant is a Customer of the VR Program (89 Ill. Adm. Code: Chapter IV, Subchapter b) or Community Residential Services for the Blind and Visually Impaired (CRSBVI) program (89 Ill. Adm. Code: Chapter IV, Subchapter e), the grievant may have the right to the assistance of the Client Assistance Program (CAP) in the preparation, presentation and representation of the matters to be heard. For Customers of the Home Services Program (89 Ill. Adm. Code: Chapter IV, Subchapter d), the grievant may have the right to the assistance of the Illinois Department on Aging's Home Care Ombudsman Program in the preparation, presentation and representation of the matters to be heard. DHS-DRS must inform the Customer of this right at the time of request for services, application and referral for services; at service initiation or modification; and at closure, as well as when the grievant requests a hearing.

e) After a request for a hearing is received by DHS-DRS, the grievant will be provided with written notification of the grievant's right to:

1) review the case file and other related documents;

2) be represented by a representative during any informal resolution conference in accordance with Section 510.100(d), during any mediation process pursuant to Section 510.103(h) or at a hearing by filing an appearance with the Hearings Coordinator, pursuant to Section 510.105(c);

3) an explanation of the appeal process as set forth in this Part;

4) withdraw the appeal at any time during the process, in which case the grievant cannot request a reopening of the appeal;

5) a timely and impartial hearing;

6) confidentiality of these proceedings, as set forth in 89 Ill. Adm. Code 505.10 and pursuant to either Section 510.100(a), 510.103(a) or 510.105(a);

7) a continuation of services, as set forth in Section 510.60; and

8) have DHS-DRS employees involved in the appealed action present at the hearing or any informal resolution conference, and to question them, with the exception listed in Section 510.105(g)(2).

(Source: Amended at 46 Ill. Reg. 15312, effective August 29, 2022)