

**111—10.4(216B) Eligibility.**

**10.4(1)** Eligibility for vocational rehabilitation shall be determined upon the presence of four basic conditions: (1) the existence of blindness as defined in rule 111—1.4(216B); (2) the existence of blindness constitutes or results in a substantial impediment to employment; (3) the individual intends to achieve an employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and (4) the applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment.

Applicants who meet the eligibility requirements stated in the paragraph above will be presumed to be able to benefit from vocational rehabilitation services in terms of an employment outcome, unless the department can prove with clear and convincing evidence that the applicant is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services due to the severity of the applicant's disability.

Any applicant who has been determined eligible for social security benefits under Title II or Title XVI of the Social Security Act is (1) presumed eligible for vocational rehabilitation services, and (2) considered an individual with a significant disability.

No duration of residence requirement is imposed that excludes from services any applicant who is present in the state. No applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability. The eligibility requirements are applied without regard to the age, gender, race, color, creed, or national origin of the applicant; type of expected employment outcome; source of referral; or the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

Nothing in this rule is to be construed to create an entitlement to any vocational rehabilitation service.

**10.4(2)** Whenever changed circumstances, such as a decrease in fiscal or personnel resources or an increase in its program costs, indicate that the department may no longer be able to provide a full range of services, as appropriate, to all eligible applicants, the department will invoke an order of selection policy based upon 34 CFR 361.36 (as published in the Federal Register on January 22, 2001).

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