

## ISSUE

Did MRS improperly deny Petitioner's request for a new or amended Individualized Plan of Employment (IPE)?

## FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Prior to February 14, 2025, Petitioner obtained a bachelor's degree in mechanical engineering. This degree does include an introduction to CAD. (Exhibit A, p C, p 405; Testimony.)
2. On or around February 14, 2025, Petitioner entered into an IPE with an employment goal of "All Other Engineers, Design Engineer[.]" (Exhibit A, pp 1, 11; Testimony.)
3. On April 21, 2025, Petitioner requested CAD training to be added to his IPE. (Exhibit C, p 406; Testimony.)
4. Prior to April 28, 2025, Respondent spoke to David Kelly with the school of engineering and technology. Mr. Kelly explained Petitioner's degree only required one CAD course (IET 154), and further provided that employers such as GM have new hires complete 2 days of CAD training specific to the software they use. Mr. Kelly also indicated that there are other resources available to Petitioner if proficiency is a concern. (Exhibit C, p 405; Testimony.)
5. On April 28, 2025, Respondent notified Petitioner that his request for CAD training to be added to his IPE was denied. Respondent indicated additional training in CAD was not necessary to reach Petitioner's employment goal. (Exhibit C, p 405; Testimony.)
6. On May 27, 2025, Petitioner submitted to Respondent, a request for Administrative Hearing. (Hearing File.)
7. At no point in time did Petitioner provide MRS with job postings or written documentation showing that additional CAD training is required for entry-level mechanical design engineering positions. (Testimony.)
8. Respondent identified several services intended to assist Petitioner in 25-026434

progressing toward employment including job readiness activities and potential internships. (Testimony.)

9. Petitioner declined to follow through with the job readiness program and internships. (Testimony.)

## CONCLUSIONS OF LAW

Michigan Rehabilitation Services (MRS) is governed by the Rehabilitation Act of 1973, as amended, 29 USC §701 et seq., and its implementing regulations at 34 CFR Part 361. Under 34 CFR 361.5(c)(15) and 361.45-361.46, MRS is obligated to provide only those vocational rehabilitation (VR) services that are necessary for an eligible individual to achieve an employment outcome consistent with the individual's unique strengths, abilities, capabilities, interests, and informed choice. MRS must base the Individualized Plan for Employment (IPE) on objective vocational needs and available vocational evidence. The MRS Policy Manual (RSM) 5050 similarly requires MRS to provide the VR services necessary to enable the individual to prepare for, secure, retain, or regain employment.

Federal and state VR law requires that services included in an IPE be tied to documented vocational need.<sup>1</sup> Services may not be provided based solely on preference or speculative benefit.

Petitioner's requested service is additional CAD training. The record contains no job postings, employer documentation, or other vocational evidence submitted by Petitioner demonstrating that additional CAD training is required to obtain entry-level employment as a mechanical design engineer. Conversely, the record reflects that Respondent consulted with educators; Industry Professionals, who stated that further CAD training is not required for entry-level positions in the Petitioner's field, and that CAD training was already part of Petitioner's degree program. On this alone, Petitioner has not established vocational necessity.

VR services must be directed toward assisting the individual to obtain employment consistent with their capabilities.<sup>2</sup> Respondent determined Petitioner qualifies for entry-level mechanical design engineer positions based on his existing degree and training. Petitioner, however, has stated he is unwilling to pursue entry-level work and instead seeks additional training prior to any employment attempt. VR law does not entitle an individual to pre-employment upgrades or advanced training when existing qualifications are already sufficient for entry-level work and when no objective evidence shows that additional training is required.

Under 34 CFR 361.45(d), the IPE must specify a chosen employment outcome. Respondent may revise an IPE to add new services only when the individual identifies a

<sup>1</sup> 34 CFR 361.48; RSM 5050.

<sup>2</sup> 34 CFR 361.5(c)(15).

specific job goal and provides vocational evidence demonstrating that the additional service is required for that goal.

Petitioner has not identified any specific employer, job posting, or position demonstrating that additional CAD training is required. Respondent cannot approve services based on speculative or unsupported assertions, particularly where the only independent evidence available indicates the training is not necessary.

The law requires Respondent to provide services that are necessary, not preferred, and to base decisions on evidence. The record in this case simply does not support Petitioner's argument for additional CAD training. Consequently, sufficient evidence is present to affirm the Respondent's decision to deny the additional CAD training at issue in this case. Accordingly, Petitioner's appeal must be denied.

### **DECISION AND ORDER**

For all of the reasons stated in the foregoing opinion, Respondent's decision is **AFFIRMED**.