

ISSUE

Petitioner's appeal of MRS' decision to deny her request to amend her Individualized Plan for Employment (IPE) to add vocational rehabilitation services in the form of marketing and accounting costs.

FINDINGS OF FACT

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

1. On REDACTED 2018, Petitioner applied for MRS benefits due to limited use of her left hand and chronic neck and back pain stemming from a prior motor vehicle accident. (Testimony.)
2. Respondent approved Petitioner's request for benefits and worked with Petitioner to develop an IPE to assist Petitioner with startup costs for a hair salon. (Testimony.)
3. On September 3, 2021, the parties agreed upon an IPE that contained the following language in the commercial-rent section:

Michigan Rehabilitation Services (MRS) has received my business plan and financial projections provided August 1,

2021. I will provide MRS a copy of the Certificate of Occupancy documenting the building at REDACTED MI REDACTED, has passed the City of REDACTED final building inspection. At that time, MRS will cover the cost of rent for 5 months not to exceed \$6,416 per month and an additional \$1,169 toward the cost of the sixth month of rent. Rental charges beyond the 6th month will not be covered by MRS. MRS will not cover the cost for rent during any months where the property owner is not charging for rent.'

4. In the September 3, 2021, IPE, Petitioner acknowledged and agreed that:

- Marketing and consultation fees beyond the contribution up to REDACTED from MRS are my responsibility.
- Loss of revenue does not obligate MRS to assist beyond what has been specified in the IPE.
- I will be covering all other costs associated with startup and operations and sustaining the identified business as outlined in the attached Business Plan and estimated projections dated August 1, 2021.
- Throughout my MRS case, I will provide MRS monthly accounting worksheets including deposit statements that verify earnings.
- My counselor will review the profit and loss statement and business bank statements that I provide to determine my progress with this business. I will follow up with my MRS case counselor at least monthly in this regard and to discuss my progress and eventual closure of my case.
- I have developed this Employment Plan or have fully participated in its development. I have selected the specific employment goal, services, and service providers stated above. My employment goal reflects my abilities, interests, priorities and informed choice. My counselor has reviewed my rights and responsibilities with me. I have received a copy of this Plan and the Rights and Responsibilities.²

¹ Exhibit B, p 360.

² Exhibit B, pp 362, 364, 366-368.

5. Petitioner failed to provide the Certificate of Occupancy until September 2022. (Exhibit B, Exhibit Q.)

6. Following the issuance of the Certificate of Occupancy, Respondent provided Petitioner with all payments and services related to the September 3, 2021, IPE. (Testimony.)

7. On March 30, 2023, the parties entered into another IPE following Petitioner's request for additional commercial-rent payments. Based on Petitioner's representations of imminent profitability, Respondent paid the additional commercial rent through May of 2023. (Exhibit R; Testimony.)

8. The March 30, 2023, IPE provided the following language in the commercial-rent section:

At that time, MRS will cover the cost of rent for 5 months not to exceed \$6,416 per month and an additional \$1,169 toward the cost of the sixth month (March 2023) of rent. MRS will assist with two additional months of rent payments for the months of April 2023 and May 2023 respectively. Per the leasing terms, the monthly rent amounts increased as of March 1, 2023 to \$6,710.00. The MRS contribution will be \$6,710.00 for rent in April 2023 and an additional \$6,710 to assist with May 2023. As such, this plan amendment includes an additional \$13,420 in rent assistance. MRS will not cover the cost for rent during any months where the property owner is not charging for rent. MRS will not cover costs that include but are limited to: Past due, interest, or other fees applied.

I will also provide my profit and loss statements and supporting source documentation for expenses provided for review for each of the months. Subsequent to the above rental assistance, rent costs remaining are my responsibility.³

9. Shortly following the execution of the March 30, 2023, IPE, Petitioner requested additional services from MRS that included additional commercial rent payments. (Exhibit D.)

10. On May 27, 2023, Respondent denied Petitioner's request for additional commercial rent payments. (Exhibit D.)

³ Exhibit R, p 558.)

11. On June 26, 2023, Petitioner requested a hearing regarding the May 27, 2023, denial. (Exhibit D; Exhibit S.)
12. On September 7, 2023, a hearing took place regarding the May 27, 2023, denial. (Exhibit D.)
13. On October 20, 2023, a Decision was issued affirming Respondent's determination to deny Petitioner's request for additional commercial rent payments and provided the following:

As noted in the denial email, and uncontradicted by Petitioner during the hearing, Petitioner's business was still unable to meet minimum monthly operating expenditures without financial assistance; Petitioner's minimum monthly revolving credit payments were increasing due to interest rate increases by her credit lenders; Petitioner had to reach a settlement with the utility companies, including the establishment of a minimum monthly payment, to prevent her utilities from being shut off; Petitioner lacked the capital to offer the kinds of incentives and promotional content made by competing entities to attract and retain clientele; there would be additional rent increases in the future pursuant to a fee schedule; and Petitioner had been unsuccessful in securing additional loans, grants or funds from other sources due to the amount of debt she already owed...

Petitioner testified and argued that it was MRS' refusal to provide services, such as marketing assistance, until after Petitioner obtained the Certificate of Occupancy for her building that delayed her progress toward her employment goal. However, that argument is unpersuasive as MRS was only abiding by the specific terms of [the] IPE agreed to by Petitioner.⁴

14. On January 8, 2024, Petitioner sent Respondent an email indicating she still needed support from Respondent to make it to a point where she could produce an income. Attached to the email were various financial records. (Exhibit F.)
15. On February 21, 2024, Respondent emailed Petitioner requesting a balance sheet and income statement. (Exhibit H; Exhibit I.)

⁴ Exhibit D, pp 412-413.

16. On February 29, 2024, Respondent indicated to Petitioner that the financial documents needed to be verifiable by external documentation. (Exhibit J.)
17. On March 1, 2024, Petitioner emailed Respondent requesting accounting services. (Exhibit K.)
18. On March 4, 2024, Petitioner emailed Respondent requesting additional marketing assistance. (Exhibit L.)
19. On March 6, 2024, Petitioner emailed Respondent indicating there was an error on her January 2024 income statement. (Exhibit M; Exhibit N.)
20. On April 16, 2024, Respondent denied Petitioner's request for additional funding indicating Petitioner's business continues to lose money and will be unable to achieve competitive integrated employment. (Exhibit O.)
21. On May 16, 2024, Petitioner submitted to Respondent a request for hearing. (Exhibit P.)

CONCLUSIONS OF LAW

The purpose of Title I of the Rehabilitation Act of 1973, as amended, 29 USC 720 *et seq.*, is to provide for a comprehensive, coordinated, effective, efficient, and accountable program of vocational rehabilitation which is an integral part of a statewide workforce investment system, and designed to assess, plan, develop, and provide vocational rehabilitation services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, and capabilities, interests and informed choice, so that such individuals may prepare for and engage in gainful employment.⁵

Applicants are eligible for MRS services if they have "a physical or mental impairment that constitutes or results in a substantial impediment to employment and if they require MRS services to prepare for, secure, retain, advance in or regain employment consistent with their abilities and capabilities."⁶

Following the eligibility determination, a vocational needs assessment is conducted to determine the goals, nature, and scope of rehabilitation services to be included in the IPE.⁷

Following the assessment of vocational rehabilitation needs, the process can begin for the development of the IPE.⁵

⁵ See 29 USC 720(a)(2).

⁶ MRS Policy 3100, p 1.

⁷ See MRS Policy 3275, p 1.

The IPE is a written document prepared on a form approved by MRS but developed so that it affords the eligible individual meaningful opportunity to exercise informed choice in the selection of the employment goal, the specific vocational rehabilitation services required to achieve the employment goal, the entities that will provide services, and the methods of service provision. See MRS Policy 5050, page 1. It must also include the anticipated date by which the employment goal will be reached.⁹

Regarding the Development of the IPE, MRS Policy 5000 states in part:

Policy:

At the completion of the eligibility determination and the assessment of vocational rehabilitation needs, eligible individuals or their representatives shall be provided, in writing and in appropriate modes of communication, information about their options available in developing the Individualized Plan for Employment (IPE).

Procedure:

Information about the options in developing the IPE shall include:

- the availability the assistance from the Michigan Rehabilitation Services (MRS) rehabilitation counselor in developing all or part of the IPE;
- the option of requesting assistance from a disability advocacy organization when developing the IPE;
- the availability of technical assistance in developing all or part of the IPE;
- the option of using other resources, including a qualified rehabilitation counselor not employed by MRS, in developing all or part of the IPE;
- the option of completing an IPE without MRS assistance on a form provided by MRS;

⁸ See MRS Policy 5000, p 1.

⁹ See MRS Policy 5050, p 1.

- a description of the rights and remedies available including the Client Assistance Program, and how to contact it.

For individuals who receive SSI/SSDI, the options in developing the IPE shall also include the availability of information on assistance and supports available to individuals desiring to enter the workforce, including benefit planning assistance.

This information shall also include, as appropriate:

- a description of the required components which must be included in the IPE;
- an explanation of MRS policies and guidelines associated with financial commitments related to an IPE;
- additional information required by the customer or MRS.

When the determination of eligibility and assessment of rehabilitation needs has been completed, eligible individuals shall be provided the MRS guide "Choosing Your Employment Plan" in a language or format appropriate to their communication needs. This guide meets policy requirements regarding the provision of written information about the individual's options in developing their IPE. The case record shall be annotated to indicate that the individual has been provided this written information.

Eligible individuals have the opportunity to choose the extent to which they wish to use the assistance of a qualified MRS rehabilitation counselor in developing part or all of their individualized plan for employment (IPE). They are to be informed of the availability of help or technical assistance in completing all or part of the IPE. Counselors may need to facilitate decision making by individuals regarding these decisions, depending on the individual's decision-making skills, or to utilize technical or other assistance in helping individuals to obtain information and make decisions about their IPE.

Some eligible individuals may only need help in completing the printed MRS IPE form (see AWARE or RA-2915-S). Other individuals, with knowledge of MRS services,

experience and skill in career planning, ability to work independently, knowledge of community resources, and ability in information gathering and decision making will need little or no assistance in completing an IPE.

Technical Assistance (assistance aimed at improving information gathering and decision-making skills needed in plan development) may be provided directly by other MRS staff, arranged, or provided by external sources. Examples of technical assistance are Rehabilitation Renaissance advisers, empowerment groups, and individualized decision-making assistance for persons with significant cognitive impairments. Technical assistance may be purchased by MRS only when the type of technical assistance required is not available directly through MRS staff or comparable community services or benefits. Technical assistance does not include vocational guidance and counseling, which is provided directly through MRS counselors. Counselors may work concurrently with technical advisers and eligible individuals in developing the IPE. Providers of technical assistance must meet provider standards as applicable.

Other plan development assistance may be provided through the use of interagency planning teams, person centered planning, peer groups, various consumer training activities, and other methods of helping individuals gather information and making informed choices. Such assistance may be purchased when not available through MRS staff or comparable community resources.

The IPE (and any IPE amendment) is signed by the eligible individual and approved and signed by an MRS rehabilitation counselor before taking effect. The Counselor's approval signifies that in the counselor's professional judgment:

- the IPE will achieve the individual's specific employment outcome;
- the job goal is consistent with the employment characteristics of the individual, and not contraindicated by health or safety reasons;
- the IPE services are essential to reach the individual's job goal;

- the IPE is complete (contains the federally mandated components identified in policy);
- and otherwise meets MRS policy and accountability requirements (e.g. use of comparable services and benefits and "least cost to MRS".)

When differences between an eligible individual (or their representative) and the counselor arise, the counselor is to negotiate resolution of differences in the context of a counseling and partnership relationship, respectfully considering the eligible individual's continuing substantive role in making informed choices about his or her IPE, while at the same time adhering to MRS requirements.

If the situation cannot be resolved, the customer may contact the Client Assistance Program at 1-800-288-5923 or the MRS Rights Representative at 1-800-605-6722.¹⁰

Moreover, regarding the Employment Goal and Outcome referenced in MRS Policy 5000, MRS Policy 5025 states in part:

PURPOSE

In accordance with state and federal regulations, this policy and procedure establishes guidelines for determination of an employment goal and outcome.

POLICY

The employment goal identified in the Individualized Plan for Employment (IPE) is structured to result in achievement of an employment outcome in Competitive Integrated Employment (CIE).

DEFINITION

Competitive Integrated Employment (CIE)

Means employment that:

1. Is performed on a full-time or part-time basis (including self-employment).

¹⁰ MRS Policy 5000, pp 1-3.

2. Customer is compensated at a rate that:

- Is not less than the higher of the rate specified in the Fair Labor Standards Act of 1938, or the State minimum wage law.
- Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills.
- In the case of a customer who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.
- Is eligible for the level of benefits provided to other employees.

...

Employment Outcome

Means entering, advancing in or retaining full-time or, if appropriate, part-time competitive integrated employment; supported employment including customized employment; telecommuting; self-employment; business ownership or any other type of employment in an integrated work setting that is consistent with a customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

PROCEDURES

Michigan Rehabilitation Services (MRS) counselors identify the IPE employment goal based on the completed vocational needs assessment and customer informed choice.

Determining Employment Meets Criteria! of CIE

MRS counselors are responsible for determining if the employment goal and outcome meet the defined criteria of CIE.

MRS counselors, when an employment position is in question, conduct a review of the position using the **Competitive Integrated Employment Determination Form** (MRS-66).

MRS manager approval is required prior to selection of an employment goal or employment outcome in positions within:

- A Community Rehabilitation Organization (CRO) or other organizations that provide services or specific employment for individuals with disabilities as one of its major functions
- Javits-Wagner-O'Day (JWOD) — Act/AbilityOne contracts
- Michigan Community Rehabilitation Organization Set-Aside contracts
- Any occupation funded or contracted specifically to serve individuals with disabilities

MRS Counselor Documentation of CIE

MRS counselors are responsible for certifying that employment meets the defined criteria of CIE at:

- 1. IPE Development** - MRS counselor signature on an IPE, or IPE plan amendment, certifies that the identified employment goal is expected to result in a CIE outcome.
- 2. Placement** - MRS counselor entry of attained employment position on the Aware Employment page certifies determination that the position meets the definition of CIE.
- 3. Case Record Closure** - MRS counselor entry of attained employment position on the Aware Case Closure page certifies determination that the position meets the definition of CIE.¹¹

¹¹ MRS Policy 5025, pp 1-3.

Additionally, regarding the IPE itself, MRS Policy 5050 states in part:

Policy:

The Individualized Plan for Employment (IPE) shall be a written document prepared on a form approved by Michigan Rehabilitation Services (MRS). It shall be developed so that it affords the eligible individual meaningful opportunity to exercise informed choice in the selection of the employment goal, the specific vocational rehabilitation services required to achieve the employment goal, the entities that will provide services, and the methods of service provision. The IPE shall be signed by the individual or, as appropriate, the individual's representative and by a qualified MRS rehabilitation counselor. Planning and approval of the IPE shall be conducted within the framework of a counseling relationship. Counselor approval of an IPE verifies that the IPE is consistent with MRS policies and guidelines, is complete and is expected to lead to an employment outcome.

Procedure:

The IPE shall be designed to achieve the employment goal of the individual. It shall include the following:

- A specific employment goal in an integrated setting. The employment goal shall be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- Services necessary to achieve the employment goal. Planning for services to address serious limitations shall be consistent with the third component of eligibility that requires services to achieve an employment outcome (see Rehabilitation Services Manual (RSM) Item 3100 —Eligibility Criteria). The IPE shall, therefore, include treatment, supports or other interventions that address substantial barriers to employment by ameliorating, reducing or removing serious limitations in one or more of the functional capacity areas.

These services shall be provided in integrated settings, to the maximum extent possible and appropriate. As needed, they shall include assistive technology devices; assistive technology services; personal assistance services and training in managing, supervising and directing personal assistance services.

- The anticipated date by which the employment goal will be reached;
- An expected and timely beginning date for each service, and as appropriate, an ending date or event for the service;
- Objective and measurable criteria to evaluate progress in achieving the employment goal;
- Identification of the service providers and their responsibilities.
- Identification of the responsibilities of MRS and the individual in achieving the employment goal;
- The extent of MRS participation and the participation of the individual in the cost of services.
- The extent to which comparable services and benefits, available under any other program, will be used to cover service costs or provide needed services.

* * *

Information:

The IPE is developed between MRS and the eligible individual. It is a statement of intent and is not legally binding. If a case is transferred between counselors, the IPE is to be honored by the receiving counselor unless the vocational goal, services or time frames are ambiguous or no longer appropriate.

The IPE letter in the AWARE Letters catalog may be used as the cover letter to help the counselor obtain the individual's signature on the IPE.¹²

Moreover, regarding IPE Amendments, MRS Policy 5150 states in part:

Policy:

An Individualized Plan for Employment (IPE) amendment shall be developed when, as a result of the annual review or at any other time, the IPE needs to be revised. An IPE Amendment shall not take effect until agreed to and signed by the Michigan Rehabilitation Services (MRS) counselor and the individual or, as appropriate, the individual's

¹² MRS Policy 5050, pp 1-4.

representative. A copy of the amendment shall be provided to the individual and, as appropriate, to the individual's representative.

Procedure:

An IPE amendment (new Plan in AWARE) is required in any of the following circumstances:

1. Change in an IPE employment goal or outcome.

An IPE Amendment is required when the Job Title described in the AWARE Employment record is not within the same job group as the IPE employment goal(s) described in the IPE. When the Employment Goal(s) in the existing IPE and the Job title in the Employment record are within the same job group in AWARE, they are considered to match and an IPE amendment is not required. A job group is defined as an OES Job Title Category or as a "minor occupational group" in the Standard Occupational Classification (SOC) System.

An IPE amendment revising the Employment Goal must be accompanied by completion of a counseling summary at the time of initiating an IPE including:

- The basis and rationale for the job goal.
- The services necessary to address serious limitations associated with disability.
- Other services necessary to achieve the employment goal.
- The customer's involvement in the Vocational Needs Assessment/Individualized Plan for Employment development process.

2. Addition or removal of a substantial service.

A service that costs MRS \$1000 or more meets the definition of a substantial service, regardless of how it is authorized. However, a service costing less than \$1000 may also be considered a substantial service based on the discretion of the counselor.

3. A substantial change in the service provider.

A change in a service provider that results in an increase in service costs to MRS, a longer period of time to

complete, or a significant change in outcome is considered substantial.

4. A substantial lengthening of time required to achieve an employment outcome.

A substantial lengthening of time is defined as a lengthening of the IPE completion date by more than six months.

5. A substantial increase in total estimated service costs to MRS beyond those noted in the current IPE.

A substantial increase is defined as an increase of more than \$2000 beyond the previous total estimated cost.

Changes to the IPE, as agreed to by the individual and counselor, shall be recorded in AWARE or on MRS Form RA-2915s. Use of the RA-2915s must be supplemented by recording the IPE Amendment in AWARE.

Information:

An IPE amendment may also be warranted when a substantial comparable benefit is added or removed, such as the addition or removal of mental health treatment services provided by another agency or organization.

Amending an IPE actually requires the counselor to create a new IPE in AWARE. The counselor should refer to the AWARE training manual for more information.¹³

Regarding Self-Employment and Small Business, MRS Policy 5200 states in part:

Policy:

Self-employment, including small business, may be considered as a vocational option for eligible individuals if:

¹³ MRS Policy 5150, pp 1-2.

- it reflects the individual's informed choice;
- is consistent with the individual's strengths, resources, priorities, concerns, interests, abilities and capabilities, including appropriate accommodations.

Procedure:

Self-employment plans shall be supported, at least in part, by resources beyond MRS, and make appropriate use of available community benefits and resources.

All self-employment plans that involve starting a business venture shall have a viable Business Plan prior to the approval of the Individualized Plan for Employment.

Small business enterprises may be supported by Michigan Rehabilitation Services (MRS) as part of an IPE if they:

- comply with all relevant state, federal and local laws and regulations
- are owned and operated by the individual being served by MRS
- are organized as a "for profit", as appropriate
- do not involve speculative activities (i.e., pyramid ventures)
- are designed to become a major source of income for the individual to the greatest extent practical.

A case closed successfully in any form of self-employment shall reflect income and other criteria described in the Business Plan or the IPE.

Because business enterprise plans require extensive development activities, the period of time required to develop an IPE will often exceed the standard 90-day time frame. Closure of business enterprise and other self-employment cases must be considered on an individual basis, consistent with the criteria for successful employment established in the IPE and is likely to exceed the minimum 90-day follow-up period required for all successful closure.

Information:

Services in support of self-employment, including small business, may include technical assistance and other consultation services to conduct market analyses and develop business plans, as well as other services necessary, including but not limited to training, restoration, occupational licenses, association fees, tools, equipment, initial stocks and supplies, and assistive technology.

Self-employment is a broad category for various options. It may include self-employed tradesmen, professionals, contractual service or technical workers, as well as various forms of small or micro business enterprise. Generally, self-employment is defined as: "The consumer owns, manages and operates the planned endeavor for profit or fee and is not considered to be an employee of another person, business, or organization."

Business enterprise, as a type of self-employment, may be supported by MRS if it falls into one of the following sub-categories:

- Micro enterprise — a proprietorship that usually consists of only the owner, has difficulty securing loans from traditional lending sources, and generally requires a modest initial investment of funds.
- Small business — Independently owned and operated and not dominant in its field.
- Telecommuting: "commuting via electronic transmission from a geographically disperse location where an individual can work at home on a computer and transmit data and documents via telephone lines and is not employed by any other entity." (Note: Telecommuting may also be other than self-employment.)

Assistance with business enterprise development should include coordination of all possible resources including local and statewide partners/providers, businesses, institutions of higher education, family members, banks, and micro-enterprise lenders. Technical assistance for business planning and financial support may be purchased or acquired at no cost from local providers. Judgment must be

exercised in using informed choice principles to enable consumers to select provider(s) who have demonstrated performance and best meet the needs of the individual consumer at the least expense to MRS. Contributions by the individual may include non-financial resources.

A primary role of the rehabilitation counselor is to assist the individual with a plan for business enterprise to obtain support and information for assessment, planning, and implementation of the business plan. This should include the identification and acquisition of resources to support the plan. Each district office has a small business champion who is responsible for providing current and more detailed guidance for small business development, especially identification of pertinent resources and service providers. A step-by-step process for determining the viability, feasibility, market and financial resources for each business proposal is contained in the Michigan Rehabilitation Services Handbook for Business Enterprises.¹⁴

Here, as discussed, above, Petitioner was found to be eligible for services and the parties agreed to an IPE. Following the execution of a second IPE, and a denial for additional financial assistance where it was determined Petitioner's business could no longer succeed and achieve CIE, Petitioner requested additional assistance with marketing services and accounting services. Respondent denied those requests, and it is from this that Petitioner now appeals.

Respondent's primary reason for denying the requested services was there were no changes in the solvency of Petitioner's business, and it was determined Petitioner's business would be unable to achieve CIE.

In response, Petitioner argues Respondent's review of Petitioner's business financials was inadequate; and the facts fail to support Respondent's conclusion that the business would be unable to achieve CIE.

Petitioner, however, has failed to provide any evidence that her business has achieved or will achieve CIE. In fact, the records indicate that after the execution of one IPE, and a second IPE to provide additional funds, Petitioner has yet to achieve CIE and continues to need financial support. Petitioner's salon has already received over \$50,000 in support and has yet to produce a profit nearly 2.5 years after the Certificate of Occupancy was obtained.

¹⁴ MRS Policy 5200, pp 1-3.

During the hearing, it was revealed Petitioner's business is incapable of producing enough income to provide Petitioner with a salary. This, in and of itself, shows that Petitioner's business does not meet the definition of CIE, as CIE means that an individual who is self-employed yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.¹⁵

In Petitioner's closing brief, Petitioner argues that additional tenants would enable Petitioner to achieve CIE. Petitioner, however, doubled her tenants between February 2023, and November 2023, and was still unable to achieve CIE, and was asking for additional support. Moreover, as correctly articulated and pointed out in the October 20, 2023, Decision and Order, any increase in business costs or the loss of a single renter could place Petitioner's business at further financial risk. Muddying this question, is the Petitioner acknowledged that renovations and infrastructure upgrades will need to be completed in the near future. Petitioner never offered any arguments as to how these renovations and upgrades were going to be paid for.

The most concerning issue, however, is the financial records produced by Petitioner. The records appear to be incomplete and are inconsistent. An example is the petitioner argued she was able to make all of her rent payments on time, but the rental payments provided appear to be inconsistent. Additionally, the income statements and credit card statements were poorly supported.

Based on the evidenced presented, it does not appear Petitioner can achieve competitive integrated employment through her small business; and while additional assistance from Respondent might help temporarily, Respondent's determination regarding Petitioner's ultimate chance at success was still proper.

Accordingly, for the reasons discussed above, the undersigned AU finds that Respondent properly denied Petitioner's request to amend her IPE to add additional services.

DECISION AND ORDER

For all of the reasons stated in the foregoing opinion, Respondent MRS' actions are **AFFIRMED**.