

ISSUE

Petitioner's appeal of Respondent's decision to deny Petitioner' request for tuition assistance in support of his employment goal of being an independent organizational psychologist

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, 2024, Petitioner applied for services with Respondent. (Exhibit F, page 1).
2. On July 8, 2024, Respondent determined that Petitioner was eligible for services. (Exhibit F, page 1).
3. The parties then began working together on developing an Individualized Plan for Employment (IPE) for Petitioner, with the process for doing so extended several times. (Exhibit F, pages 1-5).
4. During that process, Petitioner identified his chosen employment goal as working as an independent organizational psychologist. (Exhibit G, page 1).
5. In support of that goal, he planned to take classes at Central Michigan University (CMU), and he was seeking assistance in doing so. (Exhibit A, page 1).
6. On May 8, 2025, Respondent sent Petitioner notice via email that it had denied his request for services in support of an employment goal of being an independent organizational psychologist. (Exhibit G, pages 1-5).

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7. That same day, Petitioner filed a request for hearing with Respondent regarding its denial of his request for services in support of an employment goal of being an independent organizational psychologist. (Exhibit A, pages 1-3).
 8. During the prehearing conference held on July 22, 2025, Petitioner stated on the record that his planned educational program at Central Michigan University in support of being an independent organizational psychologist had been eliminated by the school.
 9. He also identified a new employment goal of being a business consultant.
 10. Petitioner further stated on the record that he was working with Respondent in developing an IPE for that new employment goal, and that Respondent had not yet made a decision on whether it would approve services for the new employment outcome.

CONCLUSIONS OF LAW

As discussed above, Respondent has moved for summary disposition prior to any hearing being conducted in this case.

Pursuant to MCL 24.272(3), a party may also pursue a motion for summary disposition to address questions of law that do not involve factual disputes. *Smith v Lansing Sch Dist*, 428 Mich 248, 256-257; 406 NW2d 825 (1987).

MCR 2.116(3) serves as a guide for summary disposition motions under MCL 24.272(3). See, e.g., *American Community Mutual Ins Co v Commr of Ins*, 195 Mich App 351, 361-363; 491 NW2d 597 (1992). Pursuant to MCR 2.116(c)(10), summary disposition is appropriate when there is no genuine dispute of material fact among parties to an action.

Furthermore, the Michigan Administrative Code allows for summary disposition under Rule 792.10129, which provides, in pertinent part:

R 792.10129 Summary disposition.

Rule 129. (1) A party may make a motion for summary disposition of all or part of a proceeding. When an administrative law judge does not have final decision authority, he or she may issue a proposal for decision granting summary disposition on all or part of a proceeding if he or she determines that that any of the following exists:

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- (a) There is no genuine issue of material fact.
 - (b) There is a failure to state a claim for which relief may be granted.
 - (c) There is a lack of jurisdiction or standing.
- (2) If the administrative law judge has final decision authority, he or she may determine the motion for summary decision without first issuing a proposal for decision.
 - (3) If the motion for summary disposition is denied, or if the decision on the motion does not dispose of the entire action, then the action shall proceed to hearing.

As such, the undersigned All has the authority to hear and decide preliminary dispositive motions.

Upon review of this case, the All now finds that Respondent's Motion for Summary Disposition should be granted and that this case should be dismissed as legally moot.

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." P.L. 105-220 § 100(a)(2).

In support of that purpose, 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 services to prepare for, secure, retain or regain employment consistent with their abilities and capabilities. 34 CFR 361.42; RSM Policy 3.0

Once an eligibility determination has been made, a vocational needs assessment is conducted to determine the goals, nature and scope of rehabilitation services to be included in the Individualized Plan for Employment (IPE). 34 CFR 361.45; RSM Policy 3.1.

The IPE shall be a written document prepared on a form approved by 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

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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. The IPE shall be designed to achieve the employment goal of the individual and shall include 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. 34 CFR 361.45, 34 CFR 361.46; RSM 7.1.

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 IPE, see RSM Policy 7.1, but any IPE or IPE amendment must be both signed by the eligible individual and approved and signed by an MRS rehabilitation counselor before taking effect, with the counselor's approval signifying, among other things, that in the counselor's professional judgment the IPE will achieve the individual's specific employment outcome and that the job goal is consistent with the employment characteristics of the individual. See RSM Policy 7.1.

If differences arise between the client and the counselor regarding the IPE, they are to attempt 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", RSM Policy 7.1, and, if the situation cannot be resolved, the customer may contact the Client Assistance Program or the MRS Rights Representative, see RSM Policy 5000, page 3. Ultimately, if the client wants to move forward with an IPE but MRS denies the request to do so, the client may request mediation and/or a hearing when appropriate. See RSM Policy 2.4.

Here, during the development of the IPE, Petitioner identified his chosen employment goal as being an independent organizational psychologist and requested services in support of that goal.

Respondent subsequently denied Petitioner's request for services in support of that employment goal.

Then, as was his right, Petitioner requested an administrative hearing regarding the denial of services in support of his employment goal of being an independent organizational psychologist.

However, while this matter was pending, Petitioner changed his employment goal and began working with Respondent on a new goal, with Respondent not having yet decided on whether to approve services in support of the new goal.

In response to Respondent's motion, Petitioner argues that it would be premature to grant Respondent's motion because he is still seeking tuition assistance and is still

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seeking a master's degree in business. However, per policy, the parties must agree on an employment goal before services can be authorized. Here, the parties have not yet agreed on an employment goal, so that must be completed before services can be authorized.

Accordingly, based on those undisputed facts, the dispute at issue in this case is now legally moot as Petitioner no longer seeks the previously denied services at issue in this case and any decision will have no effect.

To the extent Respondent denies any services requested in support of Petitioner's new employment goal, then he could request another hearing if and when appropriate.

With respect to the decision in this case, however, the issue is now moot; Respondent's Motion for Summary Disposition must be granted; and Petitioner's case must be dismissed.

DECISION AND ORDER

For all the reasons stated in the foregoing opinion:

- Respondent's Motion for Summary Disposition is **GRANTED**.
- The above-captioned case is **DISMISSED**.

NOTICE: THE PETITIONER HAS NOW EXHAUSTED ALL AVAILABLE ADMINISTRATIVE REMEDIES. ANY FURTHER APPEAL OF THIS DECISION IS THROUGH JUDICIAL REVIEW. ANY PARTY MAY BRING A CIVIL ACTION IN ANY STATE COURT OF COMPETENT JURISDICTION OR IN A DISTRICT COURT OF THE UNITED STATES OF COMPETENT JURISDICTION.