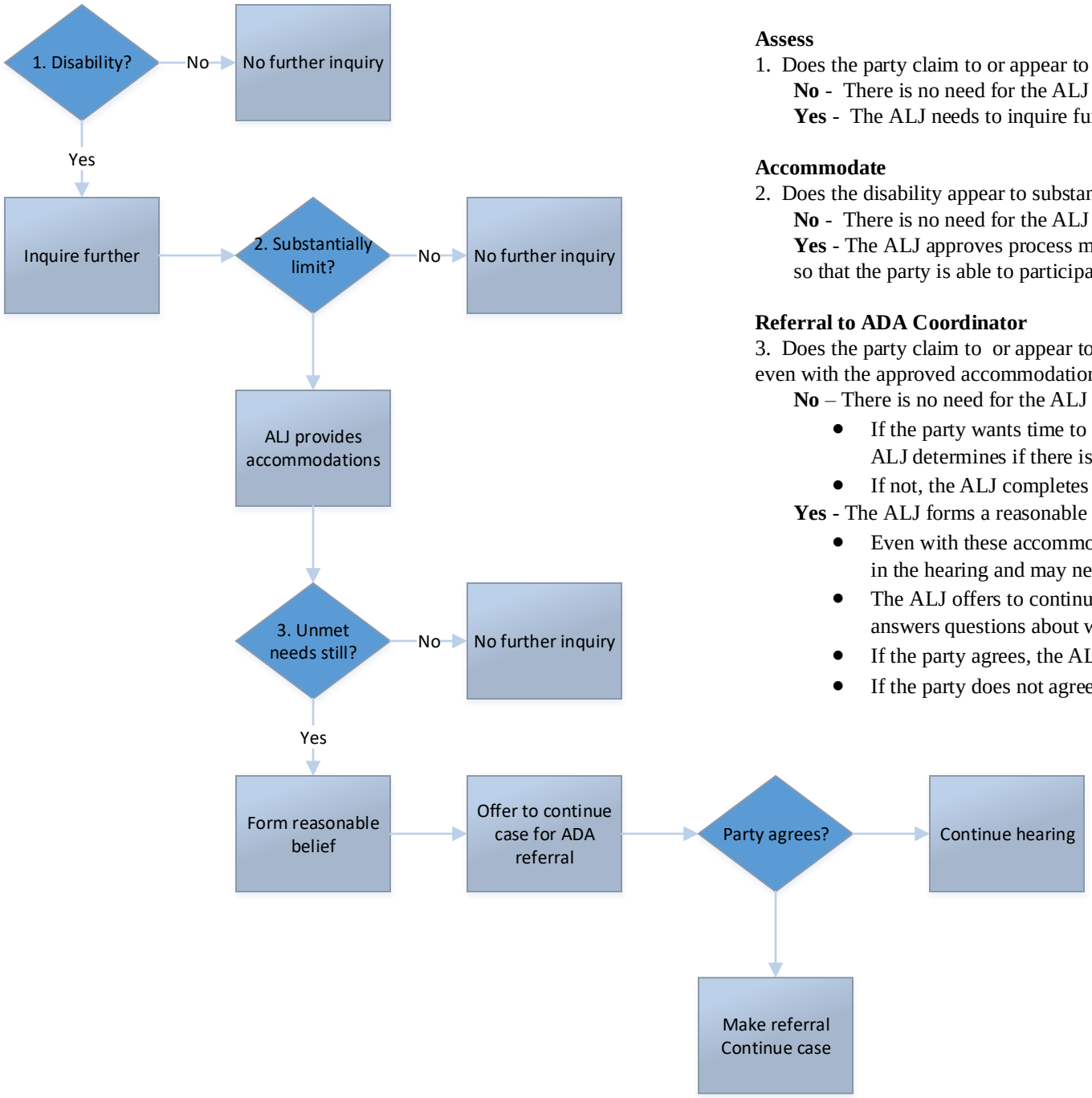
Suitable Representative Inquiry Process



Assess

1. Does the party claim to or appear to have a disability?
   No - There is no need for the ALJ to inquire further.
   Yes - The ALJ needs to inquire further.

Accommodate

2. Does the disability appear to substantially limit the party's ability to participate in the hearing?
   No - There is no need for the ALJ to inquire further.
   Yes - The ALJ approves process modifications or provides other necessary accommodations so that the party is able to participate and access the hearing process.

Referral to ADA Coordinator

3. Does the party claim to or appear to have unmet needs that substantially limit participation, even with the approved accommodations?
   No – There is no need for the ALJ to inquire further.
   - If the party wants time to find an attorney or talk with the ADA Coordinator, the ALJ determines if there is good cause to continue.
   - If not, the ALJ completes the hearing.

   Yes - The ALJ forms a reasonable belief that other accommodations are insufficient.
   - Even with these accommodations, the party is not able to participate meaningfully in the hearing and may need a suitable representative.
   - The ALJ offers to continue the case for a referral to the ADA coordinator and answers questions about what will happen.
   - If the party agrees, the ALJ continues/stays the case and makes the referral.
   - If the party does not agree, the ALJ completes the hearing.