

Volume 8. Number 10

# President to Sign Rehab Act Reauthorization Bill

We have reauthorization of the Rehabilitation Act through 1991!

In a vote on October 3, the last scheduled day of the congressional session, the Senate voted to approve the conference report on H.R. 4021.

The Rehabilitation Act authorizes a ceiling of \$1,281 million for funding of the basic state grant for vocational rehabilitation services for FY 1987. The act also contains revised definitions, criteria and requirements which are presently

being analyzed for their effect on the state plan for delivering vocational rehabilitation services.

#### Appropriations in Continuing Resolution

Congress has passed, and the President signed, the FY 1987 Continuing Appropriations Resolution which will fund all government programs. Vocational Rehabilitation (Section 110) has been appropriated

NON-CIRCULATING

\$1,281 million for services. Because Congress has already passed a reconciliation package providing additional revenue to offset Gramm-Hollings-Rudman reductions, the \$1,281 million figure can be relied upon as the final federal appropriations for FY 1987.

#### **Congress Emphasizes Incentive** Measures

The President has also signed a provision which extends the Targeted lobs Tax Credit (TITC) Program. Considered to be a major incentive for employers to hire the handicapped, over 2,600 credits were taken for handicapped employees in Texas in FY 1985, the last full year the credit was offered. TJTC will be retroactively extended from January 1, 1986, through December 31, 1988. The credit equals forty percent of the first \$6,000 of first year wages. Before a credit can be taken, the employee must work for at least 90 day, or, complete at least 120 hours of work.

Finally, Presidential signature has made permanent Section 1629 of the Social Security Act which allows, among other things, continued SSI and Medicaid benefits to individuals even if monthly earnings exceed the so-called "break-even" point between earnings and benefits of \$757 per month. This has been considered one of the major disincentives for the SSI recipient to attempt employment.

### **Governor Signs NETH Week Proclamation**



In a September ceremony, Governor Mark White signed a proclamation recognizing October 5-11 as National Employ the Handicapped Week. Virginia Roberts, director of the Governor's Committee for Disabled Persons, looks on as the Governor signs the proclamation.

### Vogel Assumes ADC/General Programs Position

The newly appointed Assistant Deputy Commissioner for General Programs is Ken Vogel, former regional director for Region IV.

This new position was created with the realignment of the TRC programs into Special Programs and General Programs.

Vogel came to TRC in 1970 as a vocational rehabilitation counselor in the San Antonio West Field Office assigned to the Cooperative School Program serving three independent school districts.

Over the next few years, he became a counselor for persons with epilepsy and later served homebound clients.

In September, 1977, he became program officer for what was then Region VII.

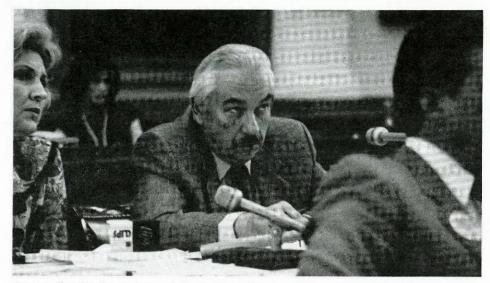
Since 1978, Vogel has distinguished himself and Region IV serving as regional director for the Houston area.



Ken Vogel became Assistant Deputy Commissioner for General Programs on September 1.

"I am very pleased and excited about Mr. Vogel's appointment," says Dale Place, deputy commissioner for Programs and Facilities, "and I believe his experience and broad background in programs and administration equips him to assume the important responsibilities of this position."

"We all appreciate the challenges of the field staff to deliver services," says Vogel, "and my desire is to help them have the tools they need to get the job done."



Senator Chet Brooks, chairman of the Health and Human Resources Committee, listens to testimony before his committee during the Second Called Special Session of the 69th Legislature in August.

### State Appropriations Bill Approved

It took two special sessions, a conference committee and much debate, but we finally have consensus on state appropriations for Fiscal Year 1987. The TRC state funds for general revenue, in the approved budget, was reduced \$5.6 million from the \$26.2 million originally appropriated. This amounted to a 21% reduction, largest of any human service agency.

Then the Legislature authorized TRC to replace \$4.1 million out of the total \$5.6 million revenue reductions with earned federal funds. This means the net loss to TRC in FY '87 is \$1.5 million, or 5.6% of state funds. The use of earned federal funds allowed TRC to avoid staff layoffs which happened to other agencies.

The reduction is significant, but, Commissioner Arrell has remarked, ''in spite of our reduction, no employees have been laid off and no clients have been denied services, with no plans for such for the remainder of FY '87.''

But, having to use the earned federal funds in this reduction could have long-term consequences on client services in future years, unless the Legislature replaces them. In the past, the Legislature has drawn from these funds to make up a part of TRC's general revenue appropriations. With the depletion of the earned federal money, the "pot" is empty and new dollars will be needed to make up the difference for the upcoming biennium. The Commissioner has estimated that legislators will need to find \$7 million "new" dollars just to stay even with the current funding level. Otherwise, the program could be "devastated."

> "... no clients have been denied services."

Even though a modest increase in the general sales tax was also passed, the state's budget remains in deficit. The budget review process for the next session of the Legislature is already beginning, and disability advocates from across the state are "packing their bags" to have their voices heard in the upcoming regular session slated for January, 1987.

# Second Special Session Bills Impact State Workers

It's a case of ''now you see it; now you don't.'' Remember the three percent salary increase state employees were supposed to get October 1? Well, we didn't get it thanks to Senate Bill 40, passed in the Second Called Session of the 69th Legislature.

S.B. 40 repealed legislation passed in the regular session of the Legislature last spring granting the three percent increase for state workers.

It is just one in a series of moves by the State Legislature in the recent special sessions designed to balance the budget by limiting state agency spending.

Another bill, created and passed in the spirit of conserving funds, is House Bill 62 which changes the day of the month state employees get paid. The exact wording of the law is as follows: "The State Treasurer may not make payment of a state employee's salary before the first working day of the month following the payroll period."

After December 20 when the bill goes into effect, TRC employees will get their paychecks on the first day of the month, not the last day.

As a result of House Bill 62, if the first day of the month falls on a weekend or on a holiday, state workers will not get their salaries until the next working day after the weekend or the holiday. Gaining added interest by leaving these funds in state accounts for a few extra days each year is the apparent purpose of this bill.

House Bill 40, referred to as an "early retirement incentive," offers an additional retirement benefit for members of the Employees Retirement System (ERS) who retire during the period from November 30, 1986 through May 31, 1987.

This bill does not apply to TRC employees who are under the Teacher's Retirement System.

Essentially, H.B. 40 increases the value of each year of creditable service applied to retirement benefits for members who meet the length-of-service and the age requirements. This is where the meaning of the bill becomes confusing for some. If the service and age requirements still apply, why is the bill an incentive for "early" retirement? Clayton Garrison, executive director of ERS, agrees, noting that H.B. 40 ''is not really an early retirement plan since the two requirements for retirement (length-of-service and age) must still, be met.''

# "... not really an early retirement plan ..."

The bill does change the creditable service rate for the first ten years of service which translates into an additional 5 percent in retirement pay.

ERS figures show that a total of 6,300 state employees are eligible to

take advantage of H.B. 40 provisions. Of those, 61 TRC employees are eligible.

Monthly benefits resulting from disability retirements, employee deaths, supplemental retirement benefits for law enforcement and custodial officers and other ERS benefits are not affected by H.B. 40.

For more information about the stipulations of H.B. 40, contact the Employees Retirement System at (512) 476-6431 or STS 820-9011. You may also contact your regional personnel office or Personnel Services at the Central Office at (512) 445-8041 for more information about recent bills affecting state employees.

# Board Focuses On VR Division

It was the Vocational Rehabilitation (VR) Division's turn before the Board at its September 25–26 Board meeting.

A twelve-hour work session on Thursday was followed by another full day of meetings on Friday.

Accented by videotapes and driven by discussions of important aspects of the newly reorganized General and Special program areas, the VR presentation to the Board was designed to familiarize Board members with the people and the disabilities VR serves as well as how and with what resources they are served.

Ted Thayer, program specialist who helped organize the presentation, feels positive about it.

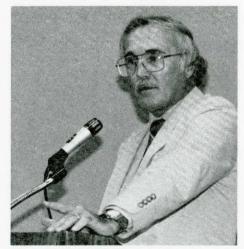
"The Board," says Thayer, "received a comprehensive overview of the program that included the client-centered emphasis which has always been the essence of the VR program."

An added bit of excitement marked this particular meeting of the Board. Only a few hours before convening, Board members learned that they would have an opportunity to meet with Social Security Administration officials on Friday in an attempt to resolve some pressing issues now confronting DDD (see accompanying article in this issue).

Due to the budgetary climate and issues affecting TRC on both the

federal and state levels, this particular Board meeting could prove to be the most important one of the year.

### Statewide Planning Session for Deaf-Blind



Commissioner Arrell speaks before the Statewide Deaf-Blind Planning Session in September. Common concerns identified in the various workshops at the session include the need for improved health care for people who are deaf-blind, more recreation and leisure activities, more group homes, respite care for families of people who are deaf-blind and the need to coordinate efforts among agencies and organizations providing services to people who are deaf-blind.

## DE's Have Toughest Jobs DDD Refuses to Bend Under SSA Pressure

"Right now, disability examiners have the toughest jobs in the Commission."

Commissioner Arrell has arrived at this conclusion as, over the past few months, the Social Security Administration (SSA) has applied increasing pressure on state Disability Determination Services to process more and more cases with less funding and fewer disability examiners (DE's).

### MILESTONES

This segment of News & Views honors TRC employees celebrating 10 years or more with the Commission as of the month previous to publication. Due to the length of the list, we are restricted to publishing these anniversaries in 5 year increments only. Here is a list of employees who have reached these "milestones."

#### SEPTEMBER 1986

15 years:	<b>Region I</b> Gary R. Gill Richard J. Lupia
20 years:	Region II John C. Heck John C. Stowe
10 years:	<b>Region III</b> Nelva J. Alsbrooks Joan Johnson June Y. Nauert
15 years:	Merrylyn A.
	Buerschinger
20 years:	Jerrine K. Joseph
15 years:	Region IV V. W. Garrison
	Region V
10 years:	Nancy Dreir
15 years:	R. R. Garcia W. Huerta
20 years:	R. Palacios
25 years:	Carolyn Hooper
15 years:	Region VI Bettie M. Rozell
20 years:	Naomi Marksbury
Lo years.	(indefine matrices ary
	Central Office
10 years:	Jack C. Creamer Sandra K. Lawson
	Sanura K. Lawson
15 years:	Harry D. Amon
	Donna L. Hobbs
	Ruby A. Werchan
	DDD
10 years:	Lynn D. Gilbert
	Sandra G Ross

"It doesn't make sense," says David J. MacCabe, deputy commissioner for Disability Determination, "over the last few months, we've had record levels of case receipts and record levels of case clearances, but SSA is still asking us to cut a total of 78 positions."

In fact, during the third week in September, DDD cleared 4,660 claims for disability benefits—an all-time record week. An average good week for clearances is around 3,500.

"Our DE's and support staff are giving 110% effort," says MacCabe, "but we won't drive them into the ground."

Part of the problem is the tightening budget situation on the federal level. Most federal programs are feeling the effects of Gramm-Rudman. The economic crisis in Texas due to slumping oil prices has caused the Texas DDD to be faced with the largest number of disability claims in history. But the problem goes even deeper than that.

Since the Disability Benefits Reform Act of 1984, DDD has been preparing for and attempting to carry out the changes dictated by the act.

Some of the act's reforms are geared toward making fairer decisions about disability benefits for persons with mental impairments. The new rules were in use by the fall of 1985. But these reforms are complicated and required training and testing the new system which resulted in a backlog of mental impairment claims. SSA's "mid-course corrections" in

interpreting the new rules caused a significant decrease in decisions where these claimants are allowed benefits.

Other provisions of the act called for stricter and more time-consuming procedures in developing claims for benefits.

In short, the 1984 reform legislation made the disability determination program more labor intensive, requiring more man hours to accurately determine a person's eligibility for benefits. As a result of the 1984 reforms and the worsening economic climate in Texas, claims for disability benefits are building up. Commission officials predict delays in benefits to disabled Texans.

And, although DDD is rising to the occasion and processing record numbers of claims, SSA insists that DDD should be able to handle the backlogs by doing more with less.

MacCabe points out that DDD hasn't fully resumed the Continuing Disability Review (CDR) process yet because of the overpowering number of initial claims for disability benefits. Furthermore, the Offices of Disability Hearings are reviewing initial claims to help with the load.

One of the most frustrating aspects of the problem is that, as Commissioner Arrell observes, "We haven't gotten agreement from SSA about the seriousness of the problem."

"Projections given by SSA underestimate the volume of claims coming to DDD," says MacCabe, "therefore, they're not allocating an appropriate level of resources for us to do the job."

The Commission will not wait for the situation to grow worse. Commissioner Arrell directed that an action plan aimed at easing the DDD difficulties be developed. The plan was presented at the TRC Board meeting in September.

At Commissioner Arrell's request, the Board directed management to begin a plan to limit the average DE caseload to 120 cases while providing the maximum possible benefit to the disabled community of Texas.

Additional measures of the plan could include: limiting daily case assignents to DE's; looking at ways of storing incoming cases; suspending the CDR process; and postponing the Office of Disability Hearings program to allow these hearings officers to continue assisting with initial cases.

"We've done everything we could within the system," states Commissioner Arrell, "now we have to come up with solutions ourselves."

### Faulkner Receives Disabled Texan of the Year Award



Wendell D. Faulkner, TRC Board member, receives the Disabled Texan of the Year Award from Texas First Lady Linda Gale White.

**Wendell D. Faulkner**, TRC Board member, was chosen by the Governor's Committee for Disabled Persons (GCDP) to receive the DISABLED TEXAN OF THE YEAR AWARD FOR 1986.

Governor Mark White, acknowledging Faulkner's award before a group in Pecos recently, said, "Wendell is a good friend and an inspiration to all of us."

Faulkner, who has multiple sclerosis and uses a wheelchair, is retired from the oil business and previously served as a Reeves County Commissioner for 20 years.

In addition to his duties on the TRC Board, Faulkner serves on the Reeves County Hospital Board and oversees work on his ranch south of Toyah.

Linda Gale White presented Faulkner with the award on behalf of the GCDP in ceremonies October 3.

Other winners of the GCDP Employment Awards are as follows:

GOVERNOR'S CITATION FOR MERITORIOUS SERVICE **Bob Kafka**, Austin

PHYSICIAN OF THE YEAR Wilma Eaton Hogg, M.D., Dallas

PUBLIC EMPLOYEE OF THE YEAR Joyce H. Martin, Sheppard AFB GOVERNMENTAL AGENCY OF THE YEAR El Centro College, Dallas

EMPLOYER OF THE YEAR (over 200 employees) **M-Tech**, Dallas

EMPLOYER OF THE YEAR (under 200 employees) **Nelson Braune**, Kerrville



Following is a portion of a letter written by U.S. Congressman Mac Sweeney of Texas to Margaret Lay, director in the Disability Determination Division, commending Continuing Disability Review Examiner Margery Mackey in Unit 50 for her exemplary work in handling a disability claim for one of the Congressman's constituents:

"I am writing to commend the efforts of your employee, Margery Mackey. Without the conscientious and dedicated effort she put forth, I would still be struggling with (one of my cases). On the numerous occasions I spoke with Mrs. Mackey, she displayed a personal commitment to her work that is exemplary. Always prompt, courteous and professional, she made dealing with this most difficult case immeasurably easier."

Following is part of a letter from TRC client Jeannie Lowrie written to Gladys Weaver, counselor in the Victoria Office:

"Thank you for your kindness and consideration for me. I do wish to close the open case you have on me. I am working more hours making a fair salary and things look good. I love the work and am content. At this time my intentions are to continue working here. Thank God I have found employment."

#### This is a letter from TRC client Josie Nerios written to Yvonne Brown, counselor in the Lubbock Field Office:

I would like to take the time to thank you for your time, energy and kindness spent on my case. It was very much appreciated. May God bless and take care of you and your family always.

# Top Employee of the Year Awards Presented at Board Meeting

"It's not hard to do business with the state." That's what Shirley D. Cochran, stenographer in the Beaumont Field Office, wants to convince the vendors she talks with.

It's this kind of commitment to her work and to the work of the Commission that won her the TRC Top Employee of the Year Award for salary groups 2—11 for 1986.

The other Top Employee of the Year Award winner is LaFon B. Eary, administrative technician in the Temple Field Office, who won in salary groups 12–20.

Both Top Employees received their awards at the September Board meeting where Board Chairman Jerry Kane cited Cochran for her dependability, accuracy and professionalism and cited Eary for her extensive committee work and her help in developing Commission policy and procedures for purchasing equipment and services for clients.

"Considering the number of truly outstanding employees among over 1,800 employees of the Commission," says James L. Jackson, executive deputy commissioner, "recipients of TRC's Top Employee Awards should feel they are in a class by themselves."

Eary and Cochran were chosen as the Top Employees from a field of 16 winners of TRC's Outstanding Employee Awards.

Here are the 16 Outstanding Employees chosen from TRC offices around the state:

#### **Region** I

#### GROUPS 12-20

Mario Martinez, counselor in the San Angelo Field Office.

GROUPS 2-11

Barbara Sirmon, stenographer in the Amarillo Field Office.

#### **Region II**

#### GROUPS 12-20

John Stowe, area manager in the Abilene Field Office.

#### GROUPS 2-11

Patience Green, stenographer in the Wichita Falls Field Office.



Shirley D. Cochran, stenographer in the Beaumont Field Office (left), and LaFon B. Eary, administrative technician in the Temple Field Office, will have have their names added to the list of Top Employee of the Year Award winners to be permanently displayed on a plaque at the Central Office.

#### **Region III**

#### GROUPS 12-20

LaFon B. Eary, administrative technician in the Temple Field Office.

#### GROUPS 2-11

Shirley D. Cochran, stenographer in the Beaumont Field Office.

#### **Region IV**

#### GROUPS 12-20

Ralph Hasten, counselor in the Richmond Field Office.

#### GROUPS 2-11

Peggy Stewart, secretary in the Houston Field Office Central.

#### **Region V**

#### **GROUPS 12-20**

Alvis Brister, area manager in the San Antonio Field Office South.

#### GROUPS 2-11

Rosario Chapa, rehabilitation technician in the McAllen Field Office.

#### **Region VI**

#### GROUPS 12-20

Frances Hall, rehabilitation technician in the Dallas Field Office Northeast.

#### GROUPS 2-11

Faye Temple, stenographer in the Paris Field Office.

#### **Central Office**

#### GROUPS 12-20

Tracey Schlatter, budget analyst in the Budget and Planning Section.

#### GROUPS 2-11

Juanelle Turner, administrative technician in Programs and Facilities Services.

#### DDD

#### GROUPS 12-20

Judy Sandberg, supervisor in Word Processing Services.

#### GROUPS 2-11

Maria Dominguez, clerical supervisor in Unit 09.

# POINTSof-

The Texas Association of Children and Adults with Learning Disabilities (TACLD) is sponsoring its 22nd Annual Conference November 6—8 at Kahler Green Oaks Inn & Conference Center in Fort Worth. The featured speaker will be Laurence M. Lieberman, Ed.D. discussing "How Well Are We Preparing LD Students to Meet the Future?" For more information, contact TACLD State Office at (512) 458-8234.

The President's Committee on Employment of the Handicapped has developed the Job Accommodation Network (JAN), a toll free telephone service which assists potential employers of disabled workers in learning how other employers have, through innovation and creativity, removed barriers to people who are disabled in the workplace. The JAN telephone number is 1-800-JAN-PCEH.

The Supreme Court has ruled that commercial airlines may discriminate against travellers who are disabled because the carriers are not covered by a federal antidiscrimination law. Organizations of disabled people had sued the airlines to provide access and such special services as storage space for wheelchairs, lifts for disabled passengers, flight information for the deaf and medically prescribed meals and oxygen. The court concluded that although the airlines benefit from airports built and maintained by federal money, they do not receive federal money themselves and therefore are not subject to the antidiscrimination law. The chances are good, however, that this ruling could be overturned by Congressional legislation already approved by both the House and the Senate which alters the Federal Aviation Act of 1958 to prohibit airlines from placing restrictions on travellers who are disabled.

Scholarships, \$500 each, will be awarded to outstanding rural special educators by the American Council on Rural Special Education in March, 1987. For more information, contact ACRES Rural Student Scholarship, National Rural Development Institute, Western Washington University, Miller Hall 359, Bellingham, Wash. 98225, (206) 676-3576.

Two Rural Special Education

The Handicapped Children's Protection Act was signed into law on August 5. The act changes the Education of the Handicapped Act to allow parents to get back their attorney fees and cost from the school when they win a lawsuit forcing a school district to provide appropriate educational services to a handicapped student.

The Coalition of Texans with Disabilities (CTD) is again sponsoring its annual Fun-Run Sunday, November 23, 8:00 a.m.—12:00 noon at St. Stephen's School in Austin. CTD uses the proceeds from this event in organizing and advocating for people with disabilities in Texas. For more information call Bob Kafka at (512) 443-8252.

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### Dart Appointed RSA Commissioner

Justin W. Dart, Jr. has been named commissioner of the Rehabilitation Services Administration (RSA) for the U.S. Department of Education, Office of Special Education and Rehabilitation Services.

"We now a have friend in RSA!" says Commissioner Arrell.

For more than 40 years, Dart has been an advocate for people with disabilities and people who are disadvantaged.

He has served as chairman and as a member of the Texas Governor's Committee for Disabled Persons, as chairman of the Governor's Long Range Planning Group for Texans with Disabilities, and as vice-chairman of the National Council on the Handicapped. Dart is currently a member of the Texas Council on Disabilities.

Dart holds a B.S. and a M.A. from the University of Houston. He has authored papers on the philosophy and administration of independent living programs and served as coordinator and lead editor for both the Long Range Plan for Texans with Disabilities and the National Policy for Persons with Disabilities.

Since 1968, he and his wife have operated a private independent living program for people who have or who do not have disabilities. All of them have moved on to education and employment.

### MTI Scholarships for Clients in Region IV

The Microcomputer Technology Institute (MTI), of Houston. has developed a new scholarship program specifically for the benefit of Texas Rehabilitation Commission clients in the Houston area.

Robert E. Obenhaus, president of MTI, announced the scholarship in June. It will be known as the "Norma June Bannon Scholarship" in honor of an MTI partner who died last December and who coordinated activities with TRC during MTI's early years.

A total of \$27,500 (\$2,500 for each of the 11 Houston area field offices) will be allocated annually for tuition to MTI for TRC clients. Scholarships will not include books, tools or supplies. MTI provides an intensive nine-month program of instruction in

microcomputer hardware technology and maintenance as well as a job placement service to help graduates locate top-rated jobs.

Plans are underway for ceremonies to institute the new scholarship program. An engraved plaque, to recognize the program and TRC's participation, will be hung in MTI's main student hallway.



Mario Martinez, senior counselor in the San Angelo Field Office, has been named the 1986 Counselor of the Region for Region I.

These TRC employees recently received press coverage for the Commission: Jo Anne Hull, counselor in the Corsicana Field Office; George Moore, counselor in the Lufkin Field Office: Roger Ward, operations director for program services in the Fort Worth Regional Office; Tom Billings, counselor in the Pasadena Field Office; Virginia Roberts, director of the Governor's Committee for Disabled Persons: Fave Temple, stenographer in the Paris Field Office: Nancy Murray, counselor in the Edinburg Field Office: John Fenoglio, deputy commissioner for Administrative Services; Jerry Kane, TRC Board Chairman; and Commissioner Arrell.

These TRC employees recently received letters of commendation from Commissioner Arrell on the quality of their casework: Diane Garcia, counselor in the Dallas Northwest Field Office: and Sonia Nixon, counselor in the Arlington Field Office.

Richard M. Sutherland, case consultant in the Social Security Disability Claims section, has retired from the Texas Army National Guard after 30 years of service. Sutherland has served as Command Sergeant Major for the Texas National Guard Military Academy since 1978-the highest ranking non-commissioned officer at the Academy.

Commissioner Arrell has appointed one new member and re-appointed three members to TRC's Medical Consultation Committee. The new appointment is Richard L. Harper, M.D., neurosurgeon, and the re-appointments to the committee are Robert B. Caraway, Jr., M.D., surgeon: B. T. Johnson, D.D.S., dentist: and Edward K. Poole. M.D., radiologist.

Bob Burgess, hearing officer in the Austin Office of Disability Hearings, has published an article titled "PL 98-460 in Historical Perspective," in the July issue of the Advocate, a magazine of the National Association of Disability Examiners.

Dorothy Cooke, counselor in the Amarillo Field Office, has been awarded a certificate of appreciation for outstanding and dedicated service to the Alcohol Recovery Center of Amarillo.



Jesus Quiroga is the newly appointed personnel officer for Region II. Quiroga comes to TRC from National Convenience Stores where he was most recently district personnel manager. He holds a B.B.A. from North Texas State University in personnel management and organizational behavior.



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