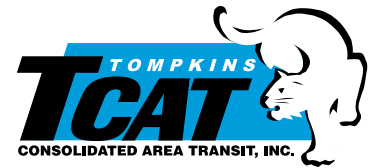


Appealing Suspension of Service or TCAT ADA Paratransit Eligibility Determinations



Introduction

Pursuant to the US Department of Transportation regulations implementing ADA Paratransit requirements (USC 49 part 37 Subpart F, Section 37.125), TCAT will accept appeals from its determinations of eligibility.

Applicants for ADA Paratransit service may appeal:

1. A determination that an applicant is not eligible for TCAT ADA Paratransit services;
2. The conditions placed upon eligibility or use of TCAT services.

In addition, TCAT customers whose service has been suspended for any reason can appeal their suspension of service.

A copy of these procedures will be included in every letter of determination denying eligibility, setting conditional eligibility or suspending TCAT services.

I. Filing an Appeal

- A. All appeals must be filed in writing with the TCAT office.
- B. Appeals must be filed within sixty (60) days of the receipt of the original determination of ineligibility or conditional eligibility, suspension or denial of a specific trip request. If the 60th day after the original determination or trip denial is on a weekend or legal holiday, an appeal will be accepted on the next subsequent business day.
- C. Appellants are urged to state in their appeal letter the reasons why they believe the determination does not accurately reflect their ability to use fixed route TCAT service, or why suspension is inappropriate. Written material regarding the specific functional ability of the applicant/customer or relating to the general nature of the individuals disability may be submitted at this time. This will assist TCAT reviewers in their initial review of the appeal. An applicant may, however, request an appeal hearing without providing additional detail and without the submission of additional written material or information.

II. Receipt and Scheduling of an Appeal Hearing

- A. Upon receipt all appeals will be date-stamped and referred to the ADA Coordinator for initial review and consideration. The ADA Coordinator may choose to:
 1. Reverse a determination of ineligibility or revise conditions of eligibility;
 2. Authorize a specific trip request which had been denied;
 3. Schedule the matter for a hearing by the Review Board;
 4. Cancel or modify a suspension of service
- B. Initial review of appeal request by the ADA Coordinator will normally be conducted within five (5) business days of the receipt of the appeal. If the ADA Coordinator makes the determination, it is then taken to the review board.

C. Appeals before the Review Board will normally be completed within the calendar month following the receipt of the appeal, pending the meeting schedule of the Review Board. The Review Board will render its determination within thirty (30) days of its consideration of the appeal.

III. Review Board Member Selection

- A. Review Board Members shall be members of the TCAT ADA Committee and selected by members of the TCAT ADA committee.
- B. The Review Board shall consist of at least three (3) members for the TCAT ADA committee. The TCAT Chairperson of the ADA committee will be on the Review Board, along with two other members selected by the TCAT ADA committee.
- C. The other two members of the Review Board shall serve two year terms as Review Board members. Elections shall be held every April for Review Board. (With 2010 being the first year of the Review Board 1 member will be elected for a 2 year term and 1 member for a 1 year term)
- D. If a Review Board member is unable to perform his/her task the TCAT ADA committee may hold a special election to fill that member's position for the remainder of his/her term.

IV. Review Board Procedures

- A. Copies of the original application submitted by the appellant, including medical verification, and any additional material submitted by the applicant in filing the appeal, will be provided to the Review Board at least three (3) day in advance of the appeal hearing.
- B. The Review Board shall hear and consider;
 - 1. The information provided in the original application and through the medical verification;
 - 2. Any additional information, written or verbal, received from the applicant;
 - 3. The statements of the of the applicant, his/her advocate and any other witnesses offered by the applicant;
 - 4. Information from TCAT or GADABOUT staff regarding its services, the architectural or barrier impacting access to fixed route service or other eligibility criteria; and
 - 5. Any other material deemed that by the Review Board to be germane to the consideration of the appellant's ability to utilize TCAT fixed route service.

V. Interim Service

- A. During the period between the receipt of an appeal of determination regarding eligibility and the determination of the Review Board, no ADA Paratransit service will be provided to the applicant.
- B. If an appeal is taken based upon a determination of "trip" eligibility service, the trip in question will be provided until an appeal hearing is concluded.
- C. If an appeal is taken based upon a suspension of service for any reason other than violent or threatening behavior, service will be provided until an appeal hearing is concluded.
- D. If an appeal is taken based upon a suspension of service for violent or threatening behavior, service will not be provided during the appeal.
- E. If the Review Board has not rendered its decision with thirty (30) days of the hearing the Board will provide service on an interim bases pending a final decision.

VI. Privacy of Appellants

- A. All Review Board copies of appellant's applications and supporting materials remain the property of TCAT and will be returned to the ADA Coordinator at the conclusion of the appeal hearing.
- B. Members of the Review Board are strictly prohibited from discussing the details of an appeal regarding the name or other identifying characteristics of the appellant with any person not directly involved in the appeal. Members may discuss information of a general sort regarding a particular type of disability and its functional impact upon an individual's ability to use fixed route transit services and preparation for a hearing, but are advised to take care of that information specific appellants is not shared.
- C. Appellants will be asked to state if they wish to have the hearing conducted in closed session. At the appellant's request, all parties except Review Board members, TCAT staff, the appellant and his/her advocate will remain. Witnesses as necessary for the conduct of the hearing will be excluded from the hearing.
- D. The deliberations of the Review Board shall normally be conducted in an executive session in order to allow for the full consideration of the appellants medical records and condition. Appellants may, however, request that these deliberations be conducted in a public session.
- E. The vote determining the outcome of the appeal will be conducted in public, and the assessment of the appellant's functional ability to utilize TCAT fixed route service, excluding medical diagnosis and other private medical information, will be rendered in writing.
- F. Audiotapes will be made of all Review Board meetings. The tapes of these meetings, together with all supporting material, will remain the property of TCAT and held securely for a period of five (5) years, at which time they will be destroyed. Copies of the materials will be made and released only through the process of legal discovery (fact finding) undertaken in any subsequent legal action.

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