



**BAY METRO TRANSIT
ADA PARATRANSIT SERVICE
APPEAL PROCESS FOR CONDITIONAL ELIGIBILITY OR INELIGIBILITY
DETERMINATIONS
Dated: August 2015**

Appeal Process

The eligibility determination process is used by BMTA to comply with Federal law which restricts eligibility for ADA paratransit service to persons who cannot, due to disability, use fixed route service. This determination applies only to your eligibility for ADA paratransit service offered by BMTA. It does not apply to the DART demand-response service or any other service provided by BMTA.

Appeals need to be made in writing within 60 days of receiving notice of the eligibility determination results. If a written appeal is not possible, the BMTA ADA Coordinator (Service Development Planner) can be contacted at (989) 894-2900, ext 1230, and notified of your intent to appeal. Appeals may be mailed to:

Bay Metro Transit
ADA Coordinator
1510 N Johnson St
Bay City, MI 48708

Once the ADA Coordinator has been notified of the intent to appeal, a hearing will be scheduled as soon as administratively possible; with enough notice to allow the individual appealing to prepare additional documentation and contact any healthcare professionals that may be able to provide new insight into the individual's capabilities. The individual may bring others to the hearing that may assist with their appeal. Travel arrangement can be made through BMTA

DART at no charge. The appeal will be heard by the BMTA General Manager and two individuals from the ADA/Local Advisory Committee. Staff involved in the determination process and an appropriate healthcare professional may be present to explain the initial determination, but will not vote on the appeal decision. Minutes will be taken during the hearing.

In addition to ensuring the certification process in the initial determination was followed, the appeal decision will be based on whether proper judgment was used in evaluating the individual's capabilities in the initial determination and on additional information that may not have been available in the initial determination. Therefore, the proper grounds for appeal would be one or more of the following:

- BMTA certification process/policy was not followed.
- The initial determination did not properly evaluate the capabilities of the individual during review of the initial application or the in-person assessment.
- Additional information is now available which was not part of the initial determination.

The decision by the appeals committee will be in writing and will state the reason for the decision in detail. The written decision will be mailed to the individual making the appeal within 30 days following the hearing. If a decision is not made and the individual is not notified within 30 days, the individual will be provided ADA service until and unless an adverse decision is rendered.

If an individual's appeal is denied, information will be provided to them to file a Civil Right complaint with FTA.