PARATRANSIT ELIGIBILITY APPEAL PROCESS AND FORM

APPEALING TD AND ADA PARATRANSIT ELIGIBILITY

Under the Department of Transportation (DOT) Americans with Disabilities Act (ADA) regulations 49 C.F.R. Section 37.125(g), transit service providers must "establish an administrative appeal process through which individuals who are denied eligibility can obtain review of the denial." Space Coast Area Transit's administrative Transportation Disadvantaged (TD) and ADA Paratransit Eligibility Appeal Process is intended to give applicants who have been denied eligibility, or who have been deemed conditionally eligible, the opportunity to have their case heard independent of the initial decision maker.

THE RIGHT TO APPEAL

- Applicants have 60 days from the date of the eligibility determination letter to appeal the decision in writing to the Brevard County ADA Coordinator.
- Prior to the hearing, the applicant's eligibility status remains unchanged from the original determination made by Space Coast Area Transit.
- Appeals will be heard independently of Space Coast Area Transit.
- Applicants will have the right to speak in person on their own behalf and/or have others represent them at appeal proceedings.
- Applicants will have the right to necessary support, such as an interpreter, if requested in the appeal letter.
- The determination resulting from the appeal will be made in writing within 30-Days and will state the reason(s) for the decision. If a decision is not made within 30-Days of the date of appeal, full eligibility will be given until a decision is made.
- Applicants may reapply for service at any time if there is a change in their functional mobility.

PROCESS FOR ELIGIBILITY APPEAL

An appeal is conducted by the Brevard County ADA Coordinator, who is an advocate for people with disabilities. The applicant may also request an in-person hearing or a telephone hearing. All in person and telephone hearings must be scheduled with the Brevard County ADA Coordinator. The applicant is not required to state the reason for requesting an appeal. All requests for an appeal must be filed in writing.

Options include:

- Complete and return the Paratransit Eligibility Appeal Form on page 10 of the Rider's Guide, online at **321Transit.com/AppealForm** and also included with the denial letter sent to the applicant.
- Write a letter notifying the Brevard County ADA Coordinator of applicant's intent to appeal.

Both these options provide an opportunity to be heard and to present information and arguments to why the applicant believes the denial should be reversed. The Paratransit Eligibility Appeal Form or a letter requesting an appeal, along with any additional documentation to be submitted as part of the appeal process, should be sent to: **Brevard County ADA Coordinator, 2725 Judge Fran Jamieson Way, Building B Suite 106, Viera, FL 32940.** For questions, contact the ADA Coordinator at 321-637-5347 or e-mail **ADACompliance@BrevardFL.gov**.

PARATRANSIT ELIGIBILITY APPEAL FORM

NOTICE OF APPEAL FOR ADA PARATRANSIT ELIGIBILITY

The Paratransit Eligibility Appeal Form is provided to assist applicants in filing an appeal and providing information to the Brevard County ADA Coordinator. Completion of this form is not mandatory, however, a written appeal of some type must be submitted to the Brevard County ADA Coordinator within 60 days of the date on the Applicant's Paratransit Eligibility Determination Letter.

Date of Eligibility Determination Letter: _____ Date of Appeal Submittal: _____

I (full name of applicant), _____ ,

wish to appeal the ☐ TD Paratransit or ☐ ADA Paratransit eligibility decision.

Person Submitting Form if other than Applicant: _____

Applicant's Address: _____

City: _____ State: _____Zip Code: _____

Phone with Area Code:_____

Applicants requesting an appeal will be notified in writing of the time, date and location of the appeal hearing and are encouraged to attend the appeal hearing, although attendance is not mandatory. If the applicant requesting the appeal cannot attend, they may request a telephone interview or have another person(s) represent them at the hearing. If the applicant or a designated representative is not present at the appeal hearing, the decision to uphold or reverse the appeal will be based on the documentation submitted. For questions about the right to appeal, contact the Brevard County ADA Coordinator at 321-637-5347 or e-mail **ADACompliance@BrevardFL.gov**. Hearing impaired may dial 711 for the Florida Relay Service.

Briefly state the reason why you are appealing (not mandatory)

At the in-person TD or ADA Paratransit eligibility interview or functional assessment, applicants requiring self-advocacy may bring someone with them. Additionally, applicants may provide any information or documentation that will help to show that they are eligible because they cannot use the Fixed Route Bus System. Documentation may include any of the following:

- A detailed statement from a disability service provider explaining how the disability or its symptoms/effects prevents the applicants from using the Fixed Route Bus System.
- A detailed statement from a medical professional or disability-related information that explains how the disability or its symptoms/effects prevents the applicant from using the Fixed Route Bus System.
- Any other documentation the applicant would like to provide that might be of assistance.