



Appeals Process



Learning Objective:

**Describe the appeals
process for
ADA Paratransit denial**





Denial or Limitations of Eligibility

If eligibility is denied or limited, written documentation must provide the reasons in detail.

Applicants need to know the specific observations made or the answers to questions that led to the denial.



Compliance Check

The FTA states that applications that are incomplete or improperly completed may not be processed as a denial.

An “Incomplete” letter should be sent, rather than a letter stating ineligibility.



Compliance Check

Effort should be made to assist the rider in completing the eligibility process correctly.



Eligibility Appeal

The appeal process must include an opportunity to be heard and to present information and arguments.

If the applicant who was denied eligibility needs transportation to the appeal hearing, the transit agency must provide it.



Appeal Timeline

The transit agency may require that appeals be filed within 60 days of the eligibility denial.



Appeal Timeline

If this deadline is missed, the applicant may reapply for eligibility and enter the eligibility determination process again.



Appeal Review

An appeal must be decided by a person or panel who was not involved with the original denial.



Appeal Review

The ADA regulation requires a separation of authority between the individual who issued the original denial and those deciding on the appeal.



Appeal Review

For example, neither a subordinate nor supervisor of the original decision maker may hear eligibility appeals.



Assistance with Denials

Your state's Protection and
Advocacy Agency

Kentucky Protection & Advocacy

<http://www.kypa.net/>

1-800-372-2988

Your local Center for
Independent Living

[https://silc.ky.gov/Pages/Centers-
for-Independent-Living.aspx](https://silc.ky.gov/Pages/Centers-for-Independent-Living.aspx)



Filing an ADA Complaint

If a local appeal is denied, and there is concern the ADA Paratransit eligibility process was inappropriate or unfair, a complaint may be filed with the FTA.



Filing an ADA Complaint

Information, forms, and instructions on the ADA Complaint process can be found on the FTA website at:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/fta-civil-rights-complaint-form>





Learning Stop



True
or
False?

An appeal must be heard by the same person/committee who issued the denial.



False

An appeal must be heard by the same person/committee who issued the denial.



True
or
False?

An applicant who has been determined ineligible may not submit a new application.



False

An applicant who has been determined ineligible may not submit a new application.



True
or
False?

A denial letter may be sent to an applicant who has submitted an incomplete or improperly completed application.



False

A denial letter may be sent to an applicant who has submitted an incomplete or improperly completed application.

