



COMPLAINT AND APPEALS PROCEDURE

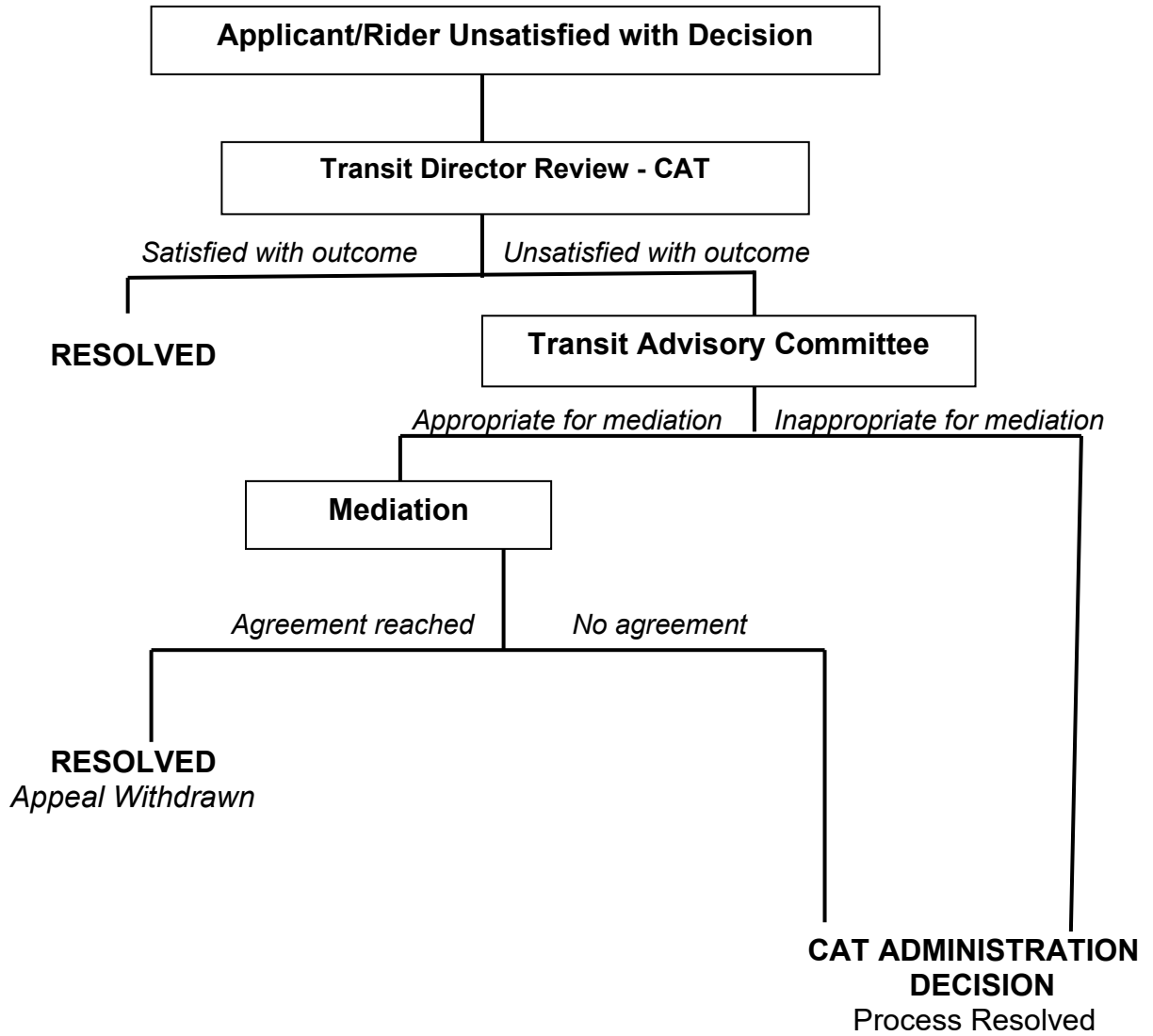
For Limited or Denied Eligibility or Suspended
Complementary Paratransit Service

STEPS	CONSIDERATIONS
<p>1. Notice of Decision</p> <p>Applicant or rider is notified of eligibility or suspension status. Those who receive suspension notices or notice of less than full eligibility will be notified of their option to request a review of the decision and their right to appeal.</p> <p>The applicant/rider has a predetermined number of days from receipt of a decision to request a review or an appeal: 14 days for suspension notices, 60 days for eligibility determinations.</p> <p>At this point, the rider/applicant may either request a review (go to Step 2) or appeal the decision (go to Step 3).</p>	<p>The entity shall establish an administrative appeal process through which individuals denied eligibility or notified of an impending service suspension can obtain review of the decision. SS37.125 (g) and SS37.125 (h) (3).</p> <p>For Eligibility Decisions: Provider may require that an appeal be filed within 60 days of denial of an individual's application. SS37.125 (g) (1).</p> <p>For Suspensions: Because Canby Area Transit policy establishes that a suspension will take effect 30 days after the rider is notified; a shorter appeal period (14 days) is necessary.</p>
<p>2. Manager's Review</p> <p>Applicant/rider contacts the Canby Area Transit to request a review of the decision. The Transit Director or designee will review the case and work with the applicant/rider to obtain additional information in a timely manner. This may involve an in-person interview or an evaluation by a physical therapist.</p> <p>After all necessary information has been gathered. Canby Area Transit will render a review decision within 14 days and will notify the applicant/rider in writing. The applicant/rider will again be notified of their right to appeal. An appeal must be initiated within 14 days (if a suspension) or 60 days (if denied/eligibility) of receipt of the review decision.</p>	<p>Applicants/riders are encouraged to request a manager's review rather than proceeding immediately to an appeal. A manager's review supports the process goal of "keeping the complaints close to the source" and may be successful at resolving some conflicts.</p> <p>There is no ADA specified time limit for the information gathering step. The duration of this period is largely defined by the amount of time needed by the applicants, physicians, or other professionals to complete assessments and/or submit information.</p>
<p>3. Formally Initiating an Appeal</p> <p>The applicant/rider will submit their request to appeal to Canby Area Transit.</p> <p>Canby Area Transit staff will follow established procedures to contract with a mediator from a roster for case development and mediation. The mediator will initiate contact with the applicant/rider within 14 days of Canby Area Transit's receipt of the request to appeal.</p>	<p>Because mediation is an additional step in the required appeals process, Canby Area Transit retains the right to choose <u>not</u> to mediate certain cases.</p> <p>Such cases may involve intractable disputes or situations where one of the parties is unwilling or unable to participate in a productive manner. These cases will be forwarded directly to Step 5 for an administrative decision.</p>

<p>If Canby Area Transit determines the case is not appropriate for mediation the case will proceed directly to administrative appeal (Step 5).</p>	
<p>4. Mediation</p> <p>If mediation is successful at resolving the dispute, the appellant will be asked to withdraw their appeal. The mediated agreement will become final unless the Transit Director at Canby Area Transit identifies a concern.</p> <p>Canby Area Transit will have up to 14 days following approval of the agreement to issue a decision in writing that reflects the mediated agreement.</p> <p>If the mediation is not successful, the case will proceed to the Director of Canby Area Transit for an administrative decision.</p>	<p>Approval by the Canby Area Transit Director is necessary to ensure that the agreement adequately upholds legal requirements and does not hold either the Canby Area Transit or the City of Canby to liability.</p> <p>Because legal and liability issues will be addressed in the mediation, review by the Canby Area Transit Director is expected to be a perfunctory sign-off.</p>
<p>5. Administrative Appeal</p> <p>Administrative appeal will be processed by the Director at Canby Area Transit. This process involves a review of the file and an opportunity for the applicant/rider to be heard in-person.</p> <p>The Transit Director will issue a decision within 14 days of that hearing, or within 14 days of the applicant's/rider's waiver of the opportunity to be heard.</p> <p>This is the final step in an appeal.</p>	<p>The ADA requires that administrative appeals be heard by someone with "separation of functions". This requirement is met by having the Canby Area Transit Director conduct administrative reviews. SS37.125 (g) (2).</p> <p>The ADA requires that the administrative appeal process include an opportunity for the applicant/rider to be heard and to present information and arguments. SS37.125 (g) (2).</p> <p>The Appendix to SS37.125 (g)(2) states that after the appeals process has been completed, the entity should make a decision within 30 days, and that service must be provided starting on the 31st day until and unless a decision is rendered. In support of its goal of prompt response, Canby Area Transit will commit to a shorter (14 days) time-period for issuing a decision.</p>



COMPLAINT AND APPEALS PROCESS
For Eligibility Determinations and Service Suspensions



1. The Canby Area Transit Director will review all complaints and appeals. This review may involve an in-person interview, evaluation by a medical professional, or consultation with the individual’s case manager.
2. If the Transit Advisory Committee determines appeal is not suited for mediation, the appeal will proceed directly to city administration for policy evaluation.
3. For decisions made by the Canby Area Transit administration, the appellant will have the opportunity to be heard in-person.