

The County of Sullivan Transportation Department
Appeal Process for ADA Paratransit Eligibility Determination and
Service Suspension from Excessive No-Shows for the Move Sullivan Public
Transportation System.

Introduction and Purpose

The U.S. Department of Transportation (U.S. DOT) regulations for implementing the Americans with Disabilities Act of 1990 (ADA) (49 CFR Part 37) require a public transit agency with ADA paratransit service to have an appeal process as part of its eligibility determination process [49 CFR Part 37, subpart 125(g)] and for service suspensions related to a pattern or practice of no-shows [49 CFR Section 37.125(h)].

Policy

The County of Sullivan Transportation Department has established an appeal process for the following:

- An applicant for ADA paratransit who is denied eligibility may appeal the decision.
- An ADA eligible rider receiving notice of a service suspension due to a pattern or practice of no-shows may appeal the decision.

Procedures

- **Submit an Intent to Appeal:** The individual appealing, referred to as the appellant, must submit an intent to appeal in writing, and it must be filed within 60 days of notification of the eligibility determination or of a service suspension.
- The written intent to appeal should be sent:
 - By first class mail to Move Sullivan, c/o Melissa Hughes, Regional Operations Manager, Rolling V Bus Corp, P.O. Box 110, South Fallsburg, New York 12779 or
 - By fax to 845.434.0259 or
 - By email to scorbin@rollingv.com
- The written intent to appeal may state the reason(s) for the appeal with supporting information, and this would be helpful for the County of Sullivan Transportation Department to review the appeal, but this is not required.
- **Appeals Hearing:** Once the intent to appeal is received, the County of Sullivan Transportation Department will schedule an Appeals Hearing within 30 days.
- The appellant will be notified in writing of the date, time, and location of the Hearing.
- The appellant may request a virtual Hearing.
- The appellant may attend in person along with an attendant or representative if desired; however, attending in person is not required.

- If the appellant does not attend in person, they may have another person attend as the representative. This also is not required.
- The appellant may provide before the Hearing or bring to the Hearing any information or evidence, orally or in written form, that supports the appellant's appeal.
- **Appeals Committee:** The appeal will be heard by the Appeals Committee, which is composed of three members of the County of Sullivan. These include Human Resources Commissioner, Division of Community Resources Commissioner and the Department of Transportation Director.
- **Decision:** The Appeals Committee will decide on the appeal within 30 days of the Appeals Hearing and provide the decision and reasons for the decision to the appellant in writing. If a decision on the appeal has not been made within 30 days after the Appeals Hearing, the appellant will be provided ADA paratransit service until a final decision is made.
- **Is ADA paratransit provided during the appeals process?** The provision of ADA paratransit from the time when the appeal is received by the County of Sullivan Department of Transportation to the time when a decision on the appeal is made depends on the reason for the appeal:
 - If the appellant is a new applicant for ADA paratransit, no ADA paratransit will be provided until a decision has been made by the Appeals Committee.
 - If the appellant is appealing service suspension due to a pattern or practice of no-shows, ADA paratransit will be provided until a decision has been made by the Appeals Committee.
- **Recordkeeping:** Documentation related to the appeal and its outcome will be retained for a period of three years, with a record in summary form kept for five years.