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## **MARTY's ADA Paratransit Appeal Process**

The Americans with Disability Act (ADA) requires that transportation providers establish a process for persons to appeal decisions if they are denied access to paratransit service. MARTY has established an appeals procedure for persons whose applications for paratransit eligibility are denied or for persons who have received suspension notices for other reasons.

An individual may file an appeal when MARTY denies paratransit service for any of the following reasons:

- \*Denial of Eligibility
- \*Suspension resulting from excessive No-Shows
- \*Suspension for Seriously Disruptive Behavior

MARTY will inform an applicant or current customer of a decision to deny eligibility status or to suspend service by letter. MARTY will include appeal letters in communicating decisions that deny or limit eligibility in any way. Individuals have sixty (60) days from the date of the letter informing them of an eligibility denial or service suspension to request an appeal. Requests for an appeal must be sent in writing via mail to the MARTY Appeal Panel at 2204 SE Monterey Road, 2<sup>nd</sup> Floor – Transit, Stuart, FL 34996.

Once the request for an appeal is received, the Appeal Panel will convene. The Appeal Panel will issue a final written decision within thirty (30) days of the appeal hearing. MARTY will not provide service to individuals who are pursuing an eligibility appeal. However, if the Appeal Panel has not made a decision within thirty (30) days after the hearing, temporary service will be provided. The temporary service will continue until a decision on the appeal is reached.

Upon appeal for No-Show suspension, paratransit service will be provided pending the appeal; suspension of service will not begin until the appeals process is complete. If a decision is not

made within thirty (30) days of the completion of the appeal hearing, the individual appealing the suspension shall be granted service until a final decision has been reached.

Persons requesting an appeal will be notified in writing of the time, date and location of the appeal hearing. Individuals are encouraged to attend the appeal hearing although attendance is not mandatory. If individuals requesting appeals cannot attend, they may have another person(s) represent them at the hearing. If the individual or a designated representative is not present at the appeal hearing, the Appeal Panel will base its decision on the documentation submitted by MARTY.

Passengers who exhibit behavior that MARTY documents as being seriously disruptive will be suspended from receiving paratransit services until the Appeal panel reviews the suspension. The ADA does not require a transportation provider to offer an appeal process if a customer is suspended because of seriously disruptive behavior.

Passengers who exhibit behavior that is violent or illegal will be denied paratransit services. An Appeals Panel will review an incident of violent or illegal behavior upon requests, but will only act to verify that such behavior occurred. Verification of violent or illegal behavior will result in denial of paratransit service.