



Dial-A-Ride Eligibility Appeal: Guidance & Acknowledgment Form

The appeal process provides you with an opportunity to have your eligibility decision reconsidered by an Appeals Hearing Committee, who were not involved in your initial eligibility determination. The committee will be pooled from the Volunteer Community Member Appeal Panelists. At the Appeals Hearing, you will be given the opportunity to explain why you feel the initial eligibility decision may have been incorrect.

Title VI – Statement of Non-Discrimination

BFT operates its programs and service without regard to race, color, or national origin in accordance with Title VI of the Civil Rights Act of 1964 and other applicable laws.

How to request an appeal:

- File a written appeal request with BFT within sixty (60) calendar days of the date on your determination letter.
- If you are unable to submit your appeal in writing and have no one to assist you, please contact our ADA Eligibility office by calling 509.734.5530
- Allow adequate time to ensure a letter is received by BFT by the deadline.
 - **Mail** your appeal request to: Ben Franklin Transit, ADA Eligibility Department, 7109 W Okanogan Pl, Kennewick, WA 99336.
- Within thirty (30) days of receiving your appeals request, BFT will respond with written notice of your Appeal Hearing date
- If you need to cancel or reschedule your Appeals Hearing date, you must provide at least twenty-four (24) hours of advance notice. You will have only one (1) opportunity to request that the hearing be rescheduled upon demonstrating of good cause.
 - **Failure** to meet the twenty-four (24) hour deadline, without good cause as determined by the appeals panel, may result in completion of the appeal hearing without you.
 - When rescheduling is approved, BFT will assign a new appointment that you must uphold, or your appeal process will end at that point.

If you appeal, you have the right to:

- Inspect in advance of the appeal hearing any documentation and other physical evidence that was used to make the initial eligibility determination.
 - **Review** of the documentation in person must occur at least three (3) business days prior to your appeal hearing. You may also request that a copy of your file be mailed to you or prepared for your pickup. This request must be made in writing and received by BFT at least seven (7) days prior to your appeal hearing.
- Be represented by your own advocate.

- You may bring someone to the hearing just to be with you or to speak on your behalf.
- Present witnesses and introduce documentation and other physical evidence related to the claims in the application as you desire.
 - **Introduction** of new information or newly claimed limitations may, at the discretion of the appeals panel, may result in a new application process rather than an appeal, affording BFT the opportunity to review the new information and to make a new eligibility determination.
- Present oral and written arguments to the appeals panel.
- If the appeal involves a proposed termination or reduction in DAR service, as a result of required recertification, you shall have the right to continue to receive the former level of service pending the issuance of the appeal hearing officer(s) final written decision in the case.
 - **Except** when you originally received presumptive or temporary eligibility or when your eligibility lapsed due to late response to a required recertification.

What you can expect:

- The appeals panel is responsible for the process.
- The process will be documented in writing.
- BFT's ADA Eligibility Coordinator will provide a brief summary of the initial determination and will be available to answer any questions you or the panelists may have.
- You will have an opportunity to explain how your disability prevents or limits your use of the fixed route bus system.
- The appeals panel may ask you additional questions.
- The appeals panel will make an eligibility determination based solely on the documented evidence, observations, and testimony presented at the appeal hearing, along with his/her observations, professional expertise, and knowledge.
- The appeals panel will issue a written decision setting forth the reasons for the decision within thirty (30) days of completing your appeal. The appeals panel's decision is final for this eligibility determination.
- You will receive the result of the appeal hearing in writing from BFT within thirty (30) days of completing your appeal.
- Your current DAR service will remain in effect pending the completion of your appeal.
 - **Except** when the appeals panel decision has not been issued within thirty (30) days of completing your appeal. In this instance, BFT will provide you with presumptive service until a decision is issued by the appeals panel.

In some instances, either BFT or the appeals panel may require your participation in an In-Person Assessment. Functional or cognitive assessments, when required by BFT, are mandatory. Failure or refusal to fully participate in a required functional assessment may result in an incomplete application process with no decision about eligibility. BFT will provide you with details when needed. If you are required to participate in a

functional assessment, the same appeal rights are available. The panel's decision is final, if your conditions change in the future, you may re-apply. A **duplicate application will not be accepted**. In the case of an adverse appeal hearing or appeals panel, you have the right to seek outside independent advice regarding your legal rights.

Please retain a copy of this form for your records.

Please sign and date below that you have received and understand the **Appeal Guidance & Acknowledgement** form.

Appellant (printed) Name: _____

Appellant signature: _____

Date: _____

Please bring this form to your hearing or you may fax it in advance of the hearing to the ADA & Eligibility department at:

Fax: 509.734.5195